

# AGENDA

## Planning Committee

Date: **Wednesday 18 November 2015**

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Time: **10.00 am**

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Place: **Council Chamber, The Shire Hall, 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 J Hardwick**

**Councillor BA Baker**

**Councillor CR Butler**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor EL Holton**

**Councillor JA Hyde**

**Councillor TM James**

**Councillor JLV Kenyon**

**Councillor FM Norman**

**Councillor AJW Powers**

**Councillor A Seldon**

**Councillor WC Skelton**

**Councillor EJ Swinglehurst**

**Councillor LC Tawn**

## 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 28 October 2015.</p>	7 - 18
5.	<p><b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
6.	<p><b>APPEALS</b></p> <p>To be noted.</p>	19 - 22
7.	<p><b>150990 - THE MEADOWS, ALMELEY, HEREFORD, HR3 6LQ</b></p> <p>Proposed erection of two agricultural buildings, feed bins and associated development for pig rearing.</p>	23 - 46
8.	<p><b>132707 - LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE</b></p> <p>Site for the erection of up to 89 dwellings including affordable housing. Construction of vehicular access and other associated works.</p>	47 - 76
9.	<p><b>152240 - LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD</b></p> <p>Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage.</p>	77 - 84
10.	<p><b>152246 - 1 ST MARTINS STREET, HEREFORD, HEREFORDSHIRE, HR2 7RD</b></p> <p>Proposed conversion of former pub function rooms into 6 self-contained apartments and external stair to north elevation.</p>	85 - 90
11.	<p><b>151630 - LAND AT APPLEWOOD HOUSE, BRIDSTOW, ROSS ON WYE</b></p> <p>Proposed erection of one dwelling.</p>	91 - 100
12.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next site inspection – 8 December 2015</p> <p>Date of next meeting – 9 December 2015</p>	



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 28 October 2015 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**In attendance:** Councillor BA Durkin

**85. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor DW Greenow.

**86. NAMED SUBSTITUTES**

None.

**87. DECLARATIONS OF INTEREST**

**Agenda item 7: Land to the South of Chapel Lane, Bodenham Moor**

Councillor J Hardwick declared a non-pecuniary interest as a member of the River Lugg Internal Drainage Board.

**Agenda item 9: Land off Fernbank Road, Ross-on-Wye**

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

**Agenda item 10: Land West of Larksmead, Church Road, Brampton Abbots.**

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

**88. MINUTES**

**RESOLVED:** That the Minutes of the meetings held on 7 October 2015 be approved as a correct record and signed by the Chairman.

**89. CHAIRMAN'S ANNOUNCEMENTS**

A Member requested that meetings should not be held during a school half-term.

**90. APPEALS**

The Planning Committee noted the report.

**91. 150437 - LAND TO THE SOUTH OF CHAPEL LANE, BODENHAM MOOR, HEREFORDSHIRE**

*(Proposed 49 dwellings including affordable dwellings, associated parking and landscaping.)*

The Principal Planning Officer gave a presentation on the application.

The update issued to the Committee stated that Natural England had withdrawn its objection and accepted the Council's Habitats Screening report. It was also proposed to add a condition relating to slab levels and investigation (contamination).

He noted that if the application was recommended for approval the Secretary of State would have to decide whether or not he wished to call in the application.

In accordance with the criteria for public speaking, Mr T Mitcheson, of Bodenham Parish Council spoke in opposition to the Scheme. Mr Crane, a local resident, spoke in objection. Mr C Austin-Fell, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Baker, spoke on the application.

He made the following principal comments:

- Bodenham Parish Council accepted that Bodenham and Bodenham Moor should accommodate their share of new housing. It was considered that this would be good for the village and support local services. Local people should be able to shape their communities. The emerging Neighbourhood Plan identified suitable sites for the housing required for Bodenham Parish under the Core Strategy. Existing commitments and expected windfall sites amounted to 64 new dwellings in the Bodenham Moor area. This already exceeded the number identified for Bodenham Moor before 2031.
- There was a large livestock operation within 400 metres of the application site with a large slurry lagoon adjacent to the road. The owner had stated his intention to increase the size of the operation. A Planning Inspector had refused an application for a dwelling near to the farm because of serious infestation by flies and offensive smells. The Environmental Health Officer had supported refusal of that application. The Inspector had concluded that there was an unacceptable risk to the living conditions of residents of the proposed development. The proposal to install a slurry separator was not a solution. In fact there was evidence that this might increase the environmental impact. The operation would have an adverse effect on the health and amenity of residents of the new development if it were to proceed.
- The application was speculative. It would increase the size of Bodenham Moor by over 40%. This was not sustainable. It represented overdevelopment contrary to the Neighbourhood Plan.

In the Committee's discussion of the application the following principal points were made:

- Paragraph 17 of the National Planning Policy Framework stated that planning should be "genuinely plan-led, empowering local people to shape their surroundings."



