

# AGENDA

## Planning Committee

Date: **Wednesday 17 September 2014**

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Time: **10.00 am**

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Place: **The Shirehall, St Peter's Square, Hereford HR1 2HX**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Planning Committee

## Membership

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor PA Andrews**

**Councillor AJM Blackshaw**

**Councillor AN Bridges**

**Councillor EMK Chave**

**Councillor BA Durkin**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor RL Mayo**

**Councillor PJ McCaull**

**Councillor FM Norman**

**Councillor J Norris**

**Councillor TL Widdows**

**Councillor DB Wilcox**

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 27 August 2014.</p>	7 - 28
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS (TO FOLLOW)</b></p> <p>To be noted.</p>	
7.	<p><b>P141712/O LAND OPPOSITE ENGLAND'S GATE INN, THE MOOR, BODENHAM, HEREFORDSHIRE</b></p> <p>Outline application with all matters reserved for residential development.</p>	29 - 50
8.	<p><b>P140942/O LAND OFF PIXIEFIELDS, WESTFIELDS, CRADLEY, HEREFORDSHIRE</b></p> <p>Site for residential development of up to 60 houses.</p>	51 - 66
9.	<p><b>P141157/F LAND AT GREEN LANE COTTAGE, GREEN LANE, YARPOLE, LEOMINSTER, HR6 9BG</b></p> <p>Proposed demolition of an existing dwelling and erection of five detached dwellings with new access, garages and parking.</p>	67 - 84
10.	<p><b>LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p>Change of use of redundant farm buildings into 3 residential cottages to be used as holiday lets. Erection of 5 demountable geo domes (or shepherds huts). Purpose built shower/wc adjacent to farm buildings (to replace soon to be demolished new build stable block). Communal lounge/dining and kitchen for geo dome guests in existing buildings.</p>	85 - 112
11.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 23 September 2014</p> <p>Date of next meeting – 24 September 2014</p>	



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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 27 August 2014 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, PJ McCaull, NP Nenadich, FM Norman, J Norris and TL Widdows

**In attendance:** Councillor JG Jarvis

**46. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors EMK Chave, JG Lester, RL Mayo, and DB Wilcox.

**47. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor MD Lloyd-Hayes attended the meeting as a substitute member for Councillor EMK Chave and Councillor NP Nenadich substituted for Councillor DB Wilcox.

**48. DECLARATIONS OF INTEREST**

**Agenda item 7: P140953/F Homme Farm, Hom Green, Ross-on-Wye, HR9 7TF**

Councillors PGH Cutter, BA Durkin and J Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee. Councillor J Hardwick also declared that he knew the applicant.

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

**Agenda item 8: P140963/O Land at 144 Aylestone Hill, and land to the east of Aylestone Hill, Hereford**

Councillor DW Greenow declared a pecuniary interest because he had rented the land and had grazing dealings with Herefordshire Nature Trust. He left the meeting during consideration of this item.

Councillor NP Nenadich declared a non-pecuniary interest because he chaired the United in the Community Trust which had an interest in using Aylestone Park for a training and playing facility.

**Agenda item 11: P140164/F Truffles, 46 High Street, Ross-on-Wye, Herefordshire**

Councillors PGH Cutter, BA Durkin and J Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

**49. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 6 August be approved as a correct record and signed by the Chairman.**

**50. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor PJ McCaull as a new member of the Committee.

**51. APPEALS**

It was noted that an application refused by the Committee had been allowed on appeal and costs awarded against the Council. It was requested that where this occurred more detail was provided to the Committee on the Planning Inspector's reasoning to inform future decision making.

The Development Manager commented that in the case of the application referred to the Planning Inspector had concluded that the grounds the Committee had advanced for refusal were not sustainable.

The Planning Committee noted the report.

**52. P140953/F HOMME FARM, HOM GREEN, ROSS-ON-WYE, HR9 7TF**

*(Variation of Conditions 1(A), 1(C), 1(D) and 2 of DCSE2008/0996/F)*

The Legal Officer informed the Committee that within the 24 hours prior to the meeting the Secretary of State for Communities and Local Government had issued an article 25 holding direction. This meant that the Committee could not take a final decision on the application before it. Any decision would be subject to the authorisation of the Secretary of State. However, the Committee could consider the matter and officers now recommended that authority be delegated to officers to approve the application in accordance with the Case Officer's recommendation, subject to the Secretary of State providing authorisation and removing the holding direction.

She added that no detailed reasons had been provided for why the holding direction had been issued. The letter had stated that the direction had been issued to enable the Department to have a further period in which to consider the proposal.

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. She emphasised the proposal did not fall within the scope of the Environmental Impact Assessment Regulations. The application was for the modification of the extant permission. It did not require consideration of the entire scheme, only the variation itself. The principle of such development at this particular site, being within the Wye Valley Area of Outstanding Natural Beauty, was established.

In accordance with the criteria for public speaking, Mrs V Morgan (Campaign to Protect Rural England) spoke in objection to the application. Mr E Drummond, the applicant spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Jarvis, the local ward member, spoke on the application indicating his support.



He commented on a number of issues including:

- Planning Permission had already been granted for the use of Polytunnels on the site, following a legal challenge. The Committee was therefore only being asked to consider the removal of certain conditions and the effect of their removal.
- The application proposed that a smaller, fixed, area should be allocated for cultivation. This would save both the Council and the applicant time and money.
- The business, which generated up to £20m for the economy of Ross-on-Wye and the surrounding area, needed significant investment and therefore the applicant required certainty, with removal of the current time limit on the development.
- Many organisations including the AONB Officer, Natural England and Walford Parish Council supported the application considering that there were benefits and the application represented an improvement on the current situation.
- The applicant had been an exemplar and been responsive to feedback from neighbours.

The debate opened and the following principal points were made:

- Concern was expressed about granting permanent permission for the polytunnels noting that the site was within the AONB. It was suggested that a Planning Inspector had recently allowed an appeal permitting the use of polytunnels on another site within the Wye Valley AONB on the basis that the permission was for a temporary period of ten years.
- Policies LA1 and LA2 and paragraphs 115 and 116 of the National Planning Policy Framework (NPPF) referred to the weight that should be given to conserving landscape and scenic beauty in the AONB and the need for major development in designated areas to be in the public interest. The ten year temporary permission, granted in 2008, should remain temporary and be reviewed in 10 years time (2018). The long term conservation of the landscape was important.
- It was proposed that condition 1 D (the ten year time limit on the current permission) should not be removed and that the permission should remain temporary until 2018 pending approval of the Core Strategy. To grant a permanent permission at this stage in advance of establishing an overarching policy ran the risk of creating an anomaly and a precedent.
- In response to questions the Legal Officer accepted that such planning decisions may be used in evidence at appeals. Once the Core Strategy was in place planning decisions would be determined on the basis of that Strategy. Decisions taken prior to the Strategy being approved would not be changed by the Strategy's adoption.
- The reduction in the area covered by polytunnels was to be welcomed.
- The safer working conditions the new production techniques entailed were to be welcomed.
- Agriculture and tourism were both important parts of the County's economy. The application would benefit the local economy and would not be detrimental to tourism.
- The AONB was an outstanding landscape but agriculture could be accommodated within it on appropriate sites.

- The applicant had a proven track record of complying with planning conditions. He had indicated that he would provide further screen planting and develop mature hedgerows which was to be welcomed.

The local ward member was given the opportunity to close the debate. He reiterated his support for the Scheme. He again highlighted the economic benefit of the Scheme which he did not consider had an adverse impact on tourism.

The Development Manager commented on the benefits of the Scheme in terms of a reduced area of cultivation in a static location. He noted that neither the Building Conservation Officer nor the Landscape Consultant had objected to the Scheme. The officers' conclusion as set out in the report was that it was reasonable in this instance to remove the condition that made the permission temporary until 2018. He considered that the level of financial investment required meant that retaining the temporary permission to 2018 could be challengeable. If the Committee wished to consider a temporary permission he suggested that a further temporary permission of ten years should be granted.

A motion that condition 1(D) (the year time limit on the current permission) be removed was lost.

**RESOLVED:** That the Planning Committee was minded to grant planning permission on removal of the Article 25 Direction of the Secretary of State and, subject to that removal, officers named in the scheme of delegation be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary including any amendments thereto:

1. This permission effectively updates and supersedes the previous permission under reference DCSE2008/0996/F [081040/F], which approval however continues to subsist in principle. The development shall henceforth from the date of this permission take place only in accordance with that permission as it is updated by the proposals and recommendations in this variation. For the avoidance of doubt, the approved plans and details are now as follows, which supersede all other operational plans:
  - i. Fig 00 site plan 'Application Boundaries' (DLA Ltd March 2014);
  - ii. Fig. A – Site detail overview (DLA Ltd 2014);
  - iii. Fig 1 'Stable Field' detail;
  - iv. Fig 2 'Front Orchard Field' detail;
  - v. Fig 3 'Dillo Field' detail;
  - vi. Fig 4 'Barn Field' detail;
  - vii. Fig 5 'Balls, House and Punjab Fields' detail;
  - viii. Fig 6 'Callow Front Drive Field' detail (Figs 1-6 DLA Ltd all dated Nov 2013)
  - ix. Landscape mitigation proposals described in the Landscape and Visual Impact Assessment Statement [Reference DLA1419LVIA/rpt.1/Aug '12 (updated January 2014]
  - x. Biodiversity enhancement mitigation proposals described in the Ecology and Nature Conservation report [Reference DLA1419/Eco/Phase 1/rpt.1/June '12]

Items xi, xii, and xiii below formed part of the approved plans under DCSE2008/0996/F and shall continue to be adhered to:

- xi. Landscape and Visual Assessment received 14th April 2008
- xii. Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority, dated

June 2007, addendum dated 1 April 2008, and Supplementary Report dated 26 June 2008

- xiii. Ecological Appraisal Ref 1226/ecorpt-1 dated 27 July 2007 and Ref 1226/2ecorpt-2 dated June 2008 prepared by Davies Light Associates

The development shall be carried out in accordance with the above approved plans and details subject to the following stipulations:-

- a) Not more than 48.5 hectares of the land shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.
- b) There shall be no polytunnels sited within the applicant's farm-holding other than within the areas of land identified and outlined in red on Fig 00 'Application Boundaries' (DLA Ltd March 2014) unless a specific planning permission has been granted.
- c) Notwithstanding the submitted application there shall be a limit of 10 hectares on the coverage in any single block of polytunnels.

Reason: For the avoidance of doubt; to ensure a satisfactory form of development in order to safeguard and maintain the visual amenity of the area; and to ensure that the development conforms with Policies DR1, LA2, LA5, LA6 and HBA4 and the requirements of the National Planning Policy Framework.

2. Within 6 months of the date of this permission a scheme for additional landscaping, biodiversity and silt/surface water management enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall supplement the schemes previously approved and relate to the change from rotational to static sites, shall contribute to a 'whole farm plan' approach, and shall include in particular:
  - a) A brief summary update of the measures implemented to date since 2008 and listing any outstanding items or works-in-progress;
  - b) A brief assessment of the existing planting/seeding scheme in terms of implementation and success, followed by further planting and screening improvement proposals, to include a proportion of standard and orchard fruit trees of appropriate native species, with an aim to consolidate and strengthen the existing scheme where necessary, in light of the permanent and static nature of polytunnel coverage hereby permitted;
  - c) A brief assessment of the existing biodiversity enhancement measures in terms of implementation and success, followed by proposals for further measures to support wildlife and create or enhance habitats with a reference to Biodiversity Action Plan priorities and the recommendations in the submitted 'Ecology and Nature Conservation' report (DLA Ltd June 2012).
  - d) A brief assessment of existing silt and run-off management measures in terms of implementation and success, followed by further measures where necessary, to improve diffuse pollution prevention, in light of the permanent and static nature of polytunnel coverage;
  - e) Method statement and Management Plan for implementation, maintenance and after-care of the revised scheme, including time-

scales, provision for periodic review, and the replacement of any failed planting or seeding.

The scheme shall be implemented as approved and maintained in conjunction with the previously approved schemes for the life of the development.

Reason: In order to secure further effective measures for landscaping, biodiversity enhancement and pollution prevention, to safeguard and maintain the visual amenity and heritage of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies S2, DR1, DR4, DR11, LA2, LA5, LA6, HBA4 4, NC1, NC6, NC7, NC8, NC8 and NC9, and the requirements of the National Planning Policy Framework in its entirety with particular reference to sections 10, 11 and 12.

3. No polytunnels shall be sited within 2 metres of the centre line of any public right of way.

Reason: To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

4. No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

5. None of the polytunnels hereby permitted shall be covered with polythene from 30th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA1 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework.

6. The previously-approved Landscape Management Plan (including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens) shall continue to be implemented as approved, in conjunction with the additional measures require by condition 2 above.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

7. All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.**

- 8. The previously-approved Habitat Enhancement and Management Scheme overseen by an appropriately qualified and experienced ecological clerk of works (based on the recommendations for habitats and protected species set out in the Ecological Appraisal received 3.04.2008 - Ref: 1226/ecorpt-1 and received 27th June 2008 - Ref: 1226/ecorpt-2 prepared by Davies Light Associates) shall continue to be implemented as approved in conjunction with the additional measures require by condition 2 above.**

**Reason: To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007 and the requirements of the National Planning Policy Framework: To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007: To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006 and the requirements of the National Planning Policy Framework.**

- 9. There shall be no variation to the design or appearance of any polytunnel without the prior written approval of the Local Planning Authority.**

**Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA1, LA2, LA5, LA6 and HBA4 and the requirements of the National Planning Policy Framework.**

- 10. There shall be no polytunnels sited on land lower than 35.0m AOD, as indicated upon Figure 3 'Flood Elevations' The Homme Supplementary Report dated 26/06/08.**

**Reason: To maintain the conveyance of flood flows and to prevent the increased risk of flooding elsewhere to ensure that the development complies with Policy DR4 and the requirements of the National Planning Policy Framework.**

- 11. There shall be no new buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Wye (Main River), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.**

**Reason: To maintain access to the watercourse for maintenance or improvements in accordance with Policy DR4 and the requirements of the National Planning Policy Framework.**

- 12. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate, and continue to be managed as approved, in conjunction with any additional measures submitted under condition 2 and in accordance with the following:**

- Drainage Appraisal [JDIH (Water & Environment) Ltd June 2007]; addendum dated 1 April 2008, Supplementary Report dated 26 June 2008;
- Updated Flood Risk Assessment October 2012, Water Resources Risk Assessment June 2012 and update letter dated 12<sup>th</sup> March 2014 [Envireau Water]
- The previously-approved Surface Water Regulation scheme, including the use of sustainable drainage systems (SuDS).

**Reason:** To minimise flood risk, optimise water resource use and to protect the River Wye SSSI/SAC, in accordance with Herefordshire Unitary Development Plan Policies S2, DR4, DR7, NC, NC3 and the requirements of the National Planning Policy Framework with particular reference to sections 10 and 11.

13. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which including the supporting structures shall be permanently removed from application site within a period of twelve months.

**Reason:** To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

#### **INFORMATIVES:**

1. It is hereby confirmed that the requirements of conditions 6, 7, 9 and 14 of planning permission reference DCSE2008/0996/F have been met in full and formally discharged prior to the application for a variation under Section 73 of the Town and Country Planning Act 1990 (as amended). This new permission updates and varies the previous conditions. The 2008 permission continues to subsist and the various schemes approved under it shall continue to be implemented as approved except where altered or superseded by this variation. Where relevant and appropriate, these factors have been incorporated into the above new set of conditions, which takes account of instances where all requirements are complete and where additional terms are imposed in light of the variation.
2. The local planning authority has acted positively and proactively in determining this application by identifying technical matters of concern which might affect the determination process and likely outcome, by negotiating and discussing these with the applicant and appointed consultant, and reaching agreement as to correct procedure and any minor amendments found necessary. As a result, the local planning authority has been able to grant planning permission for an acceptable proposal in light of the terms of the previous permission granted in 2008 and in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.

(The meeting adjourned between 11.15 am and 11.25 am.)

*(The order of the agenda was varied and agenda item 10 was taken next followed by agenda item 9 and then agenda item 8.)*

**53. P140963/O LAND AT 144 AYLESTONE HILL, AND LAND TO THE EAST OF AYLESTONE HILL, HEREFORD, HR1 1JJ**

*(Site for the development of up to 135 homes (including 46 affordable homes), public open space, new access (including demolition of 144 Aylestone Hill). Structural landscaping, sustainable drainage including balancing ponds and infrastructure and associated works.)*

*(Councillor DW Greenow left the meeting for the duration of this item.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs J O'Donnell, a resident, presented a statement on behalf of Herefordshire Nature Trust. Mr B Stephenson, the applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor N Nenadich, one of the two local ward members, spoke on the application. He commented on a number of issues including:

- He supported the application although his fellow ward member had reservations about it.
- The applicant had provided reports that addressed his initial concerns and with regard to some of the environmental issues the scheme could provide betterment.
- The scheme included much needed provision for 2 bed bungalows.
- The size of the development was significant but the developer proposed to provide green space and an acceptable distance between properties.
- The City needed additional housing to generate economic growth.
- The site had an historical value and the development would have some adverse impact but on balance he considered it had merit.

The debate opened and the following principal points were made:

- Attention was drawn to the detailed comments of the Conservation Manager (Landscape) and their view that planning permission should be refused. The Conservation Manager had expressed concern about the reliance placed on vegetation in the longer-term for screening in order to mitigate adverse visual (and landscape) effects.
- The site was a sensitive location on the City boundary. The City Council had sought to protect the open aspect to the Lugg meadows.
- The Scheme had no regard to the sustainable building code and the need to reduce energy bills.
- The size of the development was of concern. The area would be compromised by the development.

- One Member noted that the statutory consultees had no objection to the proposal. Another highlighted, in contrast, the reservations expressed by local bodies and the Conservation Manager (Landscape).
- It was requested that wildlife corridors be protected.
- Clarification was sought on the arrangements for the maintenance of the frontage to the Lugg Meadows. The Principal Planning Officer drew attention to the provisions in paragraph 6 of the draft heads of terms appended to the report. Some Members expressed concern about the robustness of these provisions. The Development Manager commented that it would be problematic to seek to go beyond standard statutory provisions.
- A development of the size proposed could not be wholly screened by landscaping works.
- The site would not have been considered for development if it had not been for the absence of a 5 year housing land supply.
- The Conservation Manager had stated in the section on internal council advice set out in the report that the proposal would be contrary to saved UDP policies LA2, LA3, S7 and DR1. The Campaign to Protect Rural England had also suggested grounds for refusal including policy E15.
- The negative impacts significantly outweighed the benefits in this case.
- The Development Manager commented that Members had been advised in a recent training session, that in the absence of a five year housing land supply they would need to take some difficult decisions. The Council would make no headway in providing the necessary housing development if it did not permit applications such as the one before it. Weight should be given to the representations submitted by national bodies. The development would not be wholly screened but there would be sensitive landscaping and protection of green corridors. Removing existing septic tanks, which currently ultimately overflowed into the Lugg Rea, would offer betterment. He supported the Case Officer's conclusion together with the S106 contributions.

The local ward member was given the opportunity to close the debate. He supported the need for housing development and infrastructure to provide growth.

Having regard to the issues raised in debate, the NPPF, and the significant landscape impact set out by the Conservation Manager in the report it was suggested that the following reasons would form a basis for refusal of the application: LA2, LA3, S7 and DR1.

**RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: LA2 - landscape character and areas least resilient to change, LA3 - setting of settlements, S7 – Natural and historic heritage and DR1 – Design.**

#### **Informative**

**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 and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

**54. P140164/O LAND TO THE REAR OF PARADISE MEADOWS, MARDEN, HEREFORDSHIRE, HR1 3EN**

*(Site for the erection of 16 nos dwellings.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr A Fraser of Marden Parish Council spoke in support/opposition to the Scheme. Mr R Collins, a resident, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor KS Guthrie spoke on the application.

She commented on a number of issues including:

- In principle she supported development in the area in question. However, this should have regard to the wishes of the local community. The proposed development of 16 dwellings was inappropriate for the area. A currently undetermined application for the development of five bungalows on the site for older / disabled people would be more acceptable.
- There were concerns about the access to the site, the potential effect on an historic bridge and provision for parking. The access road was also susceptible to flooding.
- Surface water run-off from the development which might contribute to flooding within other villages in the locality needed to be properly managed.
- The indicative plan suggested that some existing properties would be overlooked.
- Consideration should be given to a more appropriate form of development with a better layout that would be more in keeping with the character of the village of Marden and had regard to the concerns raised by Marden Parish Council and others who had made representations.

The debate opened and the following principal points were made:

- The proposed development would be built over a public right of way. It was noted that a solution to this had not yet been provided. The Principal Planning Officer commented that the matter had been raised with the Public Rights of Way (PROW) team but an application for a footpath diversion could not be made until the layout of the site was finalised. The PROW team would have to address the matter in due course.
- The issue of safe pedestrian access to Marden village remained unresolved.

- The Development Manager commented that the application was for outline planning permission with all matters reserved. He noted that Welsh Water had made no objection regarding drainage. A suitable scheme regarding surface water drainage would need to be brought forward.
- It was requested that at the detailed design stage consideration should be given to ensuring suitable building code levels.
- The site had potential for development, however, good layout and design was essential.
- There was a concern that a number of matters remained to be clarified and that officers should progress their resolution in consultation with the Chairman.

The Development Manager considered that there was scope to improve the scheme considerably. He suggested that if permission were granted a note should be attached to the permission advising the applicants of the Committee's view that improvement was required at the detailed design stage.

The local ward member was given the opportunity to close the debate. She welcomed the assurance that consideration would be given to the concerns that had been raised.

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary in consultation with the Chairman:**

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **C01 Samples of external materials**
6. **L01 Foul/surface water drainage**
7. **L02 No surface water to connect to public system**
8. **L03 No drainage run-off to public system**
9. **I20 Scheme of surface water drainage**
10. **The recommendations set out in Section 6 the ecologist's report from Focus Ecology dated December 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works**

should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reasons:**

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

11. CAZ Parking for Site Operatives
12. CBK Restriction of hours during construction
13. C88 Retention of trees and hedgerows
14. C90 Protection of trees / hedgerows
15. C97 Landscaping Scheme – implementation
16. CAL Access, turning area and parking
17. CB1 – Public rights of way  
CB2 Covered and secure cycle parking provision

**INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I08 Section 278 Agreement
3. I07 Section 38 Agreement and Drainage Details
4. I06 Public rights of way affected
5. I45 Works within the highway
6. The indicative layout plan submitted with the application is not considered acceptable in relation to the surrounding built environment. In addition the subsequent submission of Reserved Matters should also include single storey dwellings which are considered to be a key feature of the character of the village.

**55. P140926/O LAND TO THE SOUTH OF A438, PARCEL NO. 0008 AND PART PARCEL NO. 2308, BARTESTREE, HEREFORDSHIRE**

*(Outline proposal for the erection of 60 dwellings (including 21 affordable houses) and a change of use of land to form community open space.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs W Soilleaux, Chair of Bartestree and Lugwardine Parish Council spoke in opposition to the Scheme. Mr J Snowdon, a resident, spoke in objection. Mr B Eacock, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor DW Greenow, spoke on the application.

He commented on a number of issues including:

- In his presentation the Principal Planning Officer had indicated the number of current applications for housing development within Bartestree and Lugwardine. The amount of proposed development was unsustainable.
- Officers acknowledged in the update issued to the Committee that "the development would fundamentally alter the character of this part of the settlement."
- The proposed development was close to Grade 11 listed building and would remove an area of parkland in the heart of a rural village.
- The development would represent over half of the planned growth for Bartestree and Lugwardine within the lifetime of the emerging Hereford Local Plan to 2031.
- A substantial amount of mature hedgerow would be removed which it would take a considerable time to replace.
- The proposed footpath did not reach to the village shop discouraging pedestrians from using the store and raising concern about pedestrian safety. This was not sustainable development.
- The Parish Council was working hard to develop a Neighbourhood Plan. A number of sites had been identified where small pockets of development could be accommodated within the village and where the new residents would be able to participate in village life.
- The development would not be countenanced if it were not for the absence of a five year housing land supply.
- There were a number of grounds for refusing the application including: the impact on landscape character and heritage assets, and pedestrian safety.

The debate opened and the following principal points were made:

- It was important that local communities determined their future. The views of the Parish Council and the local ward member in opposing the scheme should be given weight.

- The absence of a five year supply of housing land was placing pressure on the Committee to grant permission for development where in other circumstances it would not approve development.
- Officers had acknowledged that the development would fundamentally alter the character of this rural village. There were alternative sites within the village where small developments that were in keeping with the village's character could be accommodated.
- The site had been identified for housing within the Strategic Housing Land Availability Assessment. However, the landscape value of the site was high and the effect on the setting and open space, including unregistered parkland, was significant.
- The scheme would have a substantial adverse impact on listed buildings and trees. If the scheme did proceed it was requested that action be taken to preserve the trees.
- It was also requested that the developer should provide a better quality of housing than was being proposed. This was particularly important in the context of the harm to the landscape and setting of nearby listed buildings.
- The proposed scheme was a large development.
- Concern was expressed about the cumulative effect on the village given the number of current applications for housing development in the area.
- The application for outline permission should be supported noting that work was available in the City and nearby Market Towns and that the applicant had offered to gift public open space. Consideration could be given to the detail at a later stage.
- In response to questions the Principal Planning Officer commented that the western parcel of land had been identified by the Parish Council for development as a playing field but the Council had been unable to purchase the land. The developer had agreed to gift two acres for community open space. Very little weight could be given to policy RST 4 – safeguarding existing recreational open space, as the planning permission for change of use of the land had expired. In terms of the density of the development, the Strategic Housing Land Availability Assessment had identified the site had the capacity for 110 homes rather than the up to 60 proposed. In terms of infrastructure there were no medical facilities in the village, but the NHS had not objected to the proposal. The primary school was full and the site did not permit expansion. However, it was to be noted that Planning Inspectors generally did not refuse applications on the grounds of school capacity. Negotiations were continuing on an S106 contribution. In terms of the cumulative impact of applications for development within the locality each application would have to be determined on its merits. The Hagley Court parkland was privately owned and not open to the public but it was crossed by Public Rights of Way. There was a footway from the development towards the local shop, the only gap in the footway being the 2metre strip fronting the entrance to the shop.
- The Conservation Manager (Landscape) had submitted detailed comments in objecting to the scheme to which the Committee should have regard.

Having regard to the issues raised in debate and the NPPF, the following reasons for refusing the application were advanced: policies S1, S2, DR1, LA2, LA3, LA4, and HBA4 with LA5 as potentially a further reason.

The Development Manager commented that the Committee would be faced with a number of similar applications for housing developments of a similar size across the County given the absence of a 5 year housing land supply. The evidence was that Planning Inspectors were allowing appeals where authorities could not demonstrate that there was a supply of housing land. Development had been permitted for this reason even where there was protected landscape including in Areas of Outstanding Natural Beauty. The officers' view as set out in the report was that the harm identified did not outweigh the benefits and was not significant enough to warrant a recommendation for refusal.

The Legal Officer commented that if the Committee was minded to refuse the application it needed to confirm its reasons. A number had been advanced relating in particular to the sustainability of the development and the harm to landscape character as reflected in the response by the Conservation Manager (Landscape) as set out in the report. The Committee needed to consider whether the harm significantly and demonstrably outweighed the benefits of the Scheme.

The local ward member was given the opportunity to close the debate. He commented that the harm done by the scheme did significantly and demonstrably outweigh the benefits and he supported the grounds for refusal that had been advanced.

**RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: S1 – Sustainable Development, S2 – development requirements, DR1 - design, LA2 - landscape character and areas least resilient to change, LA3 - setting of settlements, LA4 – protection of historic parks and gardens, and HBA4 – setting of listed buildings.**

#### **Informative**

**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 and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

**56. P140164/F TRUFFLES, 46 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5HG**

*(Proposed change of use from A1 use to mixed A1 & A3 use.)*

The Development Manager gave a presentation on the application.

**RESOLVED: That planning permission be granted subject to the following conditions:**

- 1 A01 Time limit for commencement (full permission)**

- 2           **The use hereby permitted shall not be open to customers outside the hours of 7am-11pm on any day.**

**Reason: To ensure that the occupiers of dwellings in this mixed residential and commercial area do not suffer an undue level of night-time noise, in accordance with Policies DR2 and DR13 of the Herefordshire Unitary Development Plan 2007.**

**Informative:**

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

**57.    DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Updates**

The meeting ended at 2.10 pm

**CHAIRMAN**





# **PLANNING COMMITTEE**

**Date: 27 August 2014**

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## SCHEDULE OF COMMITTEE UPDATES

**P140953/F - VARIATION OF CONDITIONS 1(A), 1(C), 1(D) AND 2 OF DCSE2008/0996/F AT HOMME FARM, HOM GREEN, ROSS-ON-WYE, HR9 7TF**

**For: Mr Drummond per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW**

### ADDITIONAL REPRESENTATIONS

A letter from Ms V Morgan, Westfield House, Bulls Hill, Walford, Ross-on-Wye, HR9 5RH to Jesse Norman MP has been forwarded to the Council. The letter questions the Council's formal Screening Opinion as to whether or not this application should be subject to Environmental Impact Assessment (EIA). The letter is not addressed to the Council, and is not a formal challenge to the Screening Opinion. The letter quotes part of the published committee report and asks Mr Norman to take (unspecified) action.

### OFFICER COMMENTS

This topic is addressed in paragraphs 1.6 and 1.7 of the committee report, and takes account of legal advice from 2008, 2012, and 2014. Court of Appeal decisions have established that these polytunnels are not EIA development, and the Council's opinion was that the proposed variations do not fall within the scope of the Regulations in terms of the original application and the nature of the current proposal.

### NO CHANGE TO RECOMMENDATION

**P140963/O - SITE FOR THE DEVELOPMENT OF UP TO 135 HOMES (INCLUDING 46 AFFORDABLE HOMES), PUBLIC OPEN SPACE, NEW ACCESS (INCLUDING DEMOLITION OF 144 AYLESTONE HILL) STRUCTURAL LANDSCAPING, SUSTAINABLE DRAINAGE INCLUDING BALANCING PONDS AND INFRASTRUCTURE AND ASSOCIATED WORKS. AT LAND AT 144 AYLESTONE HILL, AND LAND TO THE EAST OF AYLESTONE HILL, HEREFORD, HR1 1JJ**

**For: Bovis Homes Limited per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL**

### ADDITIONAL REPRESENTATIONS

**Report paragraph 6.44:** The sustainable transport contribution is **£146,282** as per the draft Heads of Terms not the £256,280 as per the report. This reduction reflects the fact that the Aylestone Hill cycle lane is being delivered by central government 'Destination Hereford' funding and not via the Local Transport Plan.

**Report paragraph 6.44:** The request for an indoor sports facility contribution cannot be evidenced and the request, as per the heads of terms, is removed.

**Condition 25:** The Reason associated with condition 25 is omitted from the report. It should read as follows:

*Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.*

#### **Planning History**

HC960231 - Erection of agricultural workers' dwelling: Refused 30.9.96

#### **NO CHANGE TO RECOMMENDATION**

**P140926/O - OUTLINE PROPOSAL FOR THE ERECTION OF 60 DWELLINGS (INCLUDING 21 AFFORDABLE HOUSES) AND A CHANGE OF USE OF LAND TO FORM COMMUNITY OPEN SPACE AT LAND TO THE SOUTH OF A438, PARCEL NO. 0008 AND PART PARCEL NO.2308, BARTESTREE, HEREFORDSHIRE,**

**For: INCA 2013 Ltd, per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN**

#### **ADDITIONAL REPRESENTATIONS**

**The Parish Council's comments in response to the amended layout, access and site frontage proposals are set out below:**

*"The Parish Council noted that the major change to the original application is to the footpaths and frontage. The implications for the natural environment and rural setting are serious and major.*

*In order to construct the footpath a large section of mature hedging would have to be removed. Whilst new hedging may be re-planted, this would not protect the natural environment nor add to the existing natural character and rural feel within the village. The Parish Council noted and agreed the Senior Conservation Officer's observation that the removal of the hedging will ruin the rural aspect of Hagley Court and Hagley House. It would take many years for any replacement hedging to establish. It is considered that the proposed footpath creates a more suburban setting rather than rural.*

*It is noted that the footpath does not have right of way across the drive of Hagley Court, whose owners have refused permission. It is unclear whether the footpath has right of way as far as the shop and pedestrian crossing.*

*The access point to the west is badly situated, as it is only 20m from Hagley Orchard and will cause great inconvenience to residents travelling from there and trying to turn right onto the busy A438.*

*The Parish Council also noted that when the applicants first presented their proposed application, they said that they wished to work with the community and present a full picture of their scheme. Since then the matter has drifted on and this is still an outline application dealing with the frontage and access of the proposed development. Therefore, whilst the applicants did engage in a consultation, they have to date taken no notice of the public's view. Their original commitment to retain the natural hedgerow has been abandoned, as has any detailed description of the intended development.*

*All of the Parish Council's previous objections stand and the application and amended application are not supported."*

### **Neighbourhood Plan Progress Update**

The Parish Council also confirm that a whole Group Parish questionnaire has been completed and subjected to data analysis. A draft plan is being prepared and will be completed by the end of November 2014.

**Three further letters of representation have been received.** These all refer to the indicative layout and proposed removal of the roadside hedgerow and the adverse impact on wildlife. Further comment is made in relation to the urbanising effect that the development will have on the village and the lack of infrastructure to support large-scale development.

### **Education Contribution**

The report identifies that the Education contribution has not been agreed on the basis that approximately half of pupils on the role at the Lugwardine Academy live outside the catchment area. Negotiations will continue in this respect.

### **OFFICER COMMENTS**

Officers acknowledge that the development would fundamentally alter the character of this part of the settlement, extending south of the A438 to the foreground of the listed buildings and the parkland to Hagley Court. As per the officer report to Committee, however, these impacts must be weighed against the benefits of the proposal in the context of a lack of housing land supply.

The recommendation that outline planning permission is granted is contingent on the completion of a S106 agreement. This will require further negotiation with the developer in relation to the education contribution. The recommendation gives officers delegated authority to undertake this negotiation on the basis that the Chairman and local ward member will be kept informed.

Although the draft Neighbourhood Plan is intended for completion by end of November 2014, it will then be subject to 6 weeks public consultation and a period of review in relation to representations received. Following this, the Council will then publish the final plan for a further 6 week consultation period. During this period, the 'final' plan becomes a material consideration for decision-taking purposes. In this case, therefore, the Neighbourhood Plan will not be a material consideration for the purposes of decision-taking until Spring 2015 at the earliest.

### **NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P141712/O - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT AT LAND OPPOSITE, ENGLAND'S GATE INN, THE MOOR, BODENHAM, HEREFORDSHIRE</b></p> <p><b>For: Mr Richards per Hughes Architects Limited, 29 Broad Street, Newtown, Powys, SY16 2BQ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141712&amp;search=141712">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141712&amp;search=141712</a>

**Date Received: 12 June 2014**

**Ward: Hampton Court Grid Ref: 354420,251205**

**Expiry Date: 16 September 2014**

Local Member: Councillor JW Millar

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

- 1.1 Outline planning permission with all matters reserved is sought for residential development on a field opposite England's Gate Inn at the northern end of Bodenham Moor. The site lies in open countryside on the east side of the C1125 road at the northern end of Bodenham Moor, a village roughly equidistant between Hereford and Leominster. The Moor is a linear settlement lining both sides of the C1125, with later C20th development extending further away from the highway. Bodenham with its associated conservation area, primary school and church, lies approximately 1km to the north-west.
- 1.2 The application is made in outline with all matters reserved and seeks a determination as to the principle of residential development at this location. An illustrative layout is submitted. This suggests a point of vehicular access from the C1125 and a total of approximately 40 dwellings, with 35% affordable.
- 1.3 The site is bounded to the west by existing residential development on Brockington and Millcroft and England's Gate Public House, which with its converted stables and outbuilding is Grade II listed. The A417 road passes to the north and Brockington Hall Golf Club is to the east. Brockington Hall is to the immediate south.
- 1.4 The site is currently down to pasture and comprises a single parcel extending to just in excess of 1.5ha. Historic mapping suggests that the junction of the C1121 and C1125 was a cross-road until the construction of the A417. It appears that the site has existed as a single field since then. It is broadly rectangular in shape and generally flat, although levels fall slightly towards the southern end of the site. Its boundaries are mostly marked by tall, unmanaged, native-species hedges, including along the side of the A417 and C1125. There are no free-standing trees in the fields. There is currently access into the site off the C1125 and via a field gate in the north-east corner.

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- 1.5 The site is in open countryside, outside but adjacent the UDP defined settlement boundary. It has no landscape designation and is within Flood Zone 1 – land least liable to flooding. The site’s landscape character type is Principal Settled Farmlands. These are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets, and the key primary characteristic is hedgerows used for field boundaries. The landscape of the site and surrounding area is typical of this description. The site was assessed as land with low/minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 1.6 The application is accompanied by the following:
- Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Heritage Statement
  - Ecology Survey
  - Utilities Statement
- 1.7 The application is also accompanied by a draft Heads of Terms outlining an agreement in principle to make contributions towards sustainable transport, education and other projects subject to CIL compliance. The agreed Heads of Terms is appended to the report.
- 1.8 The Council has adopted a Screening Opinion in relation to the development proposal which concludes that it is not development requiring the submission of an Environmental Statement.

## 2. Policies

- 2.1 National Planning Policy Framework. The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

- 2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
E15	-	Protection of greenfield land
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
T6	-	Walking
T8	-	Road Hierarchy

- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- CF2 - Foul Drainage
- M5 - Safeguarding Mineral Reserves

### 2.3 Herefordshire Local Plan – Draft Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geodiversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

2.4 Bodenham Parish Council has designated a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will prepare a Neighbourhood Development Plan for that area. The plan must be in general conformity with the strategic content of the emerging Core Strategy, but is not sufficiently advanced to attract weight for the purpose of decision-taking.

2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

3.1 880096/O - Erection of 5 dwellings on land adjoining Brockington, The Moor, Bodenham. Refused and dismissed on appeal on the basis that the settlement was not identified for growth at that time, having been subject to significant growth in the 1970s and 80s.

### 4. Consultation Summary

#### Statutory Consultees

4.1 Welsh Water: No objections subject to the imposition of conditions.

4.2 Environment Agency: No objection.

## Internal Council Advice

### 4.3 Transportation Manager: No objection subject to conditions.

The application site is within the 30mph restriction. It would be advisable for the visibility splay to be determined by a speed survey as a precursor to the Reserved Matters submission, but assuming the 85<sup>th</sup> percentile speed is 35mph i.e. 5mph in excess of the speed limit, the requisite visibility splay would be 2.4m x 60m to the nearside edge of the carriageway in each direction. Assessment on site indicates that this is achievable within the boundary of the application site.

As any access provided is off a minor access road, there is no defined junction spacing, but it should not form a crossroads with Millcroft. To allow a pedestrian crossing between the site and the western side of the C1125, a spacing of around 40m would appear necessary.

Pedestrian connectivity would be improved if a footway could be provided on the south side of Millcroft between Brockington Road and the C1125, but it may not be possible to provide it near Brockington Rd because of the position of the highway boundary. I think partial provision would improve pedestrian safety by comparison with the existing situation, where pedestrians have to share the carriageway. A short length of missing footway will be better than the existing situation without any footway at all.

A controlled pedestrian crossing over the C1125 south of the junction with Millcroft will enhance pedestrian provision for existing bus users in Millcroft Rd and Brockington Rd, as well as occupants of the proposed development. This, with the footway work, would form part of a S278 agreement.

### 4.4 Conservation Manager (Landscapes): No objection subject to appropriate detailed design at Reserved Matters stage:

The site comprises of agricultural land situated to the north east of Bodenham. The site falls gently to the south and to the north from a mid-point in the northern central part of the site. This land is located outside the village settlement boundary. To the north west of the site there is a Grade II listed building the England's Gate Inn, with associated outbuilding and stables.

The land is currently screened on the southern section of the western boundary with a mature native hedgerow which runs in a northerly direction parallel to the village road. A small section of the northern part of the western boundary is also screened by native trees and native hedgerow. On the western boundary directly across from the Grade II listed building there is an open gap view into the proposed site. Along this western boundary where there are open views into the site, there is a metal fence approximately 1m high. Along the northern boundary and the southern boundary there is native hedgerow planting again. The eastern boundary is screened with garden hedgerow planting in the north east and trees on the south eastern boundary.

There are gaps in the hedgerows, but generally the site is well screened from the north, south, west and east. On the northern and north eastern boundaries there are several large popular trees giving distinct local character and amenity value to this northern section of the site.

There are no landscape designations within the site, but to the west there is a Site of Special Scientific Interest and Special Area of Conservation. The village of Bodenham forms a physical barrier between the proposed site and this SSSI.



## **The Landscape Constraints to the site and its surroundings**

The Principal Settled Farmlands landscape character for this area is that of rolling lowland. These are settled agricultural landscapes of dispersed, scattered farms, relic commons and small villages and hamlets. The mixed farming land use reflects the good soils on which they are typically found.

Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourse. The composition of the hedgerow tree covers differs from that of Timbered Farmlands in its lower density and lack of oak dominance.

This is a landscape with a notably domestic character, defined chiefly by the scale of its field pattern and nature and density of its settlement and its traditional land uses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands.

The northern part of Bodenham when seen from the Grade II listed building 'England's Gate Inn' and the A417 has a rural character at present that of open fields, hedgerows and intermittent long distance rural views. Development on this northern section of the proposed site would destroy this rural character when seen from the Grade II listed building. A landscape buffer zone running in a east westerly direction from the northern limit of the village should be proposed on this section of the proposed site. This would then retain some rural character and visual amenity which would dilute the visual impact of the development when seen from the Grade II listed building.

### **Natural Landscape and Biodiversity**

The hedgerow boundaries and trees both on site and in the adjacent areas are likely to provide good habitat for flora and fauna although the ecological interest of the field is limited due to its agricultural use. The Site Plan Option 2, prepared by Hughes architects, Drawing Planning Submission, Drawing No MO84.1.1.101 Rev B, shows on its western boundary that the existing mature hedgerow would be partially removed for proposed housing. This would deplete the natural landscape and biodiversity of this site. The proposed footpath on the western boundary also needs to show that it does not affect the existing hedgerow on this boundary. Applications for proposed development should enhance, restore and conserve the natural assets of sites.

### **Visual and Public Amenity**

The Site Plan Option 2, prepared by Hughes architects, Drawing Planning Submission, Drawing No MO84.1.1.101 Rev B, shows on its western boundary that the existing mature hedgerow would be partially removed for proposed housing. This would deplete the visual and public amenity in the village that of the existing mature hedgerow in this area.

### **Conclusion**

From a landscape related perspective the site has the potential to accommodate this proposed development. If the proposal is to be considered further, then the following information would be required with the Reserved Matters submission:

1. Proposals for a landscape/habitat buffer zone on the northern section of the site.
2. Proposals for the retention of the existing native hedgerow on the western boundary to include proposed visibility splays.

3. A sustainable urban drainage proposal plan to include permeable hard surfaces.
4. Hard and soft landscape details to include full planting plans, schedules and specifications for planting and protection of existing and proposed planting. Habitat enhancement proposals and vegetation to be removed clearly identified.
5. A landscape and ecological management plan. This management plan should show how the public open space and hedgerow boundaries maintenance is to be monitored and maintained.

4.5 Conservation Manager (Historic Buildings): No objection subject to appropriate detailed design at Reserved Matters stage.

I have reviewed the Heritage Statement and feel that it is a useful document that considers the wider setting of the group of listed buildings in a meaningful way. The report sets out an understanding of the buildings and their characteristics – which will need to be applied in the detailed design going forward – but there is an implicit undertaking in the report that the design will adhere to contextual characteristics and the local vernacular. We agree that there will inevitably be an impact on the wider setting of the listed building the issue is whether that impact is unacceptably harmful. It is considered that this impact can be mitigated through appropriate and sensitive detailed design and landscaping – the setting issues will therefore be a major consideration at the next stage of project development. The design of the housing closest to the listed buildings will need to be carefully considered. The findings of the revised heritage statement should be actively implemented.