- The Parish Council had expressed its case for opposing the scheme effectively. It was acting responsibly and had indicated that it was willing to accept housing where it considered it to be suitable.
- Concerns were expressed about the effectiveness of the proposed drainage solution and that there would be a flooding risk.
- The development represented overdevelopment and would change the character of Bodenham Moor. It was not proportionate and conflicted with policy RA2.
- The proximity of the development to an intensive livestock operation was of concern.
- It was questioned whether the proposed housing mix was appropriate.
- The applicant's suggestion that an area of the site including an attenuation pond could provide informal open space was questioned.
- There was an absence of infrastructure including transport links.
- The development offered 17 affordable homes and should be supported. An observation was made in response to this point that development already approved at England's Gate would provide affordable housing.
- The Development Manager commented that there were no objections to the proposal from any of the external or internal consultees. There were other houses between the development site and the livestock unit. No weight could be given to the Neighbourhood Plan which had not reached Regulation 14 Stage. The development, being over 10 houses would provide affordable housing. Windfall development would not guarantee affordable housing.
- A Member asserted that case law and ministerial statements indicated that weight could be given to emerging neighbourhood plans.
- The responses from the consultees were not strongly supportive of the application.
- In the absence of a nutrient management action plan, comment in the report in relation to the River Lugg SAC could not be considered robust.
- Windfall developments could deliver affordable housing.
- A Member commented that when Council had been invited to adopt the Core Strategy he had cautioned that the adoption might not provide the assistance to the Planning Committee that many thought it would.
- Producing a Neighbourhood Plan required considerable effort by the local community. It was questioned whether the Council was processing Neighbourhood Plans submitted to it as swiftly as it could. The Development Manager assured the Committee that there was no delay on the Council's part in processing the plans.

The local ward member was given the opportunity to close the debate. He reiterated that the development would have an adverse impact, was unsustainable and undermined the emerging Neighbourhood Plan.

A number of grounds were advanced for refusing the application.

**RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to policies RA2, SS6, LD1 and SD1 and National Planning Policy Framework paragraphs 17 and 58.**

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

**92. 151315 - LAND AT GARRISON HOUSE, ORDNANCE CLOSE, MORETON ON LUGG, HEREFORD, HR4 8DA**

*(Proposed demolition of existing house and erection of 9 dwellings.)*

The Principal Planning Officer gave a presentation on the application.

The update issued to the Committee stated that having regard to Policy H1 it was now considered that there was no policy requirement to control the combined gross floor area of the development as long as the development was of 10 or less dwellings and it was proposed that condition 5 in the published report therefore be deleted.

She added that in response to concerns that had been expressed about highway safety she had sought further comment from the Highways Agency. The Agency had reaffirmed that it had no objection to the application on the grounds of highway safety. The Agency was undertaking a speed survey review in the area. This was due to be completed in January 2016. Subject to the outcome it was proposed to secure funding for a Traffic Regulation Order in the Heads of Terms if it were possible to do so and add to the Heads of Terms.

In accordance with the criteria for public speaking, Mrs R Floyd and Mr D Ellis, local residents, spoke in objection to the application. Mr N Williams, the applicant, spoke in support.

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

Her principal concern was about access to and egress from the site. The stretch of road from Moreton on Lugg to Moreton Business Park had experienced a cluster of serious accidents in recent months including two fatalities. She commented on the danger in turning right into the access and the cumulative effect on traffic of developments along the road. The accident data did not accurately reflect the position.

In the Committee's discussion of the application the following principal points were made:

- The National Planning Policy Framework stated that development should only be refused on transport grounds where the residual cumulative impacts of development were severe. The impacts in relation to this application were severe..
- It was proposed that consideration of the application should be deferred pending the outcome of the Highways Agency's speed survey. The Development Manager commented that the Highways Agency considered the current access to be satisfactory. The outcome of the speed survey would not lead to any deterioration in the safety of the access.

A motion that consideration of the application be deferred was lost.

- There was a view that the mature trees on the site should be retained.
- The absence of any affordable housing provision was regrettable.
- The A49 was a busy road but it had to be accepted that development would take place along it. The key was to ensure that appropriate safety measures were put in place for the development. These would benefit existing residents too. It was requested that an informative be added urging the highways agency to impose a lower speed limit.
- There was no right hand turn lane, only a sign saying private road. There was a risk that a car overtaking another would collide with a vehicle waiting to turn right.
- It was questioned, as the access road was unadopted, whether other residents could refuse access to construction traffic. The legal adviser stated that it would depend on the nature of the legal agreement for the unadopted road. The Development Manager commented that that was a civil matter between the road owners.
- The site was already developed and the proposed replacement housing was of good design.
- The Development Manager commented that no weight could be given to the Neighbourhood Plan; the density of the proposed development was relatively low and the layout was compatible with adjoining areas. The key issue was the access from the A49. The Highways Agency had stated that the access was acceptable and could accommodate the proposed development.
- The local ward member was given the opportunity to close the debate. She reiterated that highway safety was the key concern and anything that could be done to improve the situation would be welcome.