4.6 Conservation Manager (Archaeology): No objection.

4.7 Parks and Countryside Manager:

UDP Policy H19 and Policy RST3: As this is an outline the final number of houses will be determined as Reserved Matters, but the applicant has indicated that the number will be around 40 as shown on the indicative plan.

In accordance with UPD Policy H19 and Policy RST3, schemes of 40 houses using the standard population rate of 2.3 which equates to 92 persons approximately, would require the following:

- 0.03ha POS
- 0.07ha provision for children (this can include formal and informal).

This could change slightly as final housing numbers are determined.

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need.

Although the applicant has shown an area of POS on the indicative plan, the planning statement confirms that as this is an outline application with all matters reserved discussions regarding the provision of public open space will form part of the on-going consultation process. The statement also notes that there is a play area close to the application site [approximately 400m distant]. Further consultation with the Parish Council and local community will establish whether an on-site and/or off-site contribution is preferred in meeting the deficiencies identified below and their neighbourhood planning needs.

The main village green play area, owned and maintained by the Parish Council is only a short distance from the development site and consists of a small play area for infants and juniors within a recreation area. For a village/parish the size of Bodenham (1000+) it is on the small size and as such the village is under-provided for in accordance with the Play Facilities Study. It is also an old site, offering little in play value and in need of replacement. Although it could

benefit from an off-site contribution to support the creation of a larger neighbourhood facility catering for all ages it would involve crossing the main road from the application site and its accessibility, particularly for younger children, would need to be considered as part of this application. Provision on site, however, would be small, offer little in play value and be costly to maintain.

Off-site contribution: SPD on Planning Obligations: If an off-site contribution is asked for, this would be in accordance with the SPD on Planning Obligations, based on market housing only as follows:

2 bed: £965                      3 bed: £1,640                      4+bed: £2,219

On-site Public Open Space: Future Maintenance:

If an on-site facility is required, suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be by adoption by Herefordshire Council with a 15 year commuted sum plus appropriate replacement costs; by the Parish Council or by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use. In this instance it is unlikely that Herefordshire Council will consider future adoption given the location and size of POS. Given that the Parish Council already maintain the existing village green and play area it may be sensible to enter a dialogue with them at an early stage in the process.

4.8 Housing Development Officer: No objection.

In principle I support this application although the mix, type and tenure of affordable housing would need to be agreed prior to the submission of a Reserved Matters application.

4.9 Land Drainage Manager: No objection in principle on flood risk and drainage grounds.

As the site is reasonably large and the layout and number of units is not fixed it is anticipated there is sufficient space to accommodate appropriate SUDS drainage measures and attenuation storage. However, all new drainage systems for new developments must meet the new National Standards for Sustainable Drainage (currently in draft) and will require approval from the Lead Local Flood Authority (Herefordshire Council). Therefore, should the Council be minded to grant outline planning permission, we recommend that the submission and approval of detailed proposals for the disposal of foul water and surface water run-off from the development is included within any Reserved Matters following the grant of outline permission.

The detailed drainage proposals should include:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant has sought and agreed allowable discharge rates for the disposal of foul water and surface water runoff from the site with the relevant authorities;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Demonstration that appropriate pollution control measures are in place prior to discharge.

- 4.10 River Lugg Internal Drainage Board: No objection, but confirm that no additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.
- 4.11 Minerals and Waste Officer: An area of identified potential sand/gravel resource adjoins this site on the southern side. There are no particular objections on minerals grounds, as this site is close to existing residential properties and commercial gravel extraction is unlikely to come forward.

## 5. Representations

- 5.1 Bodenham Parish Council: No objection.

Parish Councillors are aware that the rural housing growth 'targets' outlined in the Core Strategy have been confirmed at the conclusion of the public consultation phase. However, in discussion of the present application they articulated local community concerns that the resulting level of new-build housing envisaged for Bodenham is inappropriate and does not have the support of many residents. There is a particular fear that the increased number of households will put further pressure on existing hard pressed services and facilities in the village.

The Bodenham Neighbourhood Plan Steering Group have long recognised that, if the housing 'target' for Bodenham Moor up to 2031 is to be met, they needed to elicit the views of the community on what would be the 'least worst' location to accommodate the projected growth. The subject site had already been identified through the SHLAA process as one of only two in Bodenham Moor having low or minor constraints. After due consideration of all the factors and wide consultation, it has emerged as the preferred site in the Village for any future development.

Accordingly Parish Councillors resolved to offer **no objection** to this outline application, but, should consent be given to it, wish to reserve their position in respect of all outstanding matters for later decision at the full application stage.

- 5.2 237 letters of support in principle for the outline proposal have been received. The vast majority are in a standardised format reproduced below:-

*"I am writing to express my support in principle for the above outline planning application for residential development in this Village.*

*Bodenham has received a great deal of housing development over the past few decades and, although I do not particularly welcome any further expansion and the changes this will inevitably make to the character of the Village, I fully accept that it is necessary. However, I believe that this must be limited to no more than the requirement set by Herefordshire Council in its Core Strategy (Policy RA2) for the period up to 2031 (some 40 houses so far as Bodenham Moor is concerned), it must be properly phased, and it must be carefully sited.*

*As you may be aware, Bodenham is preparing a Neighbourhood Plan and over the last 18 months a great deal of thought has gone into deciding where any future development should be located. After wide consultation conducted by the Neighbourhood Plan Steering Group, the preferred location incorporated in the emerging Neighbourhood Plan by an extension of the existing settlement boundary is the one which is the subject of the above planning application. It has a number of advantages over any alternative site in the Village, being a contained area of the appropriate size and reasonable good access, and one that is not likely to affect the amenity of nearby residents, increase the risk of flooding, or add to local sewerage problems.*

*Most importantly, discussion at public meetings conducted by the Steering Group has clearly shown that it enjoys the support of the great majority of the local community.*

*I would strongly ask that you give this application your most favourable consideration.”*

5.3 The individually written letters of support make the following, additional points:-

- The site is close to the A417 junction and would result in less traffic passing through the village than alternative sites;
- The site is well-related to village facilities, including the bus-stop and enhancements could be made to footways locally for both existing and future residents;
- The development would support existing local services;
- The development would have comparatively little impact on the local heritage assets;
- The site is not liable to flooding and unlikely to increase drainage problems elsewhere within the village;
- New families are needed within the village.

5.4 Several letters of qualified support have been received. These make the following observations:

- The affordable housing must be genuinely affordable to local people in need;
- The mature, native hedgerows should be retained, whereas the illustrative layout plan shows removal of the hedge opposite the pub;
- Opportunities for the enhancement of pedestrian crossings and footways should be sought;
- The development must complement the village vernacular;
- The access proposals must safeguard the bus stop and phone box.

5.5 20 letters of objection have been received. The content is summarised as follows:-

- The site for the development is outside the UDP defined settlement boundary;
- The site is a green field directly opposite a Grade II listed complex around the England's Gate Inn. Development here will disrupt the rural outlook and setting of the listed buildings;
- Although many in support cite an absence of flood risk for supporting this site over and above alternatives, it should be noted that run-off from this field can cause surface water flooding on Millcroft. This needs to be rectified;
- The site is comparatively close to the village amenities but is not well-served by footways. There is insufficient room to construct a footway in a southerly direction along the main village road (C1125). Taking the route via Brockington will necessitate crossing the C1125 outside the site in close proximity to the junction with Millcroft with the additional hazard of traffic joining from the A417 near a bend in the road;
- Visibility when exiting Millcroft onto the C1125 is poor. Adding an estate junction opposite will cause confusion and the potential for accidents, particularly when factoring in traffic leaving the pub;
- Village infrastructure cannot cope. Sewerage issues are common. Broadband speeds are slow and will get slower with additional demand;
- The proposed site would meet the Core Strategy growth requirement in one go. Surely a more measured approach involving infilling would be a more sustainable form of development, more readily assimilated into the existing village?
- The social issues with enlarging the village so quickly are not properly understood;
- The demand for these houses is questionable. Several houses on the market in the village have remained unsold for lengthy periods;
- There is no employment within the village, meaning additional commuter traffic on narrow country roads;

- Although illustrative, the layout supplied indicates hedgerow removal opposite the pub. The hedgerow should remain as a characteristic landscape feature. Likewise the on-site play area is too small and not enough parking is indicated;
- The proposal has the potential to overshadow and overlook the dwellings opposite;
- An outline proposal gives no certainty as regards the detail of the proposal;
- There is no demonstration that the pre-application consultation events have informed the illustrative layout;
- The site is no closer to some key village facilities than alternative sites.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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 Bodenham Moor is identified within the adopted Unitary Development Plan as a main village and is also allocated as a main village within the Bromyard Housing Market Area within the emerging Local Plan – Core Strategy with a 15% indicative growth target over the plan period. This equates to 41 dwellings at Bodenham Moor and 10 dwellings at Bodenham. The application is made, within the context of the housing land supply deficit.

6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

### **The Principle of Development in the context of 'saved' UDP policies the NPPF and other material guidance**

6.3 S38 (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."*

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

*"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- 6.6 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.
- 6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of approximately 40 dwellings, including 35% affordable, on a deliverable and available SHLAA low/minor constraints site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.
- 6.11 On this issue, officers conclude that in the light of the housing land supply issue and NPPF policies, the principle of development at this location outside but adjoining the UDP defined settlement boundary, is acceptable.

### **Assessment of the scheme's sustainability having regard to the NPPF and Housing Land Supply**

- 6.12 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.13 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and move towards a low-carbon economy.
- 6.14 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located whereas the delivery of 40 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development.

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

## Impact on landscape character, visual amenity and heritage assets

- 6.15 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.16 The application site has no formal landscape designation. It lies in open countryside outside but adjacent the settlement boundary on a SHLAA low/minor constraints site. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity (for example views from the AONB). It is also accepted that the site has a limited visual envelope, being reasonably well screened from most vantage points; the obvious exceptions being close up views from private properties, public rights of way and adopted highway. The Conservation Manager (Landscape) considers that the site can accommodate development, although this is contingent on the Reserved Matters submission reflecting the need to retain, insofar as possible, the hedgerow features for which the Principal Settled Farmlands landscape typology is known. On the basis that conditions will be imposed requiring the protection of hedgerows, and in the context of the SHLAA low/minor constraints designation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.
- 6.17 The application site is located immediately opposite three Grade II listed buildings in the form of the England's Gate public house, outbuilding and stables.
- 6.18 Although accepting that the site has a limited visual influence and benefits from a degree of screening, it is also accepted that the proposal would exert some influence on the setting of the adjoining listed buildings. In this regard the Conservation Manager (Historic Buildings) considers that although there will inevitably be an impact on the wider setting of the listed buildings, the issue is whether that impact is unacceptably harmful when conducting the planning balance.
- 6.19 In this case it is considered that the impact can be mitigated through appropriate and sensitive detailed design and landscaping and that as a consequence the harm to the significance of the designated heritage assets will be less than significant. Accordingly, as per NPPF paragraph 134, the harm should be weighed against the public benefits of the proposal, which in this case can be taken as the scheme's contribution towards boosting housing supply, the associated economic and social benefits and absence of any other significant adverse impacts. As such, and having regard to housing land supply, the harm to the setting of listed buildings is considered less than substantial.

## Transport

- 6.20 The Traffic Manager has provided revised comments in the light of additional information provided during the course of the application. He is now satisfied with the proposals to the extent that a conditional approval is recommended.
- 6.21 The issue of pedestrian connectivity with the village facilities can be addressed via the provision of a 2.0m footway for the majority of the length of Millcroft Road up to the junction with Brockington Road. Although a continuous provision into Brockington Road cannot be

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provided due to lack of highway width, the Transportation Manager considers that partial provision would improve pedestrian safety, and in any case, pedestrians have an existing right to share the carriageway. A short length of missing footway will be better than the existing situation without any footway at all.

- 6.22 A controlled pedestrian crossing over the C1125 south of the junction with Millcroft will enhance pedestrian provision for existing bus users in Millcroft and Brockington Road, as well as future occupants of the proposed development.
- 6.23 The Traffic Manager concludes that the scheme is acceptable relative to the requirements of paragraph 32 of the NPPF.

### **S106 contributions**

- 6.24 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

‘Education Contribution’ – £1,873/2-bed      £3,106/3-bed      £5,273/4-bed

‘Sustainable Transport Contribution’ - £88,470 based on current housing mix. This money would be directed towards sustainable transport projects, including pedestrian crossing facilities and other off-site footway improvements.

‘Off site play’ - £49,588 based on current housing mix. This contribution would be directed towards the improvement and extension of the existing play facilities in the heart of the village, which are comparatively small for a village of this size.

‘Waste & Recycling’ – £3,120 based on current housing mix.

‘Library’ - £5,664 towards enhanced library facilities based on current housing mix.

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria.

A restriction is also imposed requiring the provision of 0.03ha of on-site public open space. A maintenance contribution towards the management of on-site public open space and any necessary SUDs system, which will be adopted by the Council, will also be required.

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

- 6.25 Loss of amenity arising from direct and prejudicial overlooking is a material consideration. In this case, officers are satisfied that development of the site is possible without undue impact on adjoining property, particularly those dwellings lining Brockington Road. Clearly this will be contingent on detailed consideration at the Reserved Matters stage. At this stage, however, officers are satisfied that an appropriate layout at the Reserved Matters stage would be capable of according with the requirements of saved UDP policy H13 and NPPF paragraph 12, which demands good standards of amenity.

### **Ecology**

- 6.26 The Council’s Ecologist concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

### **Foul drainage and water supply**

- 6.27 The Water Authority has no objection to the development and confirms that the treatment of domestic discharges from this site can be accommodated by the existing Waste Water Treatment Works. No problem is anticipated with the supply of potable water.

### **Sustainable Design**

- 6.28 The applicant has confirmed that all dwellings shall follow a fabric first approach to energy efficiency. It is envisaged that energy consumption and carbon emissions will be reduced by building to a minimum of code 4 of the code for sustainable homes. Where possible houses will be orientated to ensure optimum exposure to passive solar gain and for solar thermal and PV panels.

### **The Neighbourhood Plan**

- 6.29 Bodenham Parish Council has designated a neighbourhood plan area. Work has been progressing towards the formulation of the plan for a considerable period. Paragraph 17 of the NPPF, states that planning should be *'genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area'*.
- 6.30 The Neighbourhood Plan is not presently sufficiently far advanced to be attributed weight for the purposes of decision-taking and planning applications cannot, in these circumstances, be refused because they are potentially prejudicial to the neighbourhood plan. In this instance, however, the Parish Council confirms that of the two large-scale sites within the parish, it is this site that has their support and is earmarked for inclusion as a housing allocation.

### **Summary and Conclusions**

- 6.31 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.32 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site lies outside but directly adjacent the settlement boundary on a SHLAA low/minor constraints site in what is, having regard to the NPPF, a sustainable location with good access to the village facilities, including the doctor's surgery and shop. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.33 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footway and pedestrian crossing facilities locally, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.34 The Conservation Manager (Landscapes) confirms the application site has the ability to accommodate residential development subject to the retention of landscape features and a margin against the A417 corridor. The Conservation Manager (Historic Buildings) accepts that the development would exert some influence on the setting of the Grade II listed complex opposite, but concludes that the impact is likely to result in less than substantial harm to the significance of the heritage assets. This is in the context of the safeguard provided by detailed assessment of the layout, landscaping, scale and appearance at the Reserved Matters stage.
- 6.35 Officers conclude that there are no highways, drainage, ecological or archaeological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore concluded that the presumption in favour of sustainable development should be engaged and that planning permission should be granted subject to the completion of a legal undertaking and planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 40 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish Council and local community as regards the detail of any forthcoming Reserved Matters submission. Whilst it is clear there is a large measure of support in principle for the proposal, this support is dependent on the detail of the scheme being appropriate to the context and further consultation will help inform the process.

## **RECOMMENDATION**

**Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. C01 Samples of external materials**
- 5. The development shall include no more than 40 dwellings and no dwelling shall be more than two and a half storeys high.**

**Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.**

- 6. H06 Vehicular access construction**
- 7. H09 Driveway gradient**
- 8. H11 Parking - estate development (more than one house)**
- 9. H17 Junction improvement/off site works**
- 10. H18 On site roads - submission of details**
- 11. H19 On site roads - phasing**
- 12. H20 Road completion in 2 years**

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

13. H21 Wheel washing
14. H27 Parking for site operatives
15. H29 Secure covered cycle parking provision
16. H30 Travel plans
17. E01 Site investigation - archaeology
18. L01 Foul/surface water drainage
19. L02 No surface water to connect to public system
20. L03 No land drainage to connect to public system
21. L04 Comprehensive & Integrated draining of site
22. G10 Landscaping scheme
23. G11 Landscaping scheme - implementation
24. The recommendations set out in Section 5.1.2 of the ecologist's report from Turnstone Ecology dated March 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement plan should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

25. Prior to commencement of the development a 'Tree Protection Plan' to include hedgerow protection following BS 5837:2012 *Trees in relation to design, demolition and construction* should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

**Informatives:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant outline planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details

- 4. **HN07 Section 278 Agreement**
- 5. **HN04 Private apparatus within highway**
- 6. **HN28 Highways Design Guide and Specification**
- 7. **HN27 Annual travel Plan Reviews**
- 8. **HN25 Travel Plans**
- 9. **HN13 Protection of visibility splays on private land**
- 10. **N02 - S106 Obligation**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 141712/O

**SITE ADDRESS :** LAND OPPOSITE, ENGLAND'S GATE INN, THE MOOR, BODENHAM, HEREFORD

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

# DRAFT HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Outline application with all matters reserved for residential development on land opposite England's Gate Inn, The Moor, Bodenham, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

<b>£1,891.00</b>	(index linked) for a 2 bedroom open market dwelling
<b>£3,106.00</b>	(index linked) for a 3 bedroom open market dwelling
<b>£5,273.00</b>	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced educational infrastructure at Early Years, Primary School, Secondary School and the Special Education Needs Schools at the catchment primary school St. Michaels, Bodenham, with a proportionate contribution towards St Francis Xavier RC Primary School and St Mary's RC Secondary School. The sum shall be paid on or before first occupation of the 1<sup>st</sup> open market dwellinghouse, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

<b>£1,966.00</b>	(index linked) for a 2 bedroom open market dwelling
<b>£2,949.00</b>	(index linked) for a 3 bedroom open market dwelling
<b>£3,932.00</b>	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution would be £88,470.00.**

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

<b>£965.00</b>	(index linked) for a 2 bedroom open market dwelling
<b>£1,640.00</b>	(index linked) for a 3 bedroom open market dwelling
<b>£2,219.00</b>	(index linked) for a 4 bedroom open market dwelling

The contributions will provide for off-site play facilities at Bodenham village green and play area. The contribution will be sought in consultation with the local parish council. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwellinghouse and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution would be £49,588.00.**

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of
  - £120.00 (index linked) for a 1 bedroom open market dwelling
  - £146.00 (index linked) for a 2 bedroom open market dwelling
  - £198.00 (index linked) for a 3 bedroom open market dwelling
  - £241.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Leominster. The sum shall be paid on or before the occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution would be £5,664.00.**

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120.00 (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Leominster. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling, and may be pooled with other contributions if appropriate. **Based on the indicative housing scheme the contribution would be £3,120.00.**
6. Based on a scheme of up to 40 dwellings the developer covenants with Herefordshire Council to provide 0.03 hectares of on-site public open space.
7. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

*Note: The attenuation basin will be transferred to the Council with a 60 year commuted sum. This will be done as part of a land transfer.*

8. The developer covenants with Herefordshire Council that 35% (14 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
9. Of those 12 Affordable Housing units, at least 53% shall be made available for social rent with the remaining 47% being available for intermediate tenure occupation (shared ownership, intermediate rent, or low cost market).

*Note: The affordable housing could be secured by an off-site commuted sum. This will mean that the section 106 contributions will increase if the number of open market units were increased.*



10. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
  
11. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
  - 11.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 11.2 satisfy the requirements of paragraph 11 of this schedule.
  
12. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-
  - 12.1 a local connection with the parish of Bodenham Moor;
  - 12.2 in the event there being no person with a local connection to the parish of Bodenham Moor the adjoining parishes
  - 12.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.3 above
  
13. For the purposes of sub-paragraph 12.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 13.1 is or in the past was normally resident there; or
  - 13.2 is employed there; or
  - 13.3 has a family association there; or
  - 13.4 a proven need to give support to or receive support from family members; or
  - 13.5 because of special circumstances
  
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
16. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4 and 5 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
17. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
18. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
19. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman  
Planning Obligations Manager



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<b>P140942/O - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 60 HOUSES AT LAND OFF PIXIEFIELDS, WESTFIELDS, CRADLEY, HEREFORDSHIRE</b>  <b>For: Quercus PRF LLP per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&amp;search=141157">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&amp;search=141157</a>

**Date Received: 31 March 2014**

**Ward: Hope End**

**Grid Ref: 372434,246847**

**Expiry Date: 1 July 2014**

Local Members: Councillors CNH Attwood and AW Johnson

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

- 1.1 The application site extends to 2.39 hectares of grazing land, lying between Pixiefields to the south and Chockbury Lane to the north. To the south and east lie the existing housing of Pixiefields estate, Credenleigh and housing fronting Chockbury Lane. The northern boundary of the site is defined by a mature native species hedgerow with Chockbury Lane, immediately beyond. The western boundary is similarly defined with a hedgerow and single track one-way lane. The southern boundary is also notable for the fact that it contains several mature Oak trees which are all subject to a Tree Preservation Order (TPO).
- 1.2 The site rises from just under 100 metres AOD in the south-eastern corner to just over 110 metres AOD in the north-west, rising at a gradient of approximately 1 in 15.
- 1.3 A particular feature of Cradley is that it is a village split into two parts. That which might be considered the original core, containing a number of listed buildings that include the church, is located approximately 500 metres to the west of the application site. This part of the village also contains Cradley C of E Primary School.
- 1.4 The part of the village which this proposal site adjoins contains the more recent residential developments of Oaklands; which lies to the south of the B4220, and Credenleigh and Pixiefields which, as described earlier, bound the application site directly.
- 1.5 The application is made in outline and seeks permission for the erection of up to 60 dwellings on the land. All matters apart from access are reserved for future consideration. The scheme proposes to take access from the residential estate road that serves Pixiefields and onto the B4220. The supporting documentation indicates that of the 60 dwellings proposed, 39 will be open market and 21 affordable.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

1.6 The application is supported by the following documents:

- Planning Statement
- Transport Statement
- Visual Impact Assessment
- Tree Survey and Protection Plan
- Topographical Survey
- Indicative Development Framework
- Draft Heads of Terms Agreement
- Flood Risk Assessment

1.7 An initial objection from the Council's Land Drainage Engineer has resulted in amendments to the Flood Risk Assessment and the inclusion of additional third party land in order to provide a drainage outfall to Cradley Brook. The application has been re-advertised as a result and the public consultation period ends on 18<sup>th</sup> September 2014.

## 2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Local Plan Core Strategy - Deposit Draft

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

### Neighbourhood Planning

2.4 Cradley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 7 August 2013. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.5 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

### **3. Planning History**

3.1 None specifically relevant to the application site.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Severn Trent Water: No objection subject to the imposition of a condition requiring the submission of detailed plans of foul and surface drainage arrangements.

4.2 Environment Agency: Site is within Flood Zone 1 but the site is greater than 1 hectare. They therefore refer to their standing advice outlining the need for the completion of a Flood Risk Assessment.

#### Internal Council Advice

4.3 Transportation Manager: The site is to be accessed via Pixiefields. As this is a 5.5m wide road with footways, it is adequate for the size of the proposed development as well as the existing development. The route to the site from the B4220 requires substantial repair and maintenance, particularly to the surface. This should be done before the occupation of the first dwelling and will require the imposition of a condition to require the completion of a Section 278 Agreement.

4.4 Conservation Manager (Ecology): Concurs with the findings of the ecological report submitted with the application that the site has low ecological value with little evidence of protected

species use. Supports the application subject to a condition to secure biodiversity enhancement.

4.5 Parks and Countryside Manager: Comments that the application identifies an area of POS/Recreation and play in the top north western corner which looks to be the flattest part of the site. Would normally expect play areas to be more centrally located from both a surveillance and access point of view, but acknowledge that this is a large area providing opportunity for both formal and informal public open space, play and kick-about. Given its location, the plan also identifies a footpath around the edge of the site linking the play area to Chockbury Lane and the balancing pond area which is supported. Future consideration will need to be given at a more detailed planning stage as to how the rest of the development will link and connect to both the proposed and existing open spaces. At 0.27 hectares, the size of the area indicated is in excess of usual policy requirements for a development of this size. Subject to the details provided in the Draft Heads of Terms Agreement the proposal is supported.

4.6 Waste Operations Team Leader: No objection but any detailed scheme should ensure that suitable access is provided for waste refuse vehicles.

4.7 Housing Development Officer: Supports the application in principal as it meets the need to provide 35% affordable housing on the site which equates to 21 units. The Draft Heads of Terms confirms that the units will be split 11 units for social rent and 10 units for intermediate tenure and that the dwellings will be built to HCA Design and Quality standards, Lifetime Homes standards and Code Level 3 of the Code for Sustainable Homes with local connection to the parish of Cradley.

Advises that the exact mix and location of the affordable units will need to be agreed prior to the submission of the Reserved Matters application.

4.8 Education: No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies the application.

4.9 Land Drainage Engineer: On the basis of the revised Flood Risk Assessment raises no objection to the application subject to the imposition of conditions and comments as follows:

The applicant has removed individual property soakaways on site. All surface water flows are directed to an attenuation basin which discharges into Cradley Brook or into a swale/attenuation basin which infiltrates flows into the ground for all rainfall events up to the 1 in 100 year rainfall event, including an allowance for climate change. There is capacity within the swale/attenuation basin for flows arising as a result of greater return period events than the 1 in 100 year event. In the event of more extreme events, or should system failure occur, a bund is proposed in the south of the site to protect third party properties to the south of the site from flooding. Flood flows would be directed to roads to the south-west/south of the site and there would be no increased risk to people or property within the site or elsewhere.

The applicant has submitted calculations demonstrating that acceptable rates of discharge less than the greenfield rate are being proposed and that the half drain time for the swale/attenuation basin is approximately 24 hours, in accordance with BRE Digest 365 guidance. The detention areas have a suitable freeboard allowance.

We do not object to this outline planning application on flood risk and surface water drainage grounds and recommend that the following are required as part of any reserved matters application and / or as pre-commencement conditions:

- Provision of detailed drainage design drawings;

- Confirmation of any adoption agreements relevant to the management of surface water and confirmation of who will be responsible for maintenance of the different aspects of the Applicant's proposed system should be provided;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site.

## 5. Representations

### 5.1 Cradley Parish Council: Object to the application on the following grounds:

The number of proposed houses (up to 60) is far in excess of the requirements identified within the draft Core Strategy - allowing for committed development since 2011 this requirement is now less than 50 houses. In addition, 60 houses is a massive overdevelopment of a site that at a maximum could accommodate 30 houses. Furthermore, the whole development area is outside the current settlement boundary and the top part of the site is visible from the AONB, further limiting development opportunity.

5.2 The road infrastructure cannot support a development of this size with the likely traffic movements causing hazards for existing residents in Pixiefield and potentially overloading the existing junction with the Bosbury Road. There will also be likely increased use of the "sunken lane" adjacent to the development which currently is a quiet lane for use by walkers and horse riders. There may even be a loss to the sunken lane itself, which of course is one of Herefordshire's scarcer rural heritage assets.

5.3 Other infrastructure such as sewerage and flood protection are both now actually beyond the limit of capacity and will not be able to accommodate additional housing of this number. Flooding being a particular concern in relation to the potential impact on the Cradley Brook and future risks associated with climate change induced events.

5.4 The facilities in the village cannot support a development of this size, the school is a considerable way from the site at the other end of the village and is already full to capacity. Cradley is in danger of losing its bus service, the Post Office stores has now closed and the local Doctors surgery would also be unable to cope with the additional numbers required.

5.5 West Mercia Police: Note that the application does not make reference to crime reduction measures within a Design Access Statement but advise that there are opportunities to design out crime and/or the fear of crime and to promote community safety which would be recommended.

5.6 Forty eight letters objecting to the application have been received. In summary the points raised are as follows:

- The site lies outside the existing settlement boundary for the village.
- The proposal is premature and undermines the emerging Core Strategy and Neighbourhood Planning.
- The Core Strategy should be given considerable weight as it is at an advanced stage.
- The proposals would result in a massive increase in traffic that will cause nuisance to local residents and compromise highway safety.
- The road into the proposed site is not suitable as it is only a small cul-de-sac.
- Access should be delivered directly from the A4103.
- The proposed development is too large. New proposals should be smaller and spread more equally across the village as a whole.
- The village has a limited bus service that is currently at risk of being cut. This places an even greater reliance on the car.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

- The proposal will put increased pressure on existing services. The doctors surgery and school are already both at capacity and post office has been closed.
- The proposals will result in increased light pollution from street lighting and new houses.
- Increased traffic will reduce air quality.
- The proposals represent over-development and will cause a loss of privacy to existing residents.
- A plan to show the proposed development in greater detail should be provided.
- The proposal will increase the risk of flooding from surface water run-off during periods of prolonged and heavy rainfall for existing properties on Pixiefields. These impacts are not properly explored in the Flood Risk Assessment.
- The Flood Risk Assessment submitted does not explore the idea of flood risk betterment as suggested by the NPPF.
- The NPPF requires a precautionary approach with respect to flood risk. The application should be refused in the absence of site specific infiltration tests to demonstrate that the proposed method of dealing with surface water will manage it safely.
- The proposed surface water drainage solution as outlined in the amended Flood Risk Assessment will require engineering operations within the Root Protection Zone of the TPO Oak trees and would be detrimental to their longevity.

5.7 One letter has been received making general comments about the application. This is specific to access and suggests that the southern end of the single track one way road just beyond the access to Pixiefields should be widened and used as an access for construction traffic and to provide an alternative access to the development site.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

### Principle of Development

6.1 The issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land outside of settlement boundaries identified by Policy H4 of the Herefordshire Unitary Development Plan (the UDP). This application is submitted on the same basis and relates to a site that was considered to have low constraints when assessed under the Council's 2012 Strategic Housing Land Availability Assessment (SHLAA).

6.2 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the National Planning Policy Framework (NPPF), the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to Policy H7 of the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements defined by Policy H4 of the UDP. This approach is consistent with the NPPF which presumes in favour of sustainable development.

6.3 In simple geographic terms the site is compliant with the interim protocol as it is immediately adjacent to Cradley's settlement boundary. The village has a number of existing services that include a primary school and doctor's surgery and, in accordance with the NPPF, is considered to be one that is sustainable and appropriate for further development. This is reflected by the fact that it has been identified in the emerging policies of the Core Strategy as



a village that is appropriate for proportionate growth. The determination of this application therefore rests with other material planning considerations and whether they outweigh the Council's lack of a five year housing land supply.

#### Prematurity

- 6.4 Some letters of objection have suggested that the application is premature and that it should be refused as it will prejudice the emerging Core Strategy and Neighbourhood Plan for Cradley.
- 6.5 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:
- a) The proposal is so substantial or that its cumulative effect is so significant that to grant planning permission would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new developments that are central to an emerging Local Plan or Neighbourhood Planning; and,
  - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.6 The advice in the NPPG specifically goes on to state that:
- Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local authority publicity period.*
- 6.7 With regard to the two points outlined above, it is your officers view that neither is met to justify refusal on the grounds of prematurity. The substantial and cumulative effect of any proposal needs to be considered in terms of the Core Strategy as a whole. It is accepted that a development of up to 60 dwellings will have a significant effect on Cradley locally, but in terms of the county as a whole its effect on strategic policy objectives is limited. Cradley is identified in the emerging Core Strategy for proportionate growth and, whilst there may be some debate between objectors and the applicant's agent about the precise number of dwellings that this equates to, it is clear that the site was the only one identified in the village through SHLAA as having low or minor constraints.
- 6.8 At present the emerging Core Strategy has yet to be submitted for examination. The Neighbourhood Plan area has been agreed for Cradley but until the Core Strategy is at an advanced stage a detailed document will not be produced.
- 6.9 It is therefore concluded that there is insufficient justification for the proposal to be refused on the grounds of prematurity.

#### Service Capacity

- 6.10 Cradley is a sustainable settlement. It is identified as a main settlement in the UDP and, as discussed above, is given a similar status by the emerging Core Strategy. Some of the correspondence received opines that existing services are currently at capacity and will be unable to accommodate the development proposed, with particular reference made to the school and doctor's surgery. Other correspondence notes that the village post office has recently closed (although it is understood that a limited service is being provided elsewhere within the village), and that local bus services are likely to be cut.
- 6.11 A contrary debate is that such services will only continue to be sustained in villages if they support further growth. The Draft Heads of Terms attached as an appendix to this report makes provision for education contributions and the advice from colleagues is that only one

year group at Cradley Primary School is currently over capacity, and that the projected intake for the coming year is 20 pupils.

- 6.12 Notwithstanding concerns raised about the capacity of the existing sewerage system, Severn Trent has not objected to the application. This would imply that they are content that there is sufficient capacity within the existing foul system to accommodate the development.

#### Flood Risk

- 6.13 Your officers have received detailed advice from the Land Drainage Engineer throughout the consideration of this application. An initial objection highlighted that infiltration is not deemed to be a feasible means of discharging surface water from the site and it was recommended that attenuation of all flows on site to the greenfield rate prior to discharge off –site be required. Concern was also raised that the original proposals did not make any provision for extreme rainfall events beyond the design requirements of the attenuation systems, or in the event of a systems failure.
- 6.14 The solution that is proposed removes the reliance on individual property soakaways which work on the basis of surface water directly infiltrating the ground. The drainage solution now proposed directs surface water to two attenuation basins where it is contained during a rainfall event and discharged at greenfield runoff rates. The Land Drainage Engineer has assessed the report completed by the applicant’s drainage consultant and the detailed objections made by a local resident and has confirmed that the scheme is acceptable subject to the imposition of conditions as outlined in Paragraph 4.9. On the basis of the advice received your officers are satisfied that the proposal will not give rise to an increased risk of flooding arising from surface water runoff and therefore the proposal accords with Policy DR7 of the Herefordshire UDP.

#### Highway Matters

- 6.15 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

*Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

- 6.16 The Transportation Manager has visited the site and has considered the contents of the Transport Statement that accompanies the application, and has raised no objection to the proposed use of Pixiefields to gain access to the site. The estate road is considered to be of sufficient width to accommodate the additional traffic that would be generated by such a proposal and the junction with the B4220 offers good visibility in both directions. His comments acknowledge the need for repairs to the road surface in Pixiefields and he has recommended that any approval is subject to a condition to secure its improvement. Given the additional wear to the carriageway that will result from the proposal, this is not considered to be unreasonable and is necessary to facilitate the development.
- 6.17 There have been suggestions that access should be gained directly from the A4103, it is assumed via Chockbury Lane. It is unlikely that the requisite visibility splays could be achieved and the introduction of significant traffic movement would, in your officers opinion, seriously compromise highway safety as this junction emerges at the top of a hill where a short overtaking lane ends.
- 6.18 In conclusion, the proposal will not result in severe impacts on the highway network and the proposal is compliant with Policies H13 and T8 of the Herefordshire UDP and the advice given by the NPPF.

## Landscape and Ecological Impacts

- 6.19 The topography of the site does provide a constraint to the development of the site and the indicative development framework that accompanies the application takes account of this by proposing to site an area of open space on the most elevated and visually prominent part of the site. The Landscape Impact Assessment that accompanies the application acknowledges that the development will be seen from public vantage points, including the Malvern Hills AONB. Your officers concur with its conclusion that this will, however, be in the context of the built form of the village as a whole, particularly as the prevailing character of this part is of 20th century residential development.
- 6.20 The detailed layout and design of the scheme will be subject to a Reserved Matters application should planning permission be granted in outline but the site represents an obvious expansion in visual terms and it is considered to be acceptable in principle. The notion of locating the open space in the north western corner of the site is welcomed and the plans clearly indicate that existing hedgerow boundaries to the north and west will be retained. These are important landscape buffers and their retention will help to mitigate the impact of the development on the surrounding rural area, in particular the rural character of Chockbury Lane and the single track lane that runs alongside the western boundary. This accords with Policy LA3 of the UDP which seeks to protect the setting of settlements and those characteristics that contribute towards it.
- 6.21 The retention of the hedgerows is also important in terms of biodiversity as they represent green corridors between the site and other areas. The Council's Ecologist has concluded that the site has limited ecological value and, subject to an appropriately worded condition, the scheme offers an opportunity for biodiversity enhancement in accordance with Policy NC8 of the Herefordshire UDP.
- 6.22 The indicative development framework also proposes a buffer along the southern boundary, keeping development away from the English Oak trees that are covered by a TPO. This would include the bund that is proposed as part of the drainage arrangements for the site ensuring that development does not encroach on their Root Protection Areas. Conditions are recommended to secure this. It is therefore concluded that the proposal also accords with Policy LA5 of the UDP.

## Conclusion

- 6.23 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out of date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.24 When considering these three points, officers consider that the scheme represents sustainable development and therefore there is a presumption in favour of development. The site lies outside but directly adjacent to Cradley. The village has been identified as a main settlement in the UDP and continues to be considered as a sustainable settlement under Policy RA1 of the emerging Core Strategy.
- 6.25 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of

choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.

- 6.26 Of the other material planning considerations that have been identified through the consultation process and responses from consultees and members of the public, none carry such significance as to outweigh the presumption in favour of sustainable development. The revisions made to the Flood Risk Assessment and drainage strategy have resolved the original concerns raised by the Land Drainage Engineer and, whilst development will inevitably increase traffic movements through Pixiefields and at its junction with the B4220, these impacts are not considered to be severe.
- 6.27 It is your officer's opinion that there are no matters of such weight to justify the refusal of this application and impacts associated with granting planning permission can be addressed through the imposition of appropriately worded conditions. The proposal accords with those saved policies of the Herefordshire Unitary Development Plan that are compliant with the National Planning Policy Framework, and consequently with the Framework itself. It is therefore recommended that planning permission be granted subject to the completion of a Section 106 Agreement and the imposition of conditions.

## **RECOMMENDATION**

**Subject to the expiration of the public consultation period on 18<sup>th</sup> September 2014 and that no new material planning considerations are raised, officers named in the Scheme of Delegation to Officers be authorised to complete a Section 106 Town & Country Planning Act 1990 planning obligation agreement in accordance with the Heads of Terms stated in the report, and are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. Prior to commencement of the development, a habitat and species enhancement scheme based upon Section 5 of the report by Ecology Services dated April 2014 should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological enhancement work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**

- 6. Prior to the commencement of the development hereby approved the applicant or any successor in title shall enter into an agreement under Section 278 of the Highways Act (date) to determine the extent of highway improvement works required along the residential estate road of Pixiefields from the boundary of the application site to its junction with the B4220. The works as approved shall be completed prior to the occupation of the first dwelling on the site.**

**Reason:** In order to provide an appropriate means of access to the site and to comply with Policies H13 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority in liaison with Severn Trent Water. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. L01 Foul/surface water drainage
9. L02 No surface water to connect to public system
10. L03 No drainage run-off to public system
11. M02 Limit rate of surface water discharge
12. G03 Retention of existing trees/hedgerows
13. G04 Protection of trees/hedgerows that are to be retained
14. G17 Provision of open space and play areas (outline permissions)
15. I26 Interception of surface water run off

#### **Informatives:**

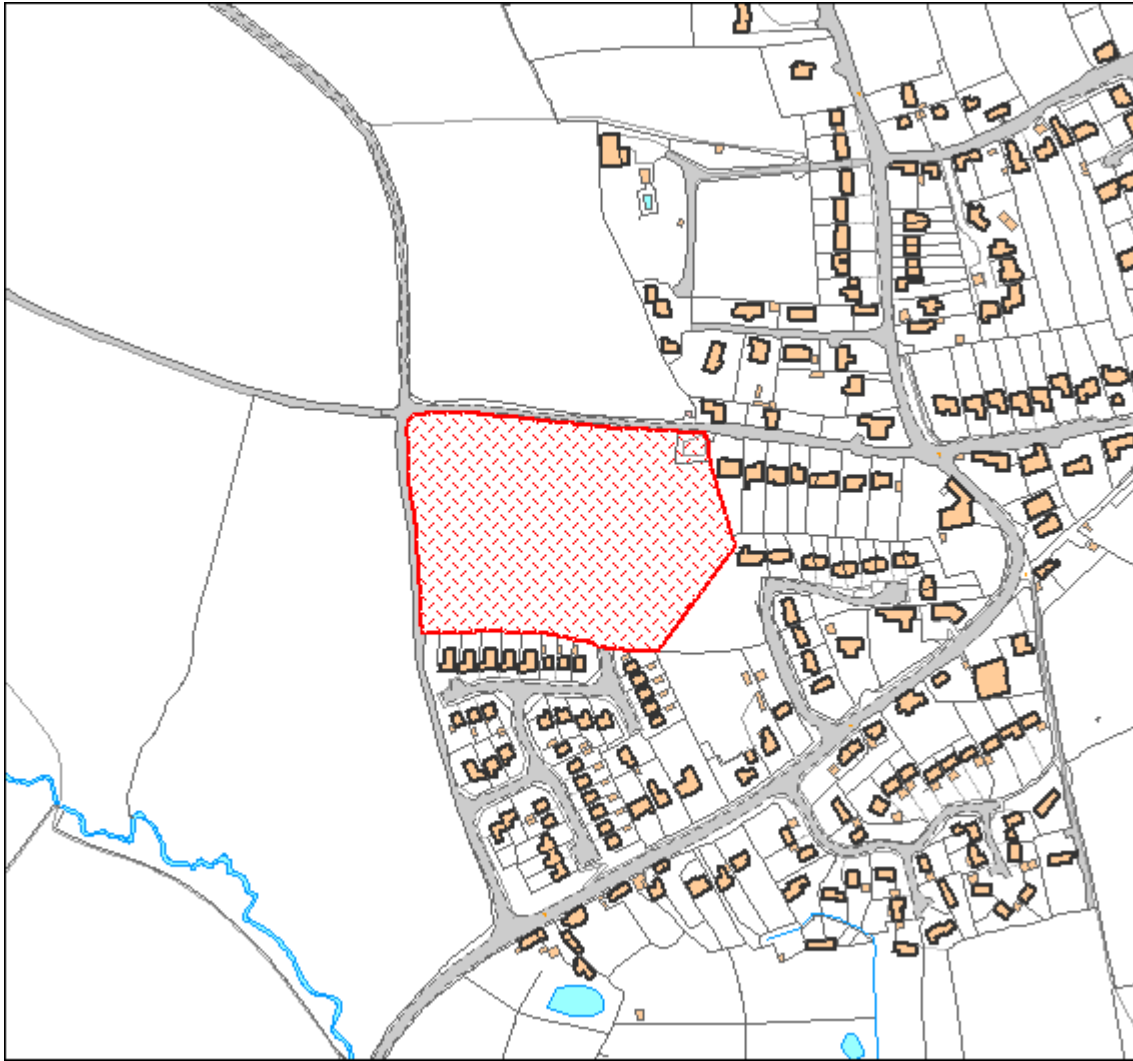
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway
5. HN28 Highways Design Guide and Specification
6. HN05 Works within the highway

#### **Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085



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**APPLICATION NO:** 140942/O

**SITE ADDRESS :** LAND OFF PIXIEFIELDS, WESTFIELDS, CRADLEY, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

# DRAFT HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning Application – 140942/O

Residential development comprising 39 open market and 21 affordable homes at Land off Pixiefields, Westfields, Cradley, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

<b>£2,845.00</b>	(index linked) for a 2 bedroom apartment open market unit
<b>£4,900.00</b>	(index linked) for a 2/3 bedroom open market unit
<b>£8,955.00</b>	(index linked) for a 4+ bedroom open market unit

The contribution will provide enhanced educational infrastructure at Cradley Primary School, St Josephs RC Primary School, John Masefield Secondary School, St Marys RC High School, Early Years, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The sum shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

<b>£1,720.00</b>	(index linked) for a 2 bedroom open market unit
<b>£2,580.00</b>	(index linked) for a 3 bedroom open market unit
<b>£3,440.00</b>	(index linked) for a 4+ bedroom open market unit

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes :

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

<b>£120.00</b>	(index linked) for a 1 bedroom open market unit
<b>£146.00</b>	(index linked) for a 2 bedroom open market unit
<b>£198.00</b>	(index linked) for a 3 bedroom open market unit
<b>£241.00</b>	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sums shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£120.00** (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Ledbury. The sums shall be paid in 3 equal instalments on the first occupation of the 10th, 20th and 29th open market dwellinghouse.