**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:**

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. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **G05 Pre-Development tree work**
8. **G04 Protection of trees/hedgerows that are to be retained**
9. **G11 Landscaping scheme - implementation**

10. H13 Access, turning area and parking
11. H18 On site roads - submission of details
12. H29 Secure covered cycle parking provision
13. H27 Parking for site operatives
14. I16 Restriction of hours during construction
15. The recommendations for species and habitat enhancements set out in Section 5 of the ecologist's report from Protected Species Surveys dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

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

16. L01 Foul/surface water drainage
17. L02 No surface water to connect to public system
18. L03 No drainage run-off to public system
19. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

#### **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. N03 - Access Rights

### 93. 151189 - LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE,

*(Proposed demolition of existing agricultural building and erection of 5 no, four bedroom detached dwellings. Alterations to existing vehicular access, landscaping and other associated works,)*

*(Councillor J Hardwick, Vice-Chairman, in the chair.)*

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr N Rodger a local resident, spoke in objection to the application. Mr N Callow, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor PGH Cutter, spoke on the application.

He made the following principal comments:

- The development was not welcomed by the existing local residents. He supported their concerns. However, he noted that some 900 homes were required to be built in Ross-on-Wye under the Core Strategy.
- He expressed a number of concerns about overlooking, and the elevation and orientation of the dwelling on plot 1 in particular.
- Account needed to be taken of the fact that the site was within the Wye Valley AONB.
- If the development were to be approved footpath and cycleway provision would be of benefit, having particular regard to children living in the development.

In the Committee's discussion of the application the following principal points were made:

- It was asked if a condition could be placed upon the access to prevent it being used to open up further development of the area.
- There were no objections from Ross-on-Wye Town Council, the Wye Valley AONB partnership or from any of the other consultees.
- The issues of overlooking and slab levels and drainage needed to be addressed. There was a concern that surface water would be directed from the site onto the road and houses below.
- One point of view was that exceptional design was required in the AONB and the scheme was not exceptional. Another view was that the development's design was suitable and in keeping with adjoining development.
- The development was greenfield development in the AONB and the NPPF and Core Strategy required that brownfield development should be considered first.

- The development would set a precedent for a new building line and mitigation measures were therefore important.
- In response to a question about the assessment of the site in the Strategic Housing Land Availability Assessment, the Development Manager commented that he did not have that information to hand but in any event the SHLAA was high level in its analysis. The application was designed to mitigate the impact and officers considered the scheme acceptable.
- He added that the scheme included significant landscaping measures that over time would provide a substantial buffer. Caution would need to be exercised over amendments to the layout.

The local ward member was given the opportunity to close the debate. He reiterated that the development was not ideal and he remained concerned about overlooking and the elevation of the plots.

The Development Manager commented that conditions could be added in relation to the access. He also suggested including conditions in relation to slab levels and to drainage, requiring a drainage solution to be submitted before development commenced. He suggested that the reorientation of plot 1 was something that might helpfully be discussed with the Vice-Chairman and the local ward member.

**RESOLVED: That subject to further discussions with the applicants regarding the orientation of plot 1 and consultation with the Vice-Chairman and the local ward member officers named in the Scheme of Delegation to Officers are authorised to grant planning permission subject to the conditions below and any other further conditions considered necessary:**

1. **A01 – Time limit for commencement**
2. **B02 – Development in accordance with approved plans and details**
3. **The recommendations set out in Section 6 the ecologist’s report from Focus Ecology dated October 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.**

4. **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 NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.**

5. **Foul water and surface water discharges shall be drained separately from the site.**

**Reason: To protect the integrity of the public sewerage system.**

6. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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

7. **Public footpaths RR9 and ZK33 shall not at any time during or after the construction phase be obstructed by the development.**

**Reason: To comply with Herefordshire Unitary Development Plan policies DR2, DR3**

8. **H03 – Visibility Splays 2.4 - 51 (mfs 2 2 seconds)**
9. **H06 – Vehicular access construction**
10. **H09 – Driveway gradient**
11. **H13 – Access, turning area and parking**
12. **H18 – On site roads - submission of details**
13. **H17 – Junction improvement/off site works**
14. **H20 – Road completion in 2 years**
15. **H27 – Parking for site operatives**
16. **H29 – Covered and secure cycle parking provision**
17. **G01 – Earthworks**
18. **G02 – Retention of trees and hedgerows**
19. **G03 – Retention of existing trees/hedgerows: scope of information required**
20. **G04 – Protection of trees/hedgerows that are to be retained**
21. **G05 – Pre-Development tree work**
22. **G09 – Details of Boundary treatments**
23. **G10 – Landscaping scheme**
24. **G11 – Landscaping scheme – implementation**
25. **C01 – Samples of external materials**
26. **F07 – Domestic use only of garage**