5. The maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

*NOTE: The attenuation basin will need to be transferred to the Council with a commuted sum calculated in accordance with the Council's tariffs over a 60 year period.*

6. The developer covenants with Herefordshire Council that 35% (21 units – on basis of development of 60) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

8. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

8.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

8.2 satisfy the requirements of paragraphs 8 & 9 of this schedule



9. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 9.1 a local connection with the parish of Cradley and Storrige
  - 9.2 in the event there being no person having a local connection to the parish of Cradley and Storrige a person with a connection to the adjacent parishes;
  - 9.3 in the event of there being no person with a local connection to the above parishes any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
10. For the purposes of sub-paragraph 8.1 and 8.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 10.1 is or in the past was normally resident there; or
  - 10.2 is employed there; or
  - 10.3 has a family association there; or
  - 10.4 a proven need to give support to or receive support from family members; or because of special circumstances;
11. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

15. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P141157/F - PROPOSED DEMOLITION OF AN EXISTING DWELLING AND ERECTION OF FIVE DETACHED DWELLINGS WITH NEW ACCESS, GARAGES AND PARKING AT LAND AT GREEN LANE COTTAGE, GREEN LANE, YARPOLE, LEOMINSTER, HR6 0BG</b></p> <p><b>For: Mr Thomas per Architectural Design Limited, The Malt House, Shobdon, Leominster, Herefordshire HR6 9NL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&amp;search=141157">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141157&amp;search=141157</a>

**Date Received: 10 April 2014**

**Ward: Bircher**

**Grid Ref: 346663,264991**

**Expiry Date: 5 June 2014**

Local Member: Councillor WLS Bowen

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

- 1.1 The site covers an area of approx. 0.27 of an hectare, and is located within the settlement boundary for Yarpole and outside the Conservation Area.
- 1.2 Located in a primary residential area of the village, on part of the site is a detached timber framed dwelling under a slate roof which is presently unoccupied and rather dilapidated in appearance. The dwelling which appears to have been substantially altered since original construction, stands in a large overgrown plot.
- 1.3 To the rear of the site is farmland. The site on its northern side fronts the C1044 public highway. The surrounding area is one of residential development of mainly brick construction, of various scale and design. The dwelling located alongside the roadside frontage on the eastern boundary side is of timber frame construction. This dwelling is separated from the site by a recently planted native hedgerow and a public footpath.
- 1.4 The application proposes demolition of the existing dwelling and construction of five detached two-storey dwellings and garages. Three 3-bedroom dwellings will be sited alongside the road side frontage and two 4-bedroom dwellings to the rear of the site. An ecological survey, structural survey, and budget report were submitted in support of the application. Amended design and access statement, plans, heritage statement and 'street scene' of the proposed development were later submitted, in consideration of objections received. Also amended plans indicating a dwelling on plot one of timber frame construction, (rather than Plot 3 as originally proposed), information in support of the application indicates this is to reflect another timber framed dwelling located alongside the eastern boundary of the site. The dwelling proposed for plot 3 has been amended to a slightly smaller dwelling. (Plot adjacent to Honeysuckle Cottage).

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

## 2. Policies

### 2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment.

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA8	-	Locally Important Buildings.
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
NC7	-	Compensation for Loss of Biodiversity
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements

### 2.3 Supplementary Planning Guidance

- Yarpole Parish Plan (Presently under consideration and therefore not material planning consideration to date)
- Planning Obligations

### 2.4 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	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD 3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

## 2.5 Neighbourhood Planning

Yarpole Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

## 2.6 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

## 3. Planning History

3.1 P13331 - Demolition of existing dwelling and erection of 5 no. dwellings together with parking areas and garages. Withdrawn 15 January 2014.

3.2 P122497 - Demolition of existing detached house and erection of five, two storey detached houses, together with new vehicular access, private drive, parking areas and garages. Appeal against non-determination. Appeal dismissed 27 August 2013.

The main issues in relationship to the appeal were:

- The effect of the proposed development on the character and appearance of the area;
- Whether the proposed development adequately addressed the sustainability requirements of the development plan; and
- Whether adequate arrangements were made for the disposal of foul and surface water from the site.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water raises no objections, recommending conditions to be attached to any approval notice issued with regards to foul and surface water drainage from the site.

### Internal Council Advice

4.2 The Public Rights of Way Manager raises no objections provided the public footpath which passes through part of the site (Plot 4), is diverted prior to any development on site. (The response states that an application to divert the public footpath reference number YP14 has been received).

4.3 The Transportation Manager raises no objections subject to a condition with regards to on site access, turning and parking being attached to any approval notice issued.

4.4 The Conservation Manager (Ecology) raises no objections subject to a condition with regards to following the recommendations as set out in the Ecology report submitted in support of the application being carried out is attached to any approval notice issued. Also recommends the attachment of informative notes with regards to protection of nesting birds and the provisions of the Wildlife and Countryside Act 1981.

4.5 The Conservation Manager (Historic Buildings) has responded to the amended plans received in support of the application stating:

*'Since my comments of the 5 August further slight adjustments have been proposed to the locations of the house types and also to the ridgelines of the three plots fronting the country lane. No alterations have been made to the two plots at the rear of the site.*

*The return of the timber-framed house to plot 1 is likely to give the impression of the continuance of the village character and will embrace the two brick houses between the existing Honeysuckle Cottage and Plot 1. Its location should also provide an appropriate focal point to the T-junction of Croft Crescent opposite the site.*

*The changes to Plot 2 involve the reduction in span of the right hand side of the house and the resultant increase in the setback of this element. The outcome is a more clear-cut difference in the ridge heights of the two sections of the house which in turn helps to reduce the overall scale of the building.*

*The changes to Plot 3, next to Honeysuckle Cottage involve the reduction in width and length of the footprint and the alteration of the porch to a lean-to element rather than a gabled. In addition the windows have been amended to a narrow module. These changes have reduced the scale of the building slightly and the character has taken on a more cottage appearance.*

*When put together via the amended street scene the changes show an increased degree of individuality between the plots. The ridgelines are varied and the scale and detailing more appropriate to the village location. It also highlights that the ridge height of Plot 3 will be slightly higher than Honeysuckle Cottage, but not so much as to be out of scale with the small cottage.*

*Overall I consider that the several changes made to the original application have now resulted in a scheme that can be supported. The scheme is now considered to be an acceptable positive extension to the built fabric of this characterful village. It is still considered unfortunate that the original Green Lane Cottage became incapable of being restored and used, however by the time the scheme was submitted the condition had gone past redemption.*

*Conditions relating to external materials, external joinery, rainwater goods (to be cast metal not upvc to reflect the quality of the scheme) will be required on any permission.'*

4.6 The Land Drainage Manager raises no objections recommending a condition with regards to surface water drainage systems is attached to any approval notice issued.

## **5. Representations**

5.1 Yarpole Parish Council has responded to the application stating:

The Planning Committee of Yarpole Group Parish Council hosted a public meeting on Thursday 22nd May 2014 to hear local comment on this application, and this letter constitutes a summary of points made at that meeting and Parish Council decision on comment.

Thirty members of public attended the meeting, including members of Yarpole Parish Plan Built Environment Group, and all present were unanimously against this application. The

Parish Council will support the community by **strongly objecting** to this application. As we understand you are minded to approve the application we have made a request to Councillor Sebastian Bowen that he call this application before the Herefordshire Council Planning Committee.

## 1. Heritage:

Green Lane Cottage is listed on the Herefordshire Historic Env. Record as monument 52343. Loss of this property would constitute an erosion of the character of the village, contrary to the aims of the NPPF, which states that local planning authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”. P7 of the UDP sets out the intention “to conserve and enhance built environments so as to safeguard their distinctive local character and individual architectural and historic assets.” English Heritage has stated that Green Lane Cottage is a building of local interest as an example of the vernacular building tradition. It is also structured of Elm, and there are very few extant examples of this. A building of local interest must be considered a Heritage Asset, and in line with NPPF a heritage appraisal of the building must be carried out [NPPF para 128 “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting.”] The application DAS includes a brief excerpt from the English Heritage decision not to list the building, but this does not constitute a heritage appraisal.

The Appeal Decision of 27 August 2013 (Jennifer Tempest) states that “there is no doubt that Green Lane Cottage together with its neighbour Honeysuckle Cottage are distinctive buildings within this part of the village and make a significant and positive contribution to its character”. “Policy HBA8 of the UDP relates to locally important buildings of architectural or historic interest, stating that development which would adversely affect the appearance or setting of such building will not be permitted.” In para 17 the Inspector states that she feels “evidence regarding the loss of the cottage in context of policy HBA8 to be inconclusive.” He current DAS quotes from English Heritage’s report on listing the cottage, but this is not a heritage appraisal, which is required.

We understand all this to mean that a full heritage appraisal is required which should be weighed up against the structural condition of the cottage/cost comparisons. It could be that it is not possible to conserve the present building, but to date there is no fair and proper way of assessing this, without the heritage appraisal which The Planning Inspectorate requested in its report of 27 August 2013. **The Parish Council feel you should insist on a proper heritage appraisal to help assess whether or not the cottage can be reasonably demolished or conserved. We request, in line with The Planning Inspectorate decision, that this appraisal is carried out before you go any further.**

May I also draw your attention to a document which was published on 22 May, the day of our public meeting:

[https://www.herefordshire.gov.uk/media/7848365/5\\_year\\_land\\_supply\\_documentmay2014.pdf](https://www.herefordshire.gov.uk/media/7848365/5_year_land_supply_documentmay2014.pdf)  
This is the 5 Year Housing Land Supply (2013-2018) Interim Position Statement. The first page of the document clarifies the case for presumption in favour of sustainable development:

*“Paragraph 49 of the NPPF states “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Paragraph 14 of the NPPF states that there “is a presumption in favour of sustainable development and for decision taking this means... where*

*the development plan is absent, silent or relevant policies are out of date, granting planning permission unless 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... or specific policies in this Framework indicate development should be restricted.”*

2.2 The NPPF is therefore emphasising the importance of the presumption in favour of sustainable development. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. The footnote to paragraph 14 of the NPPF is helpful in identifying those areas that the NPPF has in mind where development should be restricted. By way of example it lists:

- sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest
- land designated as Local Green Space
- land designated as an Area of Outstanding Natural Beauty
- **land affected by designated heritage assets**
- land at risk of flooding

This parish has always recognised the need for development and supports development on this site, and we feel we are **following NPPF guidelines by rejecting this particular application because it does not represent sustainable development, as outlined on this position statement.**

## **2. Sustainability:**

The Yarpole Group Parish Plan of 2014 very clearly states that the community need for housing to sustain growth is for low cost/start up homes (54% of respondents), sheltered housing (32% of respondents), and 2-3 bedroom properties (43% of respondents). When Andrew Ashcroft attended a meeting with the Parish Council concerning the site at Green Lane Cottage, he told us that in the absence of these stats being present on a Neighbourhood Plan, our next option was to step up and ensure Herefordshire Council were aware of our housing needs for the parish (given we are not identified in the Core Strategy 5 year Housing Land Supply). We do so here; we have no mechanism except this to let you know that this application does not address our needs. So here we do what Mr Ashcroft suggested, and we expect it to be noted. You also required the applicant to consult with us on our needs for this site, but while they did present us with their application, they did not facilitate any discussion or share of information, so we have not been able to influence this application at all. We assume you made this request of the applicant because you feel fulfilling our housing needs is important, so we are confused that you would support an application that does not give any thought to them. It is clear that this application fulfils the applicant's needs, but not ours, and would ask whether you are satisfied with that. We are very happy to support the applicant in building good buildings and making a profit, but we feel that this is being achieved at the expense of our community, and that this is **contrary to the intentions of yourself and of Mr Ashcroft in asking us to represent our needs and in asking the applicant to consult with us.**

## **3. Design:**

In The Planning Inspectorate Appeal Decision of 27 August 2013 Ms Tempest states, para 8, “representations by local residents and the Parish Council raise matters some of which I consider are sufficiently significant to constitute the main issues in determination of the appeal. She goes on to state, para 13, that the new development should retain the character of the South side of Green Lane (following Honeysuckle Cottage and examples such as Philip's Acre), rather than the modern estate development on the north side. But the current application DAS ignores this completely, stating in 3.1 that they are basing their design with



reference to the modern bungalows on the north side of the road. She states, para 11, that the James Close development to the west is not relevant as a model as it is set back from the road and does not block views, but the current DAS also sites James Close as a model. I could go on; it seems that the current DAS responsibly references The Planning Inspectorate suggestions, but it does not at all, it glosses over and misrepresents the conclusions of the appeal decision. As an attendee at the public meeting on 22nd May pointed out, with respect to the claims of the current DAS, when you then look to their visuals to clarify, there are no location drawings at all, just elevations of the individual houses with no context, and one site plan that does not sit in context with the location. We are appalled that you would consider a development in a location that The Planning Inspectorate state is so significant to the area (para 10) without any proper and considered contextual illustrations. How can there be no location plan?

Policy S2 of the UDP requires that new development achieves a high standard of design and layout “which respects the townscape, landscape and historic character of the village.” (Planning Inspectorate report, para 14). The Inspector also quotes Policy DR1 (para 19) regarding reinforcement of “the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height, design and materials” and goes on to state that the DAS does not address these in detail. The current DAS does go into further detail, but it is essentially the same scheme, without any reference to the character of the south side of the road that The Planning Inspectorate clearly states as a requirement. As another meeting attendee stated, village developments grow along the roadside, along footpaths, around farmyards. What does this proposed development grow around? It seems to grow around an invented hammer head turning area for cars, cutting through a hedge in the process. How is this respecting the townscape of this village and how does this reinforce the distinctive character and appearance of the village in the terms stated above in Policy DR1?

How does this new application scheme relate to vistas and views as required by criterion 3 of DR1? (para 20 of Planning Inspectorate report). In par 21 of the report the Inspector clearly states that “the cul de sac layout of the development and the turning head arrangement would not reflect the traditional character of the village.” How does this current application address this, it does not seem to at all, it is the same arrangement.

To sum up, This Parish Council feels that the current application, including DAS and plan and elevations drawings, do not go far enough in addressing the requirements as laid out by The Planning Inspectorate of 27 July 2013. We also feel that the requirements of the community, which Mr Ashcroft and Mr Mullineux specifically requested we bring forward, have not been considered. Finally, we feel it is imperative that there be a full heritage appraisal of the current cottage. On the basis of all this, the **Parish Council objects to this current application and asks that it be refused by Herefordshire Council.**

5.2 At the time of writing this report twenty seven letters of objection have been received from members of the public which includes reference to the Yarpole Built Environment Group.

Issues raised can be summarised as follows:

- Development does not reflect the historic core of the settlement.
- Scale and design is not in keeping with surrounding built character.
- The proposal is not reflective of local needs and does not provide for low cost affordable housing.
- Built form is not reflective of the character of the site and proposes removal of a dwelling that is of historic quality that should be retained.
- Development is urban in context.
- Drainage is a problem in Yarpole.
- Loss of hedgerow as a result of the development.
- Concerns as to whether the proposal represents a sustainable form of development.

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- The issues as raised in the Inspector's appeal decision on a previous proposal for development on site have not been addressed in a satisfactory manner.

5.3 One letter of support has been received. The letter states that the proposed development seems to be in keeping or better than much of the existing development in Yarpole.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key issues in respect of this application are:

- The principle of development
- Historic importance of the existing dwelling and its retention
- Scale and design of the proposed development
- Sustainability issues
- Drainage
- Loss of hedgerow
- Inspector's appeal decision in relationship to a previous application for development on site and conclusions drawn

### The principle of development

6.2 The site is located within the recognised development limits for Yarpole in accordance with Policy H4 of the Herefordshire Unitary Development Plan. (UDP), on a site considered sustainable and therefore the principle of development on this site complies with the National Planning Policy Framework. (NPPF).

### Historic importance of the existing dwelling and its retention

6.3 On site is a timber framed dwelling that is unoccupied and visually gives the impression of a requirement for extensive refurbishment.

6.4 Whilst this cottage is considered to be of local significance, English Heritage have assessed the cottage and determined that it does not meet the criteria for inclusion on the statutory list of buildings of special architectural or historic interest. English Heritage acknowledge that much of the original fabric of the cottage has been altered or replaced.

6.5 The applicant has submitted in support of the application a detailed budget and refurbishment assessment estimate of the financial costs to bring the dwelling up to an acceptable standard for occupation and the figures indicated are considered acceptable with consideration to the visual condition of the dwelling and requirements for improvements/refurbishment in order to make the dwelling suitable for modern day expectations.

6.6 A heritage statement also accompanies the application and its conclusions indicate:

*'This Heritage Assessment, which is based upon a rapid appraisal of readily available sources of archaeological and historical information, together with a site visit, has reached the following conclusions regarding the intrinsic value of the built heritage asset at Green Lane Cottage Yarpole, Herefordshire.*

*The cottage is located on the NW outskirts of the village, outside the Conservation Area designated by Herefordshire Council, within an area where there has been fairly extensive modern housing development in the immediate vicinity of the site.*

*It has been recorded as a heritage asset on the Herefordshire Historic Environment Record; however, an application for it to be accorded Listed-Building status was rejected by English Heritage, who have described it as 'a building of local interest as an example of the local vernacular tradition'.*

*The existing building appears probably to date from no earlier than the 18th century, based on the use of timber-framing with brick infill. The cottage has undergone extensive modern alterations, which have significantly diminished the architectural character of the original building; the roof has been reconstructed, and the NW and SE gable ends and the lower part of the rear elevation have been extensively rebuilt in brick. A single-storey extension of late 20th century date has also been added to the rear of the cottage. An examination of the interior of the building established that few original internal features and fittings have survived.*

*The earliest map to show the cottage is an OS surveyor's drawing of 1815; the tithe map and OS 1st -and 2nd -edition maps show that little significant change had been made to the layout of the building during the 19th and early 20th century. Comparison of Ordnance Survey maps of the study area dated 1953 and 1975 show that the rear extension to the cottage had been added at some time between those dates and it appears likely that the significant rebuilding of the NW and SE gable ends and the rear elevation also took place during this period. As far as can be ascertained from the available documentary sources, the cottage was occupied by a mixture of local craftsmen and agricultural workers during the 19th and early 20th century; no significant regional or national historic associations have been identified.*

*The intrinsic value of the building has been assessed as **Low**. It represents a typical example of a pre-19th century timber-framed artisan or labourer's cottage which has undergone a considerable degree of unsympathetic modern rebuilding which has significantly detracted from its original appearance and character'.*

*Consultation of the Herefordshire Historic Environment Record identified only one other heritage asset within 100m radius of Green Lane Cottage, namely Upper House Farmhouse, a Grade II Listed Building of 17th -century date. Views from the house towards the site at Green Lane Cottage (and conversely from the cottage towards Upper House) are obscured by several modern properties, trees and tall hedges, consequently there is no potential anticipated for visual impact on the setting of this Listed Building.*

*Proposals to demolish Green Lane would obviously result in the removal of this heritage asset, however, in view of its **Low** value as an undesignated asset of local importance heavily compromised by poor survival of the original fabric due to extensive modern rebuilding, the overall significance of impact may be regarded as **Slight**.*

- 6.7 With consideration to the information submitted in support of the application on the justification for demolition of the existing dwelling, consultee responses received and on site observations, it is considered that removal of this dwelling is acceptable and overall in accordance with supporting text in relationship to Policy HBA8: Locally important buildings in the UDP, paragraph 9.6.27 indicates that locally important buildings do not enjoy the full protection of statutory listing. The proposal is also considered to be in accordance with Section 12 in the NPPF on Conserving and enhancing the historic environment. As such it is also considered that the information received in order to justify demolition of the dwelling on site addresses the outstanding issues as raised in the Inspector's appeal decision notice dated 27 August 2013. It is also noted that the Conservation Manager (Historic Buildings) confirmed that the condition of Green Lane Cottage had gone past redemption.

## Scale and design of the proposed development

- 6.8 The amended Design and Access Statement indicates that the form and scale of new buildings are particularly important in their integration into the existing village context. With this in mind, the current scheme has been scaled down and a more simple design proposed to allow for the development to sit more comfortably in its rural setting.
- 6.9 The application proposes five detached two storey dwellings, making use of the roof space for the first floor accommodation, and each dwelling is approx.7 metres high. The three dwellings proposed along the road frontage are three bedroomed dwellings. Two plots have dwellings with a total internal floor space of approx. 150 square metres per dwelling, (measured externally) and the dwelling located on Plot 3, (which is the dwelling nearest to the site of the existing on site), has internal floor space of approx.. 133 square metres. (Measured externally). The two dwellings located to the rear of the site are four bedroomed and have an internal floor space of approx.170 square metres per dwelling, (measured externally). The existing dwelling on site is approx. 5.5 metres high with internal floor space of approx. 93 square metres. As such on balance the development is considered to be reflective of the existing on site dwelling style; the eaves and ridge heights overall have been kept relatively low, making use of the attic space, in consideration of modern development and the surrounding built environment.
- 6.10 The site is not located within the Yarpole Conservation Area or adjacent to it and is not within the setting of any listed buildings. The immediate surrounding built environment is one of mixed scale and design, the Inspector's appeal decision in paragraph 13 refers to a difference in character between the two sides of the adjacent public highway in that on the opposite side of the highway to the appeal site is development of a modern era that is in contrast to the dwelling on site and the adjacent dwelling to the site known as 'Honeysuckle Cottage' which is separated from the site by a public footpath, alongside which the applicant has recently planted a native hedgerow.
- 6.11 With consideration to the surrounding build environment as a whole, the development is considered to be of a suitable design, representing development of a 'cottage character', (making use of the roof space), that is reflective of a rural setting, using mainly brick for the external construction, (the predominant construction material of the surrounding area), and a timber framed dwelling on plot 1, which the Conservation Manager has commented '*is likely to give the impression of the continuance of the village character and will embrace the two brick houses between the existing Honeysuckle Cottage and Plot 1. Its location should also provide an appropriate focal point to the T-junction of Croft Crescent opposite the site.*' In addition the amended layout plan indicates a strong emphasis on native species hedge planting that is reflective of a rural setting.
- 6.12 The development does show consideration to local distinctiveness, in that it has regard in scale and design to Honeysuckle Cottage. The previous development subject to the dismissed appeal was for a mix of external construction that appeared confusing and unclear in design with consideration to the local environment. The current proposal is for development using external materials that are compatible in appearance to the character of the area. Further still the site is separated from Honeysuckle Cottage by a public footpath and a recently planted native hedgerow will act as a screen. External materials will be controlled by the appropriate condition.
- 6.13 The site layout with the one central vehicular access onto the adjoining public highway, and the roadside built frontage is considered acceptable. Native hedgerow planting as proposed for boundary treatment is considered an important and positive proposal that will enhance the rural character of the site.

- 6.14 The proposal is considered to be acceptable in terms of the character of the area and of a scale and design to reflect its rural setting within the village of Yarpole. The proposal therefore is in accordance with relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework, whilst also addressing concerns as set out in the Inspector's appeal decision.

#### Sustainability issues

- 6.15 The NPPF refers to three dimensions of sustainable development (economic, social and environmental) and confirms that in pursuit of sustainable development these dimensions are to be considered holistically. It is clear from appeal decisions that defining sustainable development goes beyond the former PPG13 test of locational sustainability and that consideration should be given to potential economic, social and environmental benefits arising from development. It is clear that NPPF paragraph 14 envisages a 'planning balance' with the presumption taking effect unless significant and demonstrable harm can be identified.
- 6.16 In terms of its location, the site is within the designated development boundary of a main village in accordance with Policy H4 of the UDP that is reasonably well served by community services expected in such a village, the site being well related to the current built form and proposes development that will integrate into the surrounding semi-rural environment, proposing dwellings of an appropriate overall scale and design with consideration to the surrounding built environment, with considerable consideration to environmental and energy saving building regulation issues, drainage and landscaping.
- 6.17 The Parish Council in their response to the application have referred on sustainability grounds, to public consultation concerns indicating that the applicant has not consulted with the Parish Council and local people with regards to suggestions for development on site. The applicants were advised to consult with local people on any application proposal in-line with advice as set out in the NPPF on public consultations, and it is understood that the applicant and his agent did attend a public meeting prior to submission of the application. The Parish Council's response has also made reference to the housing needs of the locality and the Parish Plan. The Parish Plan to date carries no weight and it is noted that the Parish Council's response on housing needs refers to a requirement for three bedroomed dwellings. Three of the five dwellings subject to this application are for three bedroomed dwellings.
- 6.18 On sustainability grounds the development is considered acceptable and in accordance with Policy S1: Sustainable development, and other relevant policies in the UDP and criteria of the NPPF on sustainable development.

#### Drainage

- 6.19 Concerns have been raised by members of the public about drainage issues. The development proposes mains connection for foul water into an existing sewer located on Green Lane, to which Welsh Water raises no objection subject to conditions attached to any approval notice issued with regards to foul and surface water discharges from the site. The site plan indicates rain water harvesting tanks for water collected on roof areas for re-use in the dwellings and sustainable drainage systems for the internal roadway and parking areas. This is considered acceptable and further enhances the sustainability credentials of the development.
- 6.20 The Land Drainage Manager raises no objections to the development indicating in their response to the application that the applicant can provide a drainage system that meets their requirements and recommends conditions with regards to surface water drainage systems to be attached to any approval notice issued.

- 6.21 On drainage issues the development is considered acceptable and in accordance with relevant policies in the UDP and NPPF, with appropriate drainage conditions attached to any approval notice issued as recommended. This was also the conclusion drawn by the Inspector as stated in the appeal decision dated August 27 2013 for the same amount of dwellings on site.

#### Loss of hedgerow

- 6.22 In order to facilitate the development, there will be loss of hedgerow alongside the site's boundary with the adjacent public highway. However the application proposes introduction of a replacement native hedgerow and internal native hedgerows and a native hedgerow has recently been planted alongside the eastern boundary of the site. Whilst loss of the hedgerow is regrettable, mitigation offered does compensate for loss of the existing hedgerow to which it is noted that the Conservation Manager, (Ecology), raises no objections. Whilst the replanted hedgerow will help towards local distinctiveness it is also considered that it will contribute towards improved highway safety alongside the stretch of highway adjoining the site.

#### Other matters

- 6.23 The Design and Access Statement submitted in support of the application indicates that in accordance with Policy DR5 of the UDP and the Council's adopted Supplementary Planning Document, (SPD) - Planning Obligations, the Council would ordinarily have expected the applicant to submit a draft Heads of Terms Agreement to identify financial contributions to be made through the completion of a S106 Agreement. However, following the Council's Cabinet resolution of 4 March 2009, the requirements of the SPD have been suspended for small scale developments of five dwellings or less, with the expressed intention of relieving the financial burden on such schemes, provided that the applicant is agreeable to the imposition of a condition requiring the implementation of the permission within one year. In this case the applicant has indicated a willingness to accept a one year permission in lieu of making a financial contribution. This is in accordance with the Council's current policy on the temporary suspension of the Planning Obligations document for development of five or less dwellings.
- 6.24 Concerns have been raised by the Parish Council and in letters of objections received that the development does not allow for any 'affordable housing' on site. As the application is for less than six dwellings, (five dwellings as proposed is considered acceptable with consideration to scale and layout and the surrounding built environment), there is no requirement for the provision of affordable housing in accordance with the Council's policy on affordable housing as contained in Policy H9: Affordable housing in the UDP.

#### Inspector's appeal decision in relationship to a previous application for development on site and conclusions drawn.

- 6.25 The Inspector's decision for a previous proposal for development on site, subsequently dismissed as indicated in the decision notice dated 27 August 2013, has generated much debate in relation to this application. Conclusions drawn by the Inspector as stated in the decision indicate that core principles of the NPPF seek to secure high quality design, taking account of the different roles and character of different areas and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area.
- 6.26 The development that was subsequently dismissed on appeal proposed a development of a mixture in scale and design using a multitude of different external construction materials that did not have a theme to either the more historic part of the village or the more recent development that is adjacent to the development site.

- 6.27 Demolition of the existing dwelling, whilst regrettable has been justified by its replacement and it is noted that the dwelling, whilst of local significance is not a listed building, or a structure worthy of listing, as indicated by English Heritage. Importantly the Conservation Manager raises no objections to its demolition.
- 6.28 The development proposes 5 dwellings which makes efficient use of land within the village built up area, to which it is considered each property will have sufficient amenity space. The dwellings are of a scale and design that are acceptable in appearance, using external construction materials that will complement and enhance the surrounding area and with conditions attached to any approval notice issued will further ensure a high quality build, which is a requirement of the NPPF.

### Conclusions

- 6.29 Taking all the issues as discussed above, including comments as raised by the local Parish Council and members of the public, amended plans received in support of the application and consultee responses received, on balance the proposed development is considered acceptable, the applicant having taken into consideration issues as referred to in the Inspector's appeal decision. The application proposes a development that overall is considered appropriate for the site, with consideration to density, scale and design, the surrounding built environment, and landscape mitigation as indicated.
- 6.30 Having given full consideration to the proposal, the development is considered acceptable and in accordance with the UDP and the NPPF.

### **RECOMMENDATION**

**That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.**

1. **A01 Time limit for commencement (full permission) (12 months)**
2. **B02 Development in accordance with approved plans and materials (site plan – amended drawing number 886/03, rev. B, Proposed house – plot 1, elevations and floor plan – amended drawing number 886/04, Rev A, Proposed house – plot 2, elevations and floor plan – amended drawing number 886/05 rev. A, Proposed house – plot 3, elevations and floor plan – amended drawing number 886/06, Rev B, Proposed house – plot 4, elevations and floor plan – drawing number 886/07, Proposed house – plot 5, elevations and floor plan – drawing number 886/08, Proposed garages – drawing number 886/09 and detail as set out in the application form dated stamped received by Herefordshire Council 10 April 2014)**
3. **C01 Samples of external materials**
4. **G11 Landscaping scheme - implementation (plan number 888/03)**
5. **No timber panelled fences will be constructed on site and boundary hedges will be in accordance with the approved plan number 886/03 rev. B, and where no boundary hedge is indicated between the individual dwellings on site this will also be of hedge/plant boundary treatment with associated post and wire fence if considered necessary. If hedgerow protection during growth is required this will be of post and wire mesh construction.**

**Reason: With consideration to the overall visual appearance of the site and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.**

6. **No development will commence on Plot number 4 until the public footpath order has been confirmed by the Council in writing.**

**Reason: In order to ensure a public footpath remains available for use and to comply with Policy T6 of the Herefordshire Unitary Development Plan.**

7. **H13 Access, turning area and parking**

8. **The recommendations set out in Section E and Appendix 3a of the ecologist's report from Edward's Ecology dated June 2012 must be followed in relation to the identified protected species. Prior to commencement of the development, a species and habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006**

9. **L01 Foul/surface water drainage**

10. **L02 No surface water to connect to public system**

11. **L03 No drainage run-off to public system**

12. **Prior to any development on site details must be submitted to the Local Planning Authority and approved in writing with regards to a detailed surface water drainage design. This must include the following information, as a minimum:**

**a. The results of infiltration testing undertaken in accordance with BRE 365 and data regarding groundwater levels.**

**b. A detailed drainage strategy designed in accordance with the draft National Standards for Sustainable Drainage and Policy DR4 of the Herefordshire Unitary Development Plan.**

**c. Calculations and drawings that demonstrate that the development will manage surface water runoff from the proposed dwellings and access road up to and including the 1 in 100 year event (taking climate change effects into account) within the site boundary to ensure no increased flood risk to people and property elsewhere.**

**d. Demonstration that the Applicant has considered designing for larger events that overwhelm the surface water drainage system and/or occur as a result of blockage.**

**e. Calculations and details of any proposed infiltration features, including the access road and driveway construction should permeable paving be used.**

**Reason: To protect the proposed development and people and property elsewhere against increased flood risk associated with surface water runoff and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

13. **Detail will also be provided prior to any development on site to the Local Planning Authority and approved in writing regarding the proposed adoption and**



**maintenance of the surface water drainage system, including all infiltration features and this will also include detail for the proposed access road.**

**Reason: To protect the proposed development and people and property elsewhere against increased flood risk associated with surface water runoff and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 14. Prior to development on site the applicant/developer must provide to the Local Planning Authority evidence which will be agreed in writing of adequate separation and/or treatment of polluted water to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas.**

**Reason: To protect the quality of the natural environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 15. Before work commences, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

**Reason: In order to ensure that the development is of high quality construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and to comply with the National Planning Policy Framework**

- 16. Before work commences, details of the guttering, down pipes and all associated fittings shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

**In order to ensure that the development is of high quality construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan and to comply with 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. HN04 Private apparatus within highway**
- 3. HN01 Mud on highway**
- 4. HN28 Highways Design Guide and Specification**
- 5. HN05 Works within the highway**

- 6. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 7. N11C General

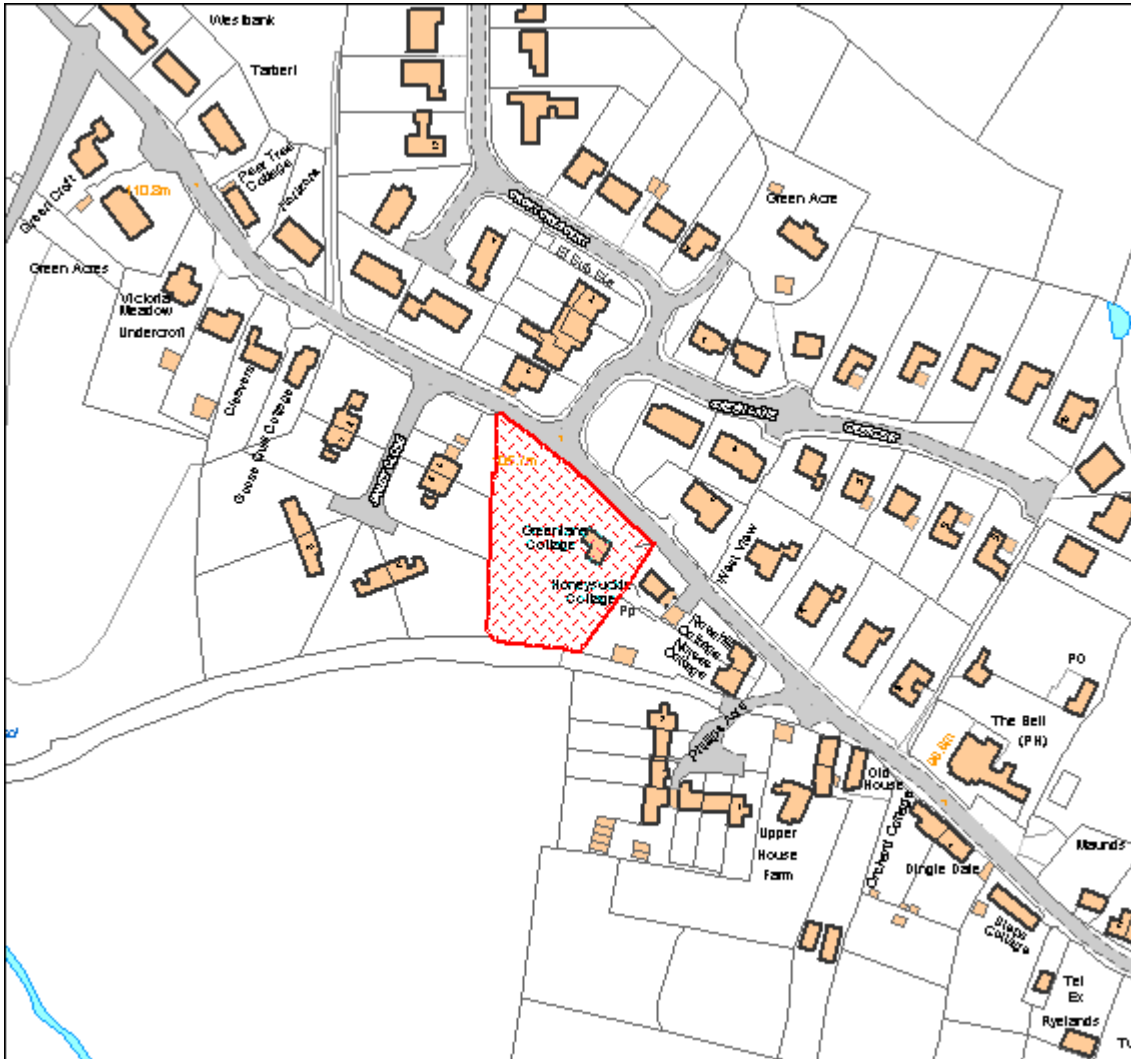
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 141157/F

**SITE ADDRESS :** LAND AT GREEN LANE COTTAGE, GREEN LANE, YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BG

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>17 SEPTEMBER 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>132192/F - CHANGE OF USE OF REDUNDANT FARM BUILDINGS INTO 3 RESIDENTIAL COTTAGES TO BE USED AS HOLIDAY LETS. ERECTION OF 5 DEMOUNTABLE GEO DOMES (OR SHEPHERDS HUTS). PURPOSE BUILT SHOWER/W.C. ADJACENT TO FARM BUILDINGS (TO REPLACE SOON TO BE DEMOLISHED NEW BUILD STABLE BLOCK). COMMUNAL LOUNGE/DINING AND KITCHEN FOR GEO DOME GUESTS IN EXISTING BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG</b></p> <p><b>For: Mrs Smolas, Llanerch Y Coed, Dorstone, Hereford, Herefordshire HR3 6AG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132192&amp;search=132192">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132192&amp;search=132192</a>

**Date Received: 8 August 2013**

**Ward: Golden Valley  
North**

**Grid Ref: 327448,242597**

**Expiry Date: 29 November 2013**

Local Member: Councillor PD Price

### **Background and Update**

Members will recall that it was resolved to approve this application in line with the Officers' recommendation at Planning Committee on 8 January 2014. There was a requirement for the applicants to enter into a Section 106 Agreement in respect of controlling traffic movements associated with the development. The Heads of Terms of the Section 106 Agreement have now been agreed as has the Travel Plan that will be linked to the Agreement. During the negotiations, more detailed information relating to the proposal has been examined and as such the original report set out below has been updated and amended to reflect these discussions. In particular the Transportation Manager has provided an updated comment and the conditions set out in the Recommendation section have been refreshed to reflect the detailed information that has been provided since the original resolution.

The Draft Heads of Terms and the Travel Plan are provided as an appendix to this updated report but in summary the terms that have been agreed with the applicant are as follows:

- A maximum of 8 vehicles on site for the holiday accommodation
- A maximum of 8 two way trips per day (16 trips per day) for the training facility
- On receipt of complaint, request evidence required by applicants monitoring of the Travel Plan

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

- If found to be in breach, requirement for the insertion of CCTV to monitor designated parking and adjacent road (to enable passing vehicles to be counted)
- On receipt of further complaint, request evidence required by applicants monitoring of the Travel Plan and the CCTV footage

If found to be in breach, penalty of £13, 516 in accordance with the Councils Planning Obligation Supplementary Planning Document for highway infrastructure.

In view of the need to review the proposal in the light of the detailed negotiations that have taken place, the length of time that this has taken and the level of public interest it is considered appropriate for the original resolution to be endorsed by the Planning Committee with a clear understanding of the measures proposed to control traffic movements

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

- 1.1 The site is an isolated farmstead in a remote and sensitive landscape. The site is some distance from Dorstone, which is 3.3 miles away to the east and accessed via a network of single width country lanes. Hay on Wye is 3.1 miles away to the west. The site lies within a landscape character type designated as Ancient Timbered Farmlands and is adjacent to an area characterised as High Moors and Commons. Both of these are high quality and sensitive to change. The area contains some of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover.
- 1.2 The site comprises a farm holding which includes an agricultural field and a number of unlisted stone agricultural buildings which are arranged around a farm yard area comprising existing hardstanding area and feature the unlisted farmhouse adjoining that yard. Access is gained from an unclassified no through road which is also a bridleway. The access along with the site adjoins Ancient Woodland, common land and Little Mountain Local Nature Reserve. Protected species and a Site of Special Scientific Interest are also within the area.
- 1.3 The proposal comprises the change of use of redundant farm buildings to create three holiday let cottages, an events facility for corporate training events, the erection of five demountable geodomes on an adjacent field providing both holiday and training event accommodation and the erection of a wc/shower building, communal facilities and a car park is proposed.
- 1.4 The training events facility will utilise the accommodation, which will also be used as holiday accommodation when there are no training events. The geodomes are for use between April - September. Outside of these dates they will be taken down and placed in storage with only the raised platform remaining. Outside those dates accommodation on site is limited to the converted agricultural buildings included in this proposal. A maximum number of 13 people will use the site in connection with training events including associated stays in the accommodation at any one time and the proposal would enable a maximum number of 26 people to stay on site in connection with the holiday use.

## **2. Policies**

- 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

Introduction - Achieving Sustainable Development  
 Section 3 – Supporting a prosperous rural economy  
 Section 4 – Promoting Sustainable Transport  
 Section 7 – Requiring Good Design  
 Section 8 – Promoting Healthy Communities  
 Section 11 – Conserving and Enhancing the Natural Environment  
 Section 12 – Conserving and enhancing the historic environment

## 2.2 Herefordshire Unitary Development Plan (HUDP)

S1	–	Sustainable development
S2	–	Development requirements
S4	–	Employment
S6	–	Transport
S7	–	Natural and historic heritage
S8	–	Recreation, sport and tourism
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR4	–	Environment
DR13	–	Noise
DR14	–	Lighting
E11	–	Employment in the smaller settlements and open countryside
E12	–	Farm diversification
T6	–	Walking
T8	–	Road hierarchy
T13	–	Travel plans
LA2	–	Landscape character and areas least resilient to change
LA5	–	Protection of trees, woodlands and hedgerows
LA6	–	Landscaping schemes
NC1	–	Biodiversity and development
NC4	–	Sites of local importance
NC6	–	Biodiversity Action Plan priority habitats and species
NC7	–	Compensation for loss of biodiversity
NC8	–	Habitat creation, restoration and enhancement
NC9	–	Management of features of the landscape important for fauna and flora
HBA8	–	Locally important buildings
HBA12	–	Re-use of rural buildings
RST1	–	Recreation, sport and tourism development
RST6	–	Countryside access
RST12	–	Visitor accommodation
RST13	–	Rural and farm tourism development
RST14	–	Static caravans, chalets and touring caravan sites
CF2	–	Foul drainage
CF5	–	New community facilities

## 2.3 Draft Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
RA3	-	Herefordshire Countryside
RA5	-	Re-use of Rural Buildings
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E4	-	Tourism

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LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality

- 2.4 The Unitary Development Plan 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/planning-and-building-control/planning-policy/unitary-development-plan>

### 3. Planning History

- 3.1 130461/F - Change of use of farm buildings to create 3 letting holiday cottages, 1 B&B letting room and an events venue facility. Erection of 5 demountable geo domes for holiday/events letting use, with wc/shower facilities in a new building and communal facilities in one farm building – Refused 24 April 2013.
- 3.2 S122922/F - Change of use of farm buildings to create 4 no. letting holiday cottages, 2 no. B&B letting rooms and an events venue for corporate staff training, weddings etc. Change of use of land for a mixed use of agricultural and temporary siting of 10 no. proprietary demountable geo domes. Erection of wc's/shower units, community building and communal car parking - Withdrawn.

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 Natural England has provided detailed comments on the application and has no objection to the proposal having regard to relevant legislation as set out –
- The Conservation of Habitats and Species Regulations 2010 – No objection.
- The Wildlife and Countryside Act 1981 (as amended) – No objection, conditions requested.
- 4.2 The Forestry Commission has no objection to the proposal. Whilst noting the application is within 500m of ancient semi-natural woodland, the scale of the proposals is such that there will be no effect on the woodland.
- 4.3 The Environment Agency have previously commented that at the water abstraction rates proposed no permit or license is required by the applicants. Furthermore the Environment Agency has stated they have no reason to dispute the hydrological report provided.