27. **F14 – Removal of permitted development rights**
- 28 **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy**

**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. **Welsh Water Informatives**
3. **HN01 – Mud on highways**
4. **HN04 – Private apparatus in the highway**
5. **HN05 – Works within the highway**
6. **HN08 – Section 38 Agreement & Drainage details**
7. **HN10 – No drainage to highway**
8. **HN22 – Works adjoining highway**
9. **HN24 – Drainage other than via highway system**
10. **HN28 – Highways Design Guide and Specification**

**94. 151299 - LAND WEST OF LARKSMEAD, CHURCH ROAD, BRAMPTON ABBOTTS, HEREFORDSHIRE, HR9 7JE**

*(Proposed new dwelling.)*

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Teague, a local resident, spoke in objection to the application.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin spoke on the application.

He made the following principal comments:

- The site was in the AONB and in a prominent elevated position on the skyline. It was a greenfield site, the design was not of a high standard and the development was not sustainable. It would have a harmful effect.



- The Parish Council was opposed to the proposal. A number of local residents had expressed concerns to him about the development although they had not submitted written representations.
- In terms of the planning history, in dismissing the appeal referred to at paragraph 3.1 of the report, the Inspector had commented that development on the site would have had a damaging effect. In 1998 an outline application had been refused. In 2014 the current applicant had withdrawn an application on officer advice.
- The proposal was not in line with the emerging Neighbourhood Plan. The local neighbourhood planning group had identified more appropriate sites for development. The Parish Council believed that it could achieve the development required by the Core Strategy by the end of 2031.

In the Committee's discussion of the application the following principal points were made:

- The development was exposed and highly visible. It would have an adverse impact on the amenity of Larksmead and on the AONB.
- The development was contrary to policy RA2 as it did not make a positive contribution to the AONB and it was not in the main built up area.
- The design was not of a high standard.
- There was no justification for the development.
- Paragraph 64 of the NPPF provided grounds for refusal.
- The development would be an improvement on the existing structures that it would replace.

The Development Manager commented that design was a subjective matter. The Scheme did seek to minimise the impact of the development. He considered the property to be a good example of modern design in context.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme.

A number of grounds for refusal were advanced.

**RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to policies LD1, SD1 and the National Planning Policy Framework.**

## 95. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 1.40 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**CLASSIFICATION:** Open

## Wards Affected

Countywide

## Purpose

To note the progress in respect of the following appeals.

## Key Decision

This is not an executive decision

## Recommendation

**That the report be noted.**

## APPEALS RECEIVED

### Application 143296

- The appeal was received on 6 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Professor Geoffrey R Sampson
- The site is located at Yarlington Mill, Putley, Ledbury, Herefordshire, HR8 2QL
- The development proposed is proposed new porch and form window in elevation.
- The appeal is to be heard by Householder Procedure

**Case Officer: Mr Andrew Stock on 01432 383093**

### Application 150013

- The appeal was received on 22 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs M Cleves
- The site is located at Towns End Cottage, 10 Hereford Road, Leominster, Herefordshire, HR6 8JU
- The development proposed is Site for proposed residential development.
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 150681**

- The appeal was received on 21 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Hereford Oak Buildings Ltd
- The site is located at Land at Shirl Heath, Kingsland, Leominster, Herefordshire
- The development proposed is Proposed 6 no. dwellings and 4 no. garages.
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 143609**

- The appeal was received on 22 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr & Mrs G Turner
- The site is located at Land off Highwell Lane, Bromyard, Herefordshire, HR7 4DG
- The development proposed is Proposed 5 bedroom farmhouse and 3 bedroom cottage with associated garages and driveway.
- The appeal is to be heard by Written Representations

**Case Officer: Mr A Prior on 01432 261932**

**Application 151771**

- The appeal was received on 23 October 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by P J & Z S Davenport c/o Agent
- The site is located at Land at Hinton Manor, Eardisland, Herefordshire, HR6 9BG
- The development proposed is Proposed conversion of two grain silos to a single dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Mr Andrew Stock on 01432 383093**

## ***APPEALS WITHDRAWN***

**Enforcement Notice 152894, 152902, 152903 & 152904**

- The appeal was received on 24 September 2015
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeals were brought by Mr Simon Porter, Mr Mark Porter; Ms Caroline Constance & Ms Amanda Gething-Lewis
- The site is located at Land at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH
- The breach of planning control alleged in this notice is:
  - Without planning permission unauthorised operational development in the form of deposit of spoil upon that part of the land.
- The requirements of the notice are:

1. Permanently remove the deposited spoil from the land.
2. Permanently re-instate the original level of the land within the said area to that pertained prior to the breach of planning control.
3. Fully grass-seed the said area of land.