#### Internal Consultees

- 4.4 Further to the negotiations that have taken place, the Council's Transportation Manager has no objection advising that "the information gathered through the Travel Plan will ensure robust monitoring. This will assist the applicant in managing the development to minimise the impact of traffic in a sensitive location with narrow lanes. The main concern remains the training but suitable measures are in position to mitigate if deemed necessary. Therefore I am confident the measures will ensure the site can be managed as the applicant plans to."
- 4.5 The Council's Conservation Manager (Landscape) who has been heavily involved in providing pre application advice and in assessing the previous applications concludes that the

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application does demonstrate that the development will respect the landscape character and that the scale proposed will not override the key characteristics. A balance can be struck between the negative impact of new structures and associated activities in the rural landscape, with conservation objectives and sensitive site management. There is no landscape objection.

- 4.6 The Council's Conservation Manager (Ecology) has considered all submitted documents associated with the application, along with the detailed ecological objections received. It is noted significant appropriate studies have been carried out and various ecological enhancements and mitigation is proposed. No objection is made and conditions are recommended to protect and achieve the referenced ecological enhancement and mitigation.
- 4.7 The Council's Conservation Manager (Building Conservation) has no objection to the conversion of the historic agricultural buildings to the uses proposed. Conditions regarding details are recommended to safeguard the character and appearance of these buildings which are considered to be locally important, capable of and worthy of the conversion.

## **5. Representations**

5.1 Clifford Parish Council objects to the proposal on the following grounds

1. If this development goes ahead, a small farm will effectively become a hamlet of six houses. Not a single agricultural building will remain and Llanerch y Coed will cease to be a working farm. A sad and irreversible loss.
2. During our visit, the Parish Council analysed vehicle movements with Mr Smolas. So far from the maximum of 8 car movement as claimed (including existing traffic), it was shown that, if the development were fully occupied, there could easily be 14 vehicles plus additional service and staff vehicle movements. This potentially makes at least 17 vehicles (three came through the yard during our one hour visit). Only parking for ten is proposed and, in a busy fortnight such as Hay Festival, this number of vehicles present could easily translate into 60 plus movements per day. So much to-ing and fro-ing on single track roads without suitable passing places would be unacceptable.
3. The meadow containing the geodomes will be the only ground on the farm mowed for silage/hay and this not until well into September. An old hay meadow in, for example, a hot and dry August could be an unacceptably dangerous fire risk to the occupants who have wood burning stoves, cigarettes etc. Emergency services could struggle to assist.
4. Lighting in the yard is to remain unchanged but is, we are told, currently little used. When the existing lights are all on at once, they will almost certainly create a visible glow in the night sky in this hill-top position. This is contrary to the wishes of the locals of this parish.

We are told that the previous application failed on ecological grounds. It is relevant therefore that an inspection of the existing swallow and martin population shows that all buildings currently used by swallows will be lost to development, and this year's martins (their nests having been knocked down) have not used any of the artificial nests provided. (They apparently rarely do). These two species would be lost to the site as would most of those bat species mentioned in the survey due to the light, noise and disturbance of such a large development. Tom Fairfield's reports on the status of the great crested newts, dormice, badgers and adders on the farm, its woodland and adjacent common should be taken in to account and, where necessary, surveyed.

5.2 Cusop Parish Council have not returned a comment.

- 5.3 Dorstone Parish Council comments that they 'support the application subject to the following condition. The council still have concerns about the traffic level using the site, they note the traffic level indicated in the application, but are concerned about the amount of traffic the site will generate. Having read the traffic engineers report, that 8 vehicles would be acceptable, the Council support a Travel Plan, as outlined in the engineer report of 28th October 2013, tied to a 106 agreement, for the life of the development and this plan should be actively managed'.
- 5.4 20 representations of support have been received. These comments are summarised as:-
- Will provide a benefit to the local community
  - Rural economy needs this type of development
  - Will provide jobs
  - Will have benefits to other existing rural businesses
  - Will enhance the local rural economy
  - Additional traffic is low level
  - Many of the objections are overstated
  - This application addresses previous concerns
  - Similar roads in other near locations are far busier and cope with both traffic volume and tourist attractions
  - Dairy farming creates a higher pollution risk than what is proposed
  - The proposal is well designed
  - This is a small scale proposal commensurate with the location
  - The proposal complies with national and local planning policies
  - Landscape impact is minimised and negligible.
- 5.5 Lloyds Bank has also written to support the application, stating that they are to lend some substantial funds to help towards the various projects and in these difficult financial times, this request was assessed very carefully. The bank was provided with an excellent 5 year business plan to assist with the decision making and also taken into consideration was the applicant's current and previous business experience. The revised plan without weddings is supported as financially sound and the bank support the applicants in the long term plans and granted the required funding.
- 5.6 28 representations of objection have been received. These comments are summarised as:-
- The proposal will cause a noise nuisance and undermine the tranquillity of the area
  - No appropriate noise assessment has been included with the application
  - The proposal will cause light pollution harming the night time landscape and adjacent designated dark sky reserve
  - The local road network, due to its nature is unsuitable for and will not cope with the significant increase in traffic movements
  - There will be a conflict between vehicles accessing or leaving the site with other road users, including farm traffic and machinery, walkers and horse riders
  - The proposal is unsustainable development
  - The hydrological assessment is flawed and inaccurate
  - Dwellings and businesses in the area have experienced water shortages and supplies have run dry, the proposal will create significant extra demand on supplies derived from natural sources, which are relied on by people, farms and wildlife
  - Significant detrimental impact upon common land, Local Nature Reserve, Ancient Woodland and the overall current isolated valued tranquil landscape hereabouts
  - Impact on wildlife, including protected species and habitats
  - The ecological surveying and assessment is insufficient
  - The geodomes are out of character with the area and detrimental to its appearance
  - The proposal will cause significant disruption to local residents and farming enterprises

- Concern over the use of the bio disc treatment plant and discharge entering the water course and supply, which is used for drinking water
- The proposal is of an unacceptable size and scale for its location
- The proposed uses are inappropriate and harmful to the location
- Impact on the occupiers of the dwelling accessed from the unclassified road
- Concern over public safety and access for emergency services
- The qualities of the area advanced as a reason to justify the proposal will be undermined and harmed
- Concern that individual's legal right of way and access will be affected
- Rainwater harvesting is not adequately set out or detailed

5.7 Visit Herefordshire supports the application, setting out a key part of Visit Herefordshire's strategy for improving and increasing the tourism revenue in the County has been to encourage the development and use of existing and currently redundant buildings to provide high quality, and where possible different or unique offerings to the increasingly discerning tourist. This is part of a strategy allowing more fully the substantial assets that the County possesses in its attractive countryside and walks but also to support the extensive offer in terms of our historic properties spread widely across the County and further afield to be exploited.

5.8 CPRE object stating their view remains unchanged from that regarding application 130461/F and still believe the proposed development is totally out of scale and inappropriate in this site. The application is considered to be not materially different from the previous refused application.

5.9 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The application follows the withdrawn application 130461/F and the refused application 122922/F. This application has reduced the scale and range of uses previously proposed and attempts to address previous refusal reasons. The Wedding component has been removed from the proposal, which in turn scales back the traffic movements, visitors and overall scale and impact of the proposal. Further ecological studies have been carried out and better consideration given to the sensitivity of development and new land uses in the isolated area.

### Economic Development and the Rural Economy

6.2 The HUDP policies E11, E12, RST1 and RST13 are in broad conformity with the National Planning Policy Framework, which sets out that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, paragraph 28 of the NPPF directs Local Planning Authorities as follows:-

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
- promote the development and diversification of agricultural and other land-based rural businesses
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This

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should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

- 6.3 The application seeks to establish a new rural business tapping into a sector where within the county as a whole, and in this area generally, there is a clear gap and potential demand for such facilities as reported and recognised by the comments of the Economic Development Manager and Visit Herefordshire. The business is taken to be a viable proposition given the investment to be made by the applicants. Conditions requiring the reinstatement of the field to its existing condition and removal of the geodome supporting infrastructure are required if the business ceases trading or closes.
- 6.4 The proposal also has potential spin off economic benefits to the locality and wider areas through employment and products and supplies sourced from local suppliers, craftsmen, businesses and labour. Cross business benefits also include visitors and users of the proposal using local pubs, accommodation, shops and other existing facilities. This potential economic benefit to the area is underlined by the number of supportive representations from local businesses. It should be noted, however, that planning controls cannot require the applicants to use local employment or source or utilise local produce or businesses. The proposal in its own right can become a 'local service and facility' benefiting the area and communities.
- 6.5 The proposal clearly diversifies the activities and business base of an existing agricultural holding. The proposal includes the retention and conversion of existing non designated heritage assets with minimal new built development. The proposal would also involve controlled access to the countryside, benefiting the environment itself and visitors alike. To minimise the impact of the proposal and to concentrate on this expanded economic use, an existing bed and breakfast use on the site will cease.
- 6.6 As such it is considered the proposal complies with the above aims and objectives of the NPPF and the Herefordshire Unitary Development Plan regarding economic growth in the rural areas. The acceptability of the proposal is therefore considered on the assessment of material considerations and the acceptable mitigation of any impacts.

#### Landscape Impact – Context and Policies

- 6.7 The site is an isolated farmstead in a remote and sensitive landscape. The landscape character type is Ancient Timbered Farmlands and adjacent to High Moors and Commons. Both of these are high quality and highly sensitive to change. The area has one of the oldest field patterns in the county. This small scale, intimate landscape relies on the topography, hedgerows and tree cover. Any development should take great consideration of the wider landscape character, the possible impact that increased use and development of this site will have and in particular the visual impact. Notwithstanding this, it is noted the application site is within an undesignated landscape area and not subject to any special statutory protection.
- 6.8 The NPPF and HUDP Policies E11, E12 RST1, RST12 and RST13 allow new development and land uses within such a landscape providing it is of an appropriate scale and impacts are mitigated appropriately. The NPPF states that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

- 6.9 Whilst the application site is not within or adjoining such a protected landscape area and the proposal is in accordance with the NPPF's and UDP's aims and objectives of ensuring a prosperous diverse rural economy, this does not permit development at any cost. Policies require development should be appropriate to its location and of appropriate size and scale. The landscape and its intrinsic character and qualities should be conserved and enhanced and in particular areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason should be protected.
- 6.10 It is recognised that NPPF policies promote mixed use developments, and encourage multiple benefits from the use of land in rural areas, recognising that land can perform many functions, such as for wildlife, recreation, tourism and economic development.

#### Landscape Impact – Assessment of the Development

- 6.11 One field, close to the main buildings, has been chosen to locate the geodomes, which restricts the spread of development. As per the Design and Access Statement. Officers agree that the least sensitive locations have been selected for the geodomes. The proposed dark green colour is welcome and further helps mitigate impact, particularly from mid and long range views. Existing trees have been marked on the proposed site plan (6082-1-9c), and are also shown in the landscape management plan and described in detail in the preliminary ecological appraisal. The Design and Access Statement confirms that the geodomes are demountable and a condition that the domes are removed when not in use (eg. Outside of tourist season) is recommended. This will reduce the visual impact during the winter months when there is less screening from surrounding vegetation. The timber deck, steps and handrail (as per dwg no. 6082-1-7a) represent permanent construction that adds to clutter and detracts from the sensitive, low key intentions of the geodome ethos.
- 6.12 No external lighting is proposed adjacent to the geodomes or in the field. The car park includes 4no. bollard style lights appropriate to a rural location. Detailed specification for this lighting has been agreed with the council and controlled through a condition.
- 6.13 The car park will result in loss of a small part of the field, and slightly extend the built development of the farm, however this is proportionate to the size of the site. The coming and going of cars and minibus will reduce the tranquillity of the existing landscape. A sensitive design has been chosen, including new planting, use of existing ground levels and a permeable surface
- 6.14 In landscape terms the shower block as proposed will have limited visual impact as it is set behind the larger, existing buildings and is smaller in scale. The design with slate roof and timber weatherboarding (dwg no. 6082-1-8b) is suitable to the character of the site and it will read as an agricultural building. In landscape terms the conversion of the existing agricultural buildings is acceptable and secures their long term contribution to the character and appearance of the area. The planting layout to the existing courtyard is welcomed.
- 6.15 The traffic could have direct landscape impact on verges in the wider area where passing is required on the narrow lanes, which are characteristic of the area. There would be direct landscape impacts on the site if more traffic than planned arrives, resulting in parking, turning, pick up / drop off taking place outside of the designated car park. To safeguard against this the recommendation of the Transport Manager must be followed.
- 6.16 The Landscape Management Plan also includes landscape proposals. Proposed new native planting and strengthening of existing hedgerows around the geodome field is welcome. This will help to integrate the geodomes into the field. It also describes a minimal hard surfacing treatment to the area between the proposed venue and new communal block. The plan shows mown paths and kick-about area, with the remaining field area to be hay-meadow. The management prescriptions are clearly set out and suitable to the site.

- 6.17 There will be a visual impact where the geodomes are visible from public viewpoints on the common land. The application does include one photomontage to demonstrate that this impact is minimal, although it is not clear whether this is one of many viewpoints or the only identified location where the field is visible. It is accepted that the existing trees and hedgerows provide a good background to help absorb the visual impact of the geodomes. It is agreed that the car park and new building will be hidden in this view owing to the low level of the existing farm and being behind the existing buildings.
- 6.18 It is acknowledged that this proposal will cause a change to the landscape character of the site and local surroundings, as a new use will be introduced. The question is whether this change is appropriate to the sensitive landscape and whether the change will have adverse impacts on the landscape character. Officers conclude that the application does demonstrate that the development will respect the landscape character and that the scale proposed will not override the key characteristics. A balance can be struck between the negative impact of new structures and associated activities in the rural landscape, with conservation objectives and sensitive site management. There is no landscape objection from the Council's Senior Landscape Officer.

#### Ecological Issues

- 6.19 Officers have read all the ecological reports carried out by the Badger Consultancy in relation to this application including the rebuttals and counter-rebuttals from the various objectors and have assessed ecological impact and protected species and habitats as follows:-

The site is adjacent to a Local Wildlife Site (Little Mountain Common) which is also designated as a Local Nature Reserve and has areas of Ancient Woodland. The common has valuable habitats and supports ground-nesting birds. The access road to the site passes through another area of common land that is also a Local Wildlife Site (Alt Common and Cot Wood) and Ancient Woodland. The following are the wildlife site descriptions for each site:

#### SO24/15 Little Mountain and Newhouse Wood SWS

The register states: "Newhouse Wood is an ancient woodland which, although inter-planted in parts, still has a good variety of trees, shrubs and ground flora. Species include mountain ash, holly and wood-sorrel. Little Mountain has a rich variety of plants, including pillwort, an international rarity. The site supports many species of insects and birds."

Date 1990

#### SO24/12 Alt Common and Cot Wood SWS

The register states: "Alt Common has a good number of trees, and dense scrub in places. Species present include oak, crab apple, holly and gorse, with harebell and bluebell in the ground flora. Cot Wood is an ancient semi-natural wood mostly ash with coppiced hazel and bluebell."

Date 1990

- 6.20 The farm buildings include features that could support roosting bats and nesting birds. The proposed geodome field is currently improved pasture and is surrounded by species-rich, mature hedgerows.
- 6.21 HUDP policies NC1, NC4, NC6 and NC7 set out how habitats and protected species are to be protected and biodiversity enhanced. These policies are in conformity with Section 11 of the NPPF which sets out planning aims and objectives regarding conserving and enhancing the natural environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss.

- 6.22 This application provides opportunities to incorporate features into the design which are beneficial to wildlife and are biodiversity enhancements. This includes the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with the advice and request of Natural England and Paragraph 118 of the NPPF. Additionally, Section 40 of the Natural Environment and Rural Communities Act (2006) states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.
- 6.23 There has been an effort by the applicant over the last number of years to comply with the requests of the Council’s officers and to engage with the necessary ecological survey work required. Accordingly there is enough conclusive evidence gathered since 2010 to derive sufficient conclusions with respect to impacts upon protected species. There is a clear requirement to apply for a development licence from Natural England with regard to bats; the details for compensation measures for which are substantial and inclusive for all bat species utilising the site. The ecological reports propose appropriate and well considered biodiversity enhancement and mitigation measures. This should ensure that the site’s development has a minimal ecological impact on existing habitat and species with the promise of significant biodiversity gains.
- 6.24 The evidence from the surveys indicates that the ecological conditions for most species on the site are sub-optimal at best for the species of fauna recorded. It would appear that there is more conducive habitat for breeding and hibernation in the surrounding areas of woodland and common than on the farm itself. This is in keeping with the nature of agricultural land use across the landscape except where sites are bounded by important habitat as is the context here. Specific comments on the ecology are below.

### Mammals

- 6.25 The site is unsurprisingly an active foraging area for badgers with occasional sett excavation on the periphery. These are of a temporary nature which, of course could change in future. This species resides more permanently within the woodland area. As indicated in the report, the nearest ‘dome’ will be constructed some 10 metres from the active sett which I would concur should not adversely affect the animals. Foraging disturbance may well occur as a result of the intensification of use of the site.
- 6.26 The bat species recorded for the site are surprisingly diverse and, perhaps, reflects the connectivity between surrounding habitat for some flight line dependent species such as lesser horseshoe. Foraging potential is clearly important here given the number of species recorded within the barn complex. Whilst, feeding and temporary night roosting could be disrupted by the development, the compensation provisions for bats together with biodiversity enhancements of hedges/margins should ensure that this continues. The provision of improved bat roost potential over that which already exists may well enable establishment of maternity colonies of some species.

- 6.27 Otter and water vole have not been recorded. The occurrence of water vole in the absence of even marginal habitat conditions is most unlikely. Otter may well range across the site as an occasional transient between water sheds but minimal riparian habitat is not present to support an established population.
- 6.28 Dormice have a predilection for layered woodland conditions but have also been found in hedgerows and in minimally supportive conditions of patches of bramble feeding on alternative food sources. The conditions for dormice on the site periphery provide for some connectivity of habitat and it would be unusual for them not to be utilising the hedgerows especially if vegetation structural changes in their prime habitat becomes unsupportive. Their movement across a landscape is known to be slow (70 metres in their lifetime) and so their presence in hedges is not likely to be transient. The planting, preservation and less intensive management of hedgerows proposed in the application should improve connective habitat for dormice. Disturbance by noise and lighting is less well known but given that both are to be reduced from the original proposal, the impact upon dormice should be regarded as minimal.
- 6.29 In summary, the impacts of this development upon mammal species are not likely to be direct. Any disturbance impacts arising should be minimal and would not appear to significantly threaten the breeding place or reproductive cycle of any mammal species.

### Birds

- 6.30 The biodiversity enhancement measures for this application are likely to result in improved conditions for breeding and foraging for most species. The significant number of swallow breeding sites affected by barn works is to be compensated for by considered placement of artificial nesting. It is regarded that the most significant disruption to breeding will be through adjacent work after erection of replacement nest sites. The returning birds should be given opportunity to explore and take up the alternative sites without disturbance. Informatives in relation to nesting birds, reckless disturbance regimes and the CROW Act 2000 are added to the recommendation.
- 6.31 Improvements in hedgerow structure and boundary maintenance on the margins should be seen as an enhancement for farmland birds as well as more common garden bird species. Foraging species such as barn owl should also benefit from these changes.

### Reptiles

- 6.32 The proximity of Little Mountain Common and a range of conditions for reptile activity does dictate caution where results for surveys are negative for an adjacent site. It is possible a small population can remain undetected given that reptiles are often found mainly in their resting or breeding phases. Slow worm should be more easily found but were not revealed in the surveys whilst grass-snake might well occur across the site. The conditions for common lizard and adder are not optimal but the occurrence of adder should not be ruled out considering the presence of breeding population on the adjacent common. They may well be confined to the common during part of the winter and the spring breeding congregations but will disperse quite widely after that period. The informatives with respect to protected species apply.

### Amphibians

- 6.33 The breeding populations of smooth newt will not be affected by the development and, in consideration of the amended ecological report, Officers are happy that great crested newt are not present as a breeding population. The pond appears in relatively poor condition with substantial impact from the resident duck population. It is possible that hibernating newts from an unknown local population may find hibernaculae on the site but in my view this is not borne



out by the evidence. The quick removal of rubble from the site should ensure that inadvertent populations of all newts are not attracted to the development area of the site.

- 6.34 The Council is satisfied that the ecological survey information provided from the appropriate surveys is adequate to assess potential impacts upon protected species.
- 6.35 The mitigation proposals are substantial enough to give some overall benefit to biodiversity on the site and this is secured through the appropriate conditions listed in the recommendation section of this report.

### Traffic and Highways

- 6.36 The trips generated by the proposed development utilise the u75236 no through road which serves one other property as well as the existing bridleway. The C1208 has 12 properties on the route though there are other accesses along this road serving agricultural land. It is proposed that the development will be managed via conditions, a Travel Plan and a linked Section 106 Agreement to facilitate and maintain a controlled, low level of flow on the unclassified and C Class road.
- 6.37 The proposal would allow for a total of 8 vehicles associated with the holiday accommodation which would utilise the proposed use to park at the site at any time. The training event element is intended to be controlled by setting a maximum trip generation of 8 two way trips. It is considered that the likely amount of movement would be minimal and through the negotiations that have taken place since the Committee resolution, the Transportation Manager has confirmed his support for the proposal. The local road network is narrow with minimal passing places, the u75236 is single track and passes through a common and Ancient Woodland which gives little possibility for improvements. However, on the C1208 there is land within the highway authority's control that could incorporate passing places and the provision of such improvements could be secured where a breach of the proposed Section 106 Agreement occurs.
- 6.38 Within the strategy is the commitment that training events and general holiday use of the geodomes and barns will not occur at the same time. Furthermore the geodomes will only be used between April and September.
- 6.39 The traffic impact of both the holiday accommodation and the training events would be acceptable, however it is recognised that without management the impact has the potential to escalate and therefore the only way this proposal would be acceptable in highway terms would be for the Travel Plan to be tied to any permission for the life of the development. If the traffic generated resulted in additional traffic over and above the agreed amount, a set of measures would be required to mitigate the development and use through the form of a punitive amount payable to the Council. The Transportation Manager suggests this would in the first instance be the introduction of new passing places and reinforcing those that exist in the public highway at present.
- 6.40 The Travel Plan has been agreed with the applicants and will be conditioned and in place prior to commencement of the occupation of the site for holidays or corporate training events. The Travel Plan will influence and control how people travel and how these vehicle movements are monitored. It is noted the Transportation Manager requests this is imposed and controlled through a Section106 Agreement to ensure it is robustly enforced and monitored. If numbers are proven to exceed the 8 vehicle movements per day that are considered acceptable in relation to the training events, after an initial warning, this would trigger the applicant's £13,516 payment. This amount has been devised by the Planning Obligations Manager and it is intended that it will act as deterrent to breaching the Travel Plan

- 6.41 It is noted that training events will not occur when general holiday letting is utilised and furthermore an existing bed and breakfast use on the site, contributing 4 vehicle movements per day, will cease and thus offset some of the additional vehicle movements outlined. A condition is proposed to secure the cessation of the bed and breakfast use. To further ensure vehicle movements generated from Llanerch Y Coed are appropriate and restricted to minimise conflict on the local road network and also to protect the character and amenity of the area, permitted development rights relating to land uses and activities would be removed by condition.