**Decision:**

- The appeal was Withdrawn on 20 October 2015

**Case Officer: Mr Roland Close on 01432 261803**

## ***APPEALS DETERMINED***

### **Application 143833**

- The appeal was received on 25 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mrs Alice Hayter
- The site is located at Lavender Cottage, Common Hill, Fownhope, Hereford, Herefordshire, HR1 4QA
- Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from Orchard to residential.
- The main issues are the effect of the proposal on, firstly, Lavender Cottage and, secondly, the landscape of the Wye Valley Area of Outstanding Natural Beauty (AONB).

**Decision:**

- The application was Refused at Planning Committee against Officer Recommendation on 15 April 2015
- The appeal was Allowed on 6 November 2015

**Case Officer: Mrs Charlotte Atkins on 01432 260536**

### **Application 143290**

- The appeal was received on 26 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Peter Clay
- The site is located at Parlours Barn, Brockhampton, Herefordshire, HR1 4SE
- The development proposed was Proposed alternative arrangement of parking area.
- The main issue is the effect of the development on the character and appearance of the area and the setting of Parlours Barn.

**Decision:**

- The application was Refused under Delegated Powers on 17 February 2015
- The appeal was Allowed on 6 November 2015
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

**Case Officer: Mrs Charlotte Atkins on 01432 260536**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>150990 - PROPOSED ERECTION OF TWO AGRICULTURAL BUILDINGS, FEED BINS AND ASSOCIATED DEVELOPMENT FOR PIG REARING AT THE MEADOWS, ALMELEY, HEREFORD, HR3 6LQ</b>  <b>For: Mr &amp; Mrs Griffiths per Mr Clark, Berrys, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150990&amp;search=150990">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150990&amp;search=150990</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 2 April 2015**

**Ward: Castle**

**Grid Ref: 334049,251522**

**Expiry Date: 23 July 2015**

Local Member: Councillor WC Skelton

## 1. Site Description and Proposal

- 1.1 The Meadows lies on the south side of the C1079 road on the eastern outskirts of the village of Almeley. The farmhouse lies close to the road with a number of modest sized buildings running south easterly. The proposal is for the erection of two pig rearing buildings and associated feed silos with hardstanding, as a continuation of the line of buildings.
- 1.2 The buildings measure 60.96m x 15.24m with a ridge height of 6.309m and eaves of 4.267m. The ridge would be mounted with up to ten vents with fans. Each building would be served by a feed silo at the northern end of the building, at approximately 8.1m high. Deliveries would be from a new concrete hardstanding at this end, with a further concrete area at the other end of the building, where cleaning would take place. A storm water harvesting tank and dirty water tank are also proposed.
- 1.3 A public footpath, AM22A runs from the C1079 past the farmhouse southwards close to the existing buildings then runs along the northern boundary of the field within which the new buildings are proposed. Footpath AM17 runs east/west through the field immediately to the south of the site, and AM5 approximately 400m to the west. The site is not located within an area of any special landscape designation. According to the Council's landscape classification it is identified as Principal Timbered Farmland. The land is identified as grade 2 agricultural land.
- 1.4 The nearest dwellings are Wingles Cross Cottage, adjacent to the farm house, approximately 170m north of the site and Wingles Cross a listed building on the opposite side of the road from the farmhouse, at approximately 190m. The next nearest dwelling lies on the edge of the village at just over 300m.

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- 1.5 The application is subject to Environmental Impact Assessment Regulations and is accompanied by an Environmental Impact Assessment, including coverage of the following matters: odour, noise, transport, amenity, ecology, ammonia dispersion, landscape, historic heritage, cumulative impact and site selection.

## 2. Policies

### 2.1 Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA6	-	Rural economy
MT1	-	Traffic management, highway safety and promoting active travel
E1	-	Employment provision
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

### 2.2 National Planning Policy Framework 2012. In particular:

Introduction	-	Achieving sustainable development
Section 3	-	Supporting a prosperous rural economy
Section 11	-	Conserving and enhancing the natural environment
Section 12	-	Conserving and enhancing the historic environment

- 2.4 The Herefordshire Local Plan – Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy>

## 3. Planning History

- 3.1 Ref 143561 - Proposed erection of two new purpose built buildings for the housing and rearing of pigs- withdrawn 12<sup>th</sup> January 2015.

## 4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency - No objection.

**Environmental Permit Regulations (EPR):** The proposed development will accommodate a maximum of 1,950 rearing pigs which falls below the threshold for the applicant requiring an Environmental Permit (EP). For your information intensive farms with a capacity exceeding thresholds require a permit under the Integrated Pollution Prevention and Control Directive (IPPC). IPPC is implemented in England and Wales through the Environmental Permitting Regulations (EPR). EPR applies to farms with the capacity for more than:

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



- 750 Sows
- 2,000 production pigs over 30kg and
- 40,000 poultry

As the proposed development falls under the abovementioned 2,000 pig threshold we would expect your Environmental Health team, as the regulating body, to comment upon the suitability of the proposed development in terms of odour, noise and public nuisance.

**Pollution Prevention:** Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

**Flood Risk:** The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect on surface water run-off.

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

#### 4.2 Welsh Water - no objection

On the basis no flows are discharged directly or indirectly to the public sewerage system Welsh Water have no further comment on this application.

#### 4.3 Natural England:

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

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 5km of the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

impacts that a plan or project may have.

### **SAC- No objection with condition and comments**

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided and the condition advised below, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- Ammonia Dispersion Modelling Study for the proposed pig rearing buildings at the Meadow Farm, Almeley, Herefordshire
- Berrys letter dated the 22 June 2015

### **Condition**

To avoid damage to the special interest of the above named SAC, a condition requiring a Dirty Water and Manure Management Plan should be submitted and agreed with the council prior to commencement of any works. The Dirty Water and Manure Management Plan should describe how they will prevent diffuse pollution entering the watercourses and ultimately the River Wye SAC.

### **Comments**

We would like to make a few comments regarding the Ammonia Dispersion Modelling Study. Though we are satisfied overall with the report there are a few points we would like to make. The aim of the report was to study six identified SSSIs and one SAC within 5 km (page 1). It should be noted that all European protected sites within 10km and all SSSI within 5km should be assessed. See page 23 of Environmental Agency- H1 Annex B- Intensive Farming. We note that there are six SSSI (The Struts, Quebb Meadow, the Birches, Upper Welson Marsh, and Bushy Hazels & Cwmma Moors, The River Wye) within 5km and one SAC (the River Wye) within 10km. On page 2 of the report, it is stated that "The River Wye SSSI & SAC is an aquatic site which does not have an ammonia Critical Level or Critical Load. This is incorrect. The River Wye SAC/SSSI is notified for a number of features including aquatic features, vascular plants, invertebrates, breeding nationally rare fish species, otters and bryophytes. Some of these features like bryophytes for example are sensitive to air pollution and therefore it would not be appropriate to assign no ammonia critical level or critical load to a section of the river which has a notified air pollution sensitive feature. We do note that the report screened the River Wye SAC/ SSSI against a critical level of 1µg/m.

### **The River Wye SSSI - No Objection with condition**

This application is within 5km of The River Wye Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted and the condition requested (see above). We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

### **The Struts SSSI, Quebb Meadow SSSI, the Birches SSSI, Upper Welson Marsh SSSI, and Bushy Hazels & Cwmma Moors SSSI -No objection – no conditions requested**

This application is within 5km of The Struts SSSI, Quebb Meadow SSSI, the Birches SSSI, Upper Welson Marsh SSSI, and Bushy Hazels & Cwmma Moors SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

#### **Other advice**

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

#### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

In response to further consultation-

Having read the further information we would refer the Authority back to our previous response dated the 7 August 2015 and the advice we provided in our letter which is still applies. We note that there is some inconsistencies regarding amounts of manure and levels of lorry movements. It is for the Local Planning Authority to assess whether the figures provided are correct. It is now proposed that a portion of the manure is removed off the site by a third party. It is our understanding that manure taken off site would not be covered by planning, but may be regulated if it is spread in a Nitrate Vulnerable Zone, or within a Site of special scientific interest under the Wildlife and Countryside Act 1981 (as amended).

Internal Council Consultees

#### **4.4 Environmental Health**

The problems most commonly associated with the operational activities of this type of development are:-

1. Odour, directly from the pig rearing houses and is also a problem often associated with the storage, disposal and spreading of manures.
2. Noise, from ventilation systems, deliveries and cleaning of the rearing sheds.
3. Dust, from ventilation systems.

4. Emissions of ammonia.
5. Pollution of water courses, water supplies etc.
6. Insect and rodent infestations.

In addition to the operational concerns there is potential of pollution associated with developments involving substantial construction works during the e.g. by noise, dust etc.