#### Hydrological Issues

- 6.42 Despite the Council's consideration on hydrology as set out in Planning Committee Report 24 April 2013 concerning the refused application 130461/F, concern is still expressed by local residents regarding water resources. Dwellings, businesses and indeed the wildlife and valued common land, Ancient Woodland, and Local Nature Reserve are dependent on natural private water supplies. There is no mains water or sewerage. Water is supplied from boreholes, springs or streams. It is on record that resources have 'run dry' leaving people without water.
- 6.43 The Council's position as previously set out and established through consultation with The Environment Agency remains the same. It is noted that, based upon the amount of water the applicants intend extracting from a borehole, no permit is required. Whilst acknowledging the local concern on this issue, given the Environment Agency's position and relevant legislation regarding water extraction, there are no grounds for this application to be refused in relation to hydrological issues. In the event of the applicants extracting higher quantities of water or there being a local issue, the Environment Agency would have to act accordingly. Furthermore, with a better hydrological assessment and the full time use of various mitigation measures the applicants could adequately address this issue through utilising grey water harvesting full time and extracting water at their permitted quantity to holding tanks and storing water for future use.

#### Dark Skies, Light Pollution

- 6.44 The Brecon Beacons National Park is now a 'Dark Sky Reserve', one of only five globally, so afforded this designation due to it being so unaffected from light pollution allowing the enjoyment of clear unobstructed night skies. The application is located in relative proximity to this designated area. Light pollution is a transfrontier issue that does not recognise national or authority borders. The impact on this designated area and light pollution generally is therefore considered a material planning consideration.
- 6.45 The NPPF has specific regard to light pollution and the value of dark landscapes as a finite limited resource. The NPPF requires decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Equally, local plan policies S1, DR2 and DR14 all require development to have appropriate regard to and not have a detrimental impact upon adjoining land uses. This includes amenity, environmental and landscape character. Policy DR14 specifically sets out development requirements regarding lighting and seeks to minimise light spillage. It also requires that lighting should be necessary and appropriate to the development and its location.
- 6.46 The previous concern regarding the unacceptable impact of this development has been addressed through the reduced scale and use of the site, including reduced traffic movements and associated on site activities, and through the lighting proposals and mitigation included in the application. It is considered these measures and recommended conditions detailed actually will reduce light pollution from Llanerch Y Coed where it is noted there is currently no restriction on external lighting.

## Summary

- 6.47 The principle of this proposal has previously been found to be acceptable with the Committee resolution requiring the approval to be subject to the completion of a Travel Plan. This has been achieved, albeit negotiations have been lengthy. On the basis of all of the above, and assessed against relevant local and national planning policies, the proposal is considered acceptable subject to the conditions set out. The proposal balances economic development with heritage and ecological conservation aims and objectives and furthermore other material considerations regarding highways and amenity have been addressed. Approval is recommended subject to the completion of the attached draft Section 106 Agreement and full compliance with the detailed Travel Plan.

## **RECOMMENDATION**

**That subject to the completion of a S106 agreement, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions and any further conditions considered necessary by officers**

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

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

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans and documents, received 8 August 2013 and the schedule of materials indicated thereon unless otherwise stipulated by conditions attached to this Planning Permission.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 3. The existing Bed and Breakfast use occurring on the land and buildings within the line edged red and blue on the approved plans shall permanently cease on the first use of the any part of the development hereby permitted.**

**Reason: In order to protect the amenity of this open countryside location and occupiers of nearby properties so as to comply with Policies S1, DR2, DR13 and RST1 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 4. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1, or development or land uses permitted under Part 4, Part 5, Part 27 and Part 40 of Schedule 2, shall be carried out.**

**Reason: To ensure the character and amenity of this tranquil open countryside location is maintained and also to ensure the character and appearance of the original conversion scheme is maintained and to comply with Policies S1, S2, DR1, DR2, DR3, T8, LA2, HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the heritage aims and objectives of the National Planning Policy**

**Framework.**

5. The buildings subject of this planning permission, the holiday accommodation permitted and the dwelling known as Llanerch Y Coed, Dorstone, Herefordshire shall not be sold or leased separately from each other.

**Reason:** It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling or separate independent economic use in this location having regard to policies S1, S2, DR1, DR2, DR3, H7 and E8 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

6. The buildings which are the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**An up to date register of all visitors and occupiers of the holiday accommodation including names, date and duration of stay and home address shall be kept and made available to the Local Planning Authority at all times.**

**No single person or group is permitted to stay in the accommodation permitted in this permission for more than 28 consecutive days or for a total of 156 days in any calendar year.**

**Reason:** Having regard to Policy S1, DR2 and RST1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of separate units of residential accommodation in this rural, isolated unsustainable open countryside location.

7. The existing public right of way crossing the application site shall not be obstructed, to diverted or stopped up during the construction phase or at anytime thereafter during the use of hereby permitted development.

**Reason:** To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

9. The soft landscaping scheme approved and as shown on the approved plans listed under Condition 2 of this permission shall be carried out concurrently with the

development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

**Reason:** In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

10. Not later than 1 October in each of the 5 calendar years following the planting of any trees or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing:

a) The number, location and species of any trees, shrubs and hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and  
b) Proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following 6 months.

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

11. The external lighting shall be installed and operated in accordance with the approved details received 4th April 2014 and thereafter be maintained as such.

No further external lighting shall be installed upon the site (including upon the external elevations of any existing or proposed building or structure within the red or blue line area identified on the plans listed under Condition 2 of this permission) without the prior written consent of the local planning authority.

**Reason:** To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

12. The development shall be carried out in strict accordance with the details of the foul and surface water drainage arrangements received 27 June 2014. This scheme shall be implemented before the first use of any of the buildings or development hereby permitted.

**Reason:** In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan

13. The recommendations set out in the ecologist's report listed under Condition 2 of this Decision Notice and The Ecological Measures contained within the Construction Environmental Plan, received 10 June 2014 shall be followed in relation to the identified protected species unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c)

**Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework**

- 14. The architectural details of windows and their openings, doors and their openings, eaves, verges and bargeboards and ridges, shall be carried out in accordance with the details received 27 June 2014 and thereafter be maintained as such.**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework .**

- 15. The finishes to be used for all external joinery, timber, plaster and masonry surfaces work shall be carried out in accordance with details received 27 June 2014.**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.**

- 16. The chimney flues shall have a dark matt finish of a colour as described in details Received 27th June 2014 and thereafter be maintained as such.**

**Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.**

- 17. The guttering, down pipes and all associated fittings shall be carried out in accordance with details Received 27th June 2014 and thereafter be maintained as such.**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.**

- 18. All works of external repair, restoration and replacement are to exactly match the original features, materials and finishes of the building.**

**Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.**

- 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that**

Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in any elevation of the buildings subject of this permission, and no dormer windows shall be constructed in the roof slope of any building subject of this permission.

Reason: In order to protect the character and appearance of the original buildings that are of historic merit worthy of safeguarding through the permitted use and conversion and to protect the residential amenity of adjacent properties and to comply with Policies DR1, DR2, H18, HBA12 and HBA13 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

20. The geodomes (excluding the bases) hereby permitted shall be removed from the site from 1 October to 31 March of each year.

Reason: The local planning authority is only prepared to allow this accommodation as a temporary measure as the application was assessed and permitted on the basis of the geodomes being removed from the site during these dates and in the interests of the character and appearance of this open countryside location and having regard to Policies S1, DR1, DR2, DR3, LA2 and RST1 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

21. In the event of the holiday use ceasing or the business failing, the geodomes hereby permitted including their bases and all associated infrastructure shall be removed permanently from the site and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority.

Reason: The local planning authority permitted this development having regard to the special circumstances and business plan provided by the applicants and is not prepared to allow unused buildings and infrastructure to undermine and despoil the character and appearance of this isolated rural landscape and to comply with Policies S1, S2, DR1, DR2 and LA2 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

22. No more than 13 people in total are permitted to stay on site in the accommodation and/or geodomes at any time during a training event and no more than 26 people in total are permitted to stay on site in the holiday accommodation or geodomes at any other time.

Reason: The application has been assessed and permitted on the basis of this maximum occupancy number set out in the application submission and having regard to safeguarding the character, appearance and amenity of this isolated rural location and having regard to the sustainability of the location and capacity of the local road network and to comply with Herefordshire Unitary Development Plan Policies S1, DR1, DR2, DR3, E8, LA2, and RST1 and the relevant aims and objectives of 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 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 5 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
  - intentionally kill, injure or take any wild bird
  - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
  - intentionally take or destroy the egg of any wild bird
  - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

- 6 It is an offence for any person to:

**Intentionally kill, injure or take any bats.**

**Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.**

**Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 that works to trees or buildings where that work**



involves the disturbance of a bat is an offence if a licence has not been obtained from Natural England. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural England (0300 060 6000) and the Council's Ecologist. Advice is also available from the Bat Conservation Trust Helpline on 0845 1300 228.

- 7 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.

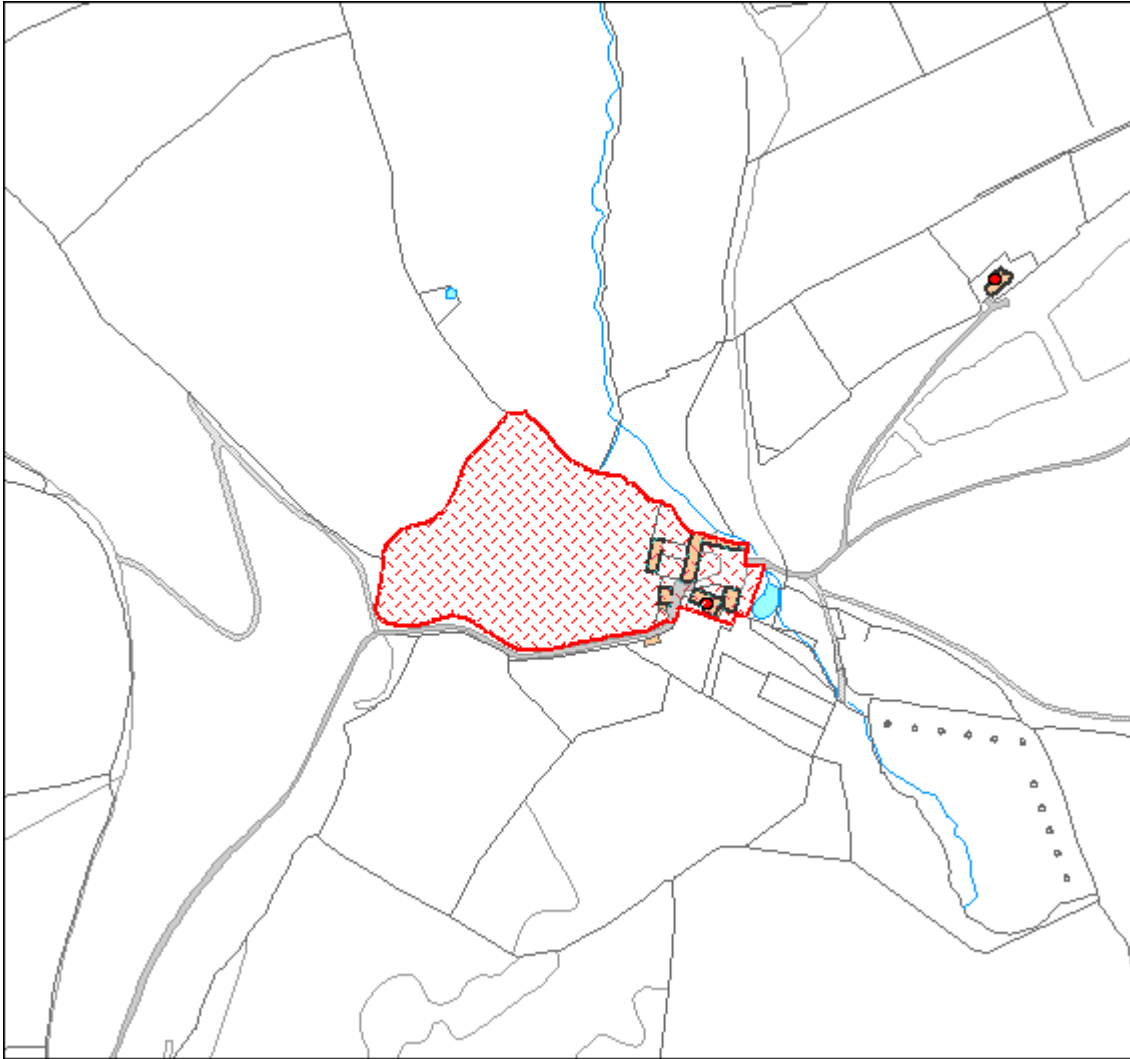
The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture,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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132192/F

**SITE ADDRESS :** LLANERCH Y COED, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 6AG

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Further information on the subject of this report is available from Mr C Brace on 01432 261947

## **Draft Heads of Terms Section 106 Agreement**

### **Schedule**

#### **Definitions:**

“Permitted Amount” means:

In relation to the training function of the Development 16 vehicle trips (this being 8 vehicle trips to and from the Development) in any day unless otherwise agreed in writing by the Council; and

In relation to the holiday accommodation function of the Development the on-site parking of a maximum of 8 vehicles in any day unless otherwise agreed in writing by the Council

“Travel Plan” means the travel plan annexed to this Agreement

“Trip Excess Measure A” means the installation at the Owner’s expense of CCTV cameras in location previously approved in writing by the Council to monitor vehicle movements to and from the Development and in the vicinity of the adjacent highway

“Trip Excess Measure B” means the construction on the local highway network of as many passing bays as the Council as local highway authority shall require and thereafter any other sustainable transport improvements in the locality of the Development at the Council’s discretion including but not limited to improvements to the public right of way network and bus infrastructure

“Trip Excess Sum” means the sum of £13, 516.00 (thirteen thousand five hundred and sixteen pounds) payable in respect of every single vehicle trip or parked vehicle in excess of the Permitted Amount.

#### **Covenant**

1. Not to use or occupy the Development except in accordance with the aims and objectives of the Travel Plan; and
2. Not to use or occupy the Development unless:
  - (a) full details of a manual system to monitor vehicle trips to and from the Development have been submitted to and approved in writing by the Council; and
  - (b) the system referred to in (a) has been implemented and is operating to the satisfaction of the Council

The details to be submitted pursuant to (a) above shall include:

- how the system will be maintained
- how the data will be collected and the frequency of collection

- how the results will be reported to the Council and the frequency of such reports (which shall be reported on 72 hours notice in the event of either (a) concerns raised by the Council that the number of vehicle trips and/or vehicle parking may exceed the Permitted Amount or (b) complaints made to the Council by members of the public that the number of vehicle trips and/or vehicle parking may exceed the Permitted Amount);
- 3. If at any time the Council determines that number of vehicle trips to and from the Development and/or vehicle parking as recorded by the said approved system exceeds the Permitted Amount the Owner within 28 days of receipt of notice of the number of vehicle trip and/or vehicle parking s exceeding the Permitted Amount shall immediately implement Trip Excess Measure A.
- 4. Each and every time that the Council at its discretion determines that the number of vehicle trips to and from the Development and/or vehicle parking as recorded by Trip Excess Measure A exceeds the Permitted Amount the Owner within 28 days of receipt of notice of the number of vehicle trips and/or vehicle parking exceeding the Permitted Amount shall pay to the Council the Trip Excess Sum.
- 5. Any further vehicle movements and/or vehicle parking in excess of the Permitted Amount as determined by the Council pursuant to clause 4 above shall require further payments by the Owner of a Trip Excess Sum
- 6 Each Trip Excess Sum shall be expended by the Council only upon Trip Excess Measure B.

## Llanycoed Travel Management Plan

Attached is the traffic management plan for Llanycoed Farm Development

### NOTES:

1. The farm is a working sheep farm, diversification is required to make the farm work
2. Additional income will be generated from, holiday lets & training.
3. There will be 5 geo domes and 3 cottages.
4. It is envisaged in year 1 of the business running we will have 2 cottages & 5 geo-domes. The 3<sup>rd</sup> cottage will be built in the next 2 years.
5. This travel plan is for guests of the new holiday/training business (8 cars)
6. Residential & guests to our farmhouse and vehicles that have a right of access through the farm-yard The Old Man and Old Wood Cottage are out of scope for this travel plan.
7. The traffic plan in principle:
  - We will actively manage the business to ensure:
    - the business attracts only 8 additional cars.
    - they don't arrive and leave at the same time
    - peak times on existing background traffic are avoided
    - activities/facilities on the farm to avoid frequent trips to & fro using the roads
  - We will manage this prior to booking and during their stay
  - Our proof will be booking sheets and if required as a secondary measure CCTV footage (due to costs of storage of large video files we can only keep data for 1 month)
  - After 6 month (trial period) of operating we will review with HCC.

	<b>GEO-DOMES (5 units)</b>	<b>COTTAGES (3 units)</b>	<b>TRAINING</b>
<b>No of Vehicles planned</b>	5	3	1-8
<b>How to manage no of vehicles</b>	<ul style="list-style-type: none"> <li>• Booking form: Restriction 1 car per unit And Reg Number details</li> </ul>	<ul style="list-style-type: none"> <li>• Booking form: Restriction 1 car per unit And Reg Number details</li> </ul>	<ul style="list-style-type: none"> <li>• Part of the training package we offer will allow for mini bus pick up &amp; drop off from corporate HQ</li> <li>• Alternative will be car share And Reg number details will be required for booking confirmation</li> <li>• Legal Contract will restrict vehicles to no more than 8 vehicles</li> </ul>
<b>Monitoring</b>	<ul style="list-style-type: none"> <li>• Booking Forms kept for a year)</li> <li>• If required we will install CCTV as a secondary measure in car park (data kept for 1 month)</li> <li>• Cross-reference with CCTV footage and booking forms as some cars will be our own/or our friends or family.</li> </ul>	<ul style="list-style-type: none"> <li>• Booking Forms kept for a year)</li> <li>• If required we will install CCTV as a secondary measure in car park (data kept for 1 month)</li> <li>• Cross-reference with CCTV footage and booking forms as some cars will be our own/or our friends or family.</li> </ul>	<ul style="list-style-type: none"> <li>• Booking Forms &amp; Contracts kept for a year)</li> <li>• If required we will install CCTV as a secondary measure in car park (data kept for 1 month)</li> <li>• Cross-reference</li> <li>• CCTV footage cross referenced with booking forms as some cars will be our own/or our friends or family.</li> </ul>
	<b>GEO-DOMES (5 units)</b>	<b>COTTAGES (3 units)</b>	<b>TRAINING</b>
<b>Measures</b>	<ul style="list-style-type: none"> <li>• Monthly recon to see expected vs. actual cars</li> <li>• A 6 month review will take place with HCC and thereafter annual update</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly recon to see expected vs. actual cars</li> <li>• A 6 month review will take place with HCC and thereafter annual update</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly recon to see expected vs. actual cars</li> <li>• A 6 month review will take place with HCC and thereafter annual update</li> </ul>
<b>Avoiding</b>	<ul style="list-style-type: none"> <li>• Check in 2.30</li> </ul>	<ul style="list-style-type: none"> <li>• Check in 2.30</li> </ul>	<ul style="list-style-type: none"> <li>• Check in 2.30</li> </ul>

Further information on the subject of this report is available from Mr C Brace on 01432 261947

<p><b>Background Peak</b> On average Week day peaks are 8.00-9.00am &amp; 3.00-4.00 And week-end peak flows are 12.00-13.00</p>	<ul style="list-style-type: none"> <li>• Check out 10.30</li> </ul>	<ul style="list-style-type: none"> <li>• Check out 10.30</li> </ul>	<ul style="list-style-type: none"> <li>• Check out 10.30</li> <li>• We will dictate the training agenda and we will allow for a max of 8 vehicle x 2 way trips per day.</li> <li>• A record of these trips will be kept</li> </ul>
<p><b>How to manage</b></p>	<ul style="list-style-type: none"> <li>• We will offer Short breaks and week long breaks which will mean different units will have check in and check out on different days spreading the traffic load</li> <li>• Communication of check in and check out times upon booking, prior to them arriving &amp; on website</li> <li>• 50% of our guests will come after work (from 5.00pm) in the evening and 50% during the stipulated check in times. This is normally staggered naturally</li> <li>• We are selling Farm Holidays, Farm Activities, Farm Shop, Some Catered Food, list of what to bring. This will keep them on the farm and will be communicated prior on the website and via email</li> </ul>	<ul style="list-style-type: none"> <li>• We will offer Short breaks and week long breaks which will mean different units will have check in and check out on different days spreading the traffic load</li> <li>• Communication of check in and check out times upon booking, prior to them arriving &amp; on website</li> <li>• 50% of our guests will come after work in the evening and 50% during the stipulated check in times. This is normally staggered naturally</li> <li>• We are selling Farm Holidays, Farm Activities, Farm Shop, Some Catered Food, list of what to bring. This will keep them on the farm and will be communicated prior on the website and via email</li> </ul>	<ul style="list-style-type: none"> <li>• Communication of check in and check out times upon booking, prior to them arriving &amp; on website</li> <li>• The agenda will allow for a max of 8 vehicle x 2 way trips per day avoiding peak times (eg. for dinner &amp; drinks in the evening and for team building activities like canoeing in the morning)</li> <li>• We are selling Training with a set agenda and this will be communicated prior via email</li> </ul>