#### 4.5 The application has addressed these matters in the following manner:

1. An Assessment of the Odour Impact of the Proposed Pig Rearing Buildings at the Meadows Farm has been prepared by ADAS UK Ltd, reference No:CEN4120 Dated March 2015. This assessment suggests that Environment Agency guidelines for odour emissions from intensive livestock operations might be too onerous and not necessarily applicable to this proposal. Whilst it is for 1,950 pigs and falls below the threshold of 2000 pigs which would require an Environmental Permit from the Environment Agency it is my opinion that the advice provided by Agency in its document H4 Odour Management is appropriate and that the modelling methodologies and odour benchmarks should apply i.e. that the hourly meteorological data used should be for a period of at least 3 years, preferably 5 and that the 98th percentile of hourly average concentrations of odour modelled for an average year should not exceed 3 odour units. This being the level set for moderately offensive odours which have been questioned by concerned residents, however intensive livestock units are specifically identified in the document as a process falling within this category. Whilst the results of the odour assessment take into account the intensity, duration frequency and offensiveness of the odour, a person's response to an odour is also dependant on their tolerance and expectations and these can be influenced by the type of locality. As Almeley lies within a predominantly agricultural area it could be considered that it might not be unreasonable to expect some odours of an agricultural nature and therefore I suggest that in the absence of any other appropriate advice that it would be inappropriate to use a lower limit as the benchmark. The Assessment concludes that the '5 year mean 98th percentile hourly mean odour exposure concentrations at all receptor points are below the benchmark range of 3.0ou<sup>2</sup>/m<sup>3</sup>(odour units) to 5.0ou<sup>2</sup>./m<sup>3</sup> and also below the EA H4 benchmark of 3.0ou<sup>2</sup>/m<sup>3</sup> at all discreet receptor points, representing nearby residential properties. It therefore follows that modelled emissions from the pig rearing unit would not result in any significant loss of local amenity.'
2. **Disposal of Manures and Wastes** - Concerns have been raised about nuisance caused by the storage and spreading of manures and whilst the above assessment does not consider the odours that might be emanate from field manure stores or manure spreading supporting documentation presented with the application make reference to the DEFRA Code of Good Agricultural Practice for Farmers, Growers and Land Managers 'Protecting our Water Soil and Air' which recognises that the use of manures as fertiliser is good practice and provides advice on how problems caused by the storage and spreading of manures and wastes may be best managed, including the reduction of odorous emissions. Manures should only be spread on land in beneficial quantities and although this is controlled by the Environment Agency the Council could consider imposing controls through planning conditions as regards the locations of field stores and where and how manures can be spread. This would be in addition to the Dirty Water and Manure Management plan the farm is required to provide for the Agency in that it will give consideration to the protection of neighbours from nuisance. However, should nuisance be caused by the storage and spreading of manures, separate and distinct from these powers are available to the Council to require that 'Best Practicable Means' is used to prevent smell nuisance.

3. A noise impact assessment of predicted noise levels, report dated the 30th March 2015, has been undertaken and submitted with the application. The report concludes that 'impact of any site generated noise relative to HGV movements along local road network is insignificant ' and that the' assessment indicates no significant impacts to slight significance in terms of residual impacts after the introduction of mitigation measures. The above therefore shows that there is no reason in terms of noise to refuse planning permission for this proposed development.' There is criticism of the use BS4142 to assess noise from mechanical sources. The standard is clearly applicable however the 2014 version advises that in situations of unusual noise levels that the results of the assessment should be interpreted with care e.g. that absolute noise levels rather than the rating level obtained using the method prescribed by the standard may be of greater relevance. It is Environmental Health's view that it is good practice to undertake a BS4142 assessment for developments falling within it's scope but that the results should be interpreted appropriately. Concerns have also been raised about the Baseline Noise monitoring however it is my experience that the levels reported are typical of those that would be expected in this type of locality .The BS4142 for the night time period provides a rating level +5 dB. According to the standard this is 'likely to be an indication of adverse impact depending on context.' However the predicted sound levels at the nearest properties are very low and having regard to World Health Organisation advice and BS 8332:2014 the absolute level would not be of concern. Predicted daytime sound levels are consistent with the level of existing ambient sounds and of the sort that could be expected in this type of location.
4. Pig rearing sheds can be a source of dust/particulate emissions however due to the separation from neighbours it is unlikely that this will be a problem. DEFRA research on poultry houses Project AC0104 states that particulate from those reduced to background levels within 100meters.
5. A Dispersion Modelling Study for the proposed Pig Rearing Buildings has been produced that concludes that the contribution to atmospheric ammonia at the modelling points representing sensitive locations would be insignificant. Ammonia is emitted to air from a number of sources, industrial, road traffic and significantly from agriculture. The main concerns about ammonia emissions relate to acidification where chemical reactions involving air pollutants create acidic compounds that can cause harm to the environment and to eutrophication where nitrogen can be deposited in soils or rivers and lakes through rain affecting the nutrient levels and diversity in sensitive environments. To some extent due as a consequence of chemical reactions in the air it can contribute to particulates in air. The control of ammonia emissions does not generally fall within the remit of Environmental Health.
6. There appear to be no private water supplies that would be put at risk by this development. I would also refer you to my comments on manures and the Code of Good Agricultural practice which also provides advice on how to avoid pollution of water. The protection of controlled waters falls within the remit of the Environment Agency who can take action against those that cause pollution.
7. Proper and robust pest control regimes can ensure that undue problems are not caused by insects or rodents. Consideration could be given to a planning requirement for an approved pest management protocol however the provisions of the Prevention of Damage by Pests Act 1949 and The Environmental Protection Act 1990 provide adequate powers to the Local Authority to require remedial action should problems occur.

4.6 The noise assessment has given consideration to construction noise and advises that levels will be within acceptable limits. The Control of Pollution Act 1974 provides a regime and powers to

the Local Authority to ensure that this is done. The Environmental Protection Act 1990 provides the powers to address any other statutory nuisances.

In conclusion it is my opinion that it would be difficult to defend a challenge to any refusal of this proposal on grounds of unacceptable noise, odour or dust from the pig rearing sheds and proper pest control measures would ensure that these are not a problem. Whilst the manure spreading may at times be an issue, subject to the controls outlined above manures from other sources can already be spread on the applicants land and any manures should only be used at an amount that provides an appropriate amount of nutrient to the land.

4.7 If it is minded to grant permission I would suggest that conditions are enclosed:

- requiring prior approval of a manure and waste water management plan which considers nuisance to neighbours
- Sheeting/enclosure of vehicles use to carry manures and wastes
- Prior approval of a noise management plan which should reflect the advice on mitigation measures identified in the noise assessment (7.1) including the restrictions identified on night time activity.

4.8 I have had opportunity to consider the Marches Planning and Property Consultancy's observations on my initial consultation response and would take this opportunity to make further comment.

1. To clarify the Environment Agency is the enforcing body that regulates what materials and how much may be spread on land so that this is done in a beneficial manner. It is my understanding that it is considered it good practice to provide a manure management plan which identifies the areas of land to be used for the spreading of manures (I note that such a plan has been produced) and to keep records of how much and when the manure is spread to demonstrate that this has been done in a proper manner. Failure to do so could be seen as a contributory factor should any harm be caused by the manure spreading activity and as such may prejudice any defence against any potential enforcement action. The same controls are applicable to both manures produced on or imported onto the farm. In situations where there are particular concerns for example Permitted Premises a formal manure management plan may be required.
2. I was aware that the DEFRA research report AC0104 related to work done on poultry houses. The Environment Agency Science report SCO40021/SRA, whilst accepting that there is some contradiction from the available research data identifies poultry houses, in particular broiler rearing operations, to be generally greater sources of dust and bioaerosols. When considered in its entirety it advises that although there is evidence to show the potential for ambient bioaerosol concentrations to be raised by intensive farming activities that there is insufficient evidence as to the potential for adverse health affects, and that further information is required to be confident that any detected microorganisms and endotoxins do actually come from livestock buildings and not the wider environment.
3. The ammonia dispersion modelling does not show that the same level of ammonia would be experienced at the neighbouring properties as at the pig rearing sheds; rather it shows that they lie within the same ammonia contour level i.e. over 1 microgram/m<sup>3</sup>. In general the further away a point is from the source the lower the concentration. The Public Health England report does not identify environmental ammonia as a hazard to health and the concentrations of ammonia to which it makes reference are many times greater than those expected from the pig rearing sheds.

4.9 Finally I remain of the opinion that it may prove difficult to defend refusal of this application for reasons of potential pollution.

#### 4.10 Public Rights of Way Manager

The proposed buildings would not appear to affect public footpath AM22A. No objection.

#### 4.11 Drainage Consultant

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

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This zone comprises land assessed as having a less than 1 in 1000 annual probability of flooding (<0.1%) from rivers. As the site is less than 1 ha, a Flood Risk Assessment (FRA) in accordance with National Planning Policy Framework (NPPF) is not required as part of the planning application.

##### **Surface Water Drainage**

The submitted Environmental Statement states that surface water runoff from the development will discharge to the existing ditch adjacent to the site.

In accordance with the National Standards for Sustainable Drainage and Policy DR4 of the Unitary Development Plan, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity).

The Cranfield University Soils mapping indicates that the soils within the vicinity of the site are 'freely draining' and may therefore have adequate permeability for a soakaway. The Applicant should undertake soil infiltration tests to determine the feasibility of infiltration techniques. The tests should be carried out in accordance with BRE 365 guidance and, at minimum, the results should be submitted to the Council for review prior to construction. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.

If further investigation proves that infiltration is not a feasible method for managing surface water runoff, the rate and volume of discharge to the adjacent watercourse should be restricted to the pre-development Greenfield values where possible. Reference should be made to Defra/EA document 'Preliminary Rainfall Runoff Management for Developments' (Revision E, January 2012) for guidance on calculating Greenfield runoff rates and volumes.

The Applicant should give consideration to the treatment of water prior to discharge. The use of SUDS techniques is considered applicable to a development of this size and nature.

##### **Overall Comment**

We have no objections to the proposed development on flood risk and drainage grounds but recommend the following information is requested as part of planning conditions and submitted to the council prior to construction:

- A detailed drainage strategy, with supporting calculations, showing the location and size of drainage features and demonstrating how discharges from the site are restricted to no greater than pre-developed rates (with climate change allowance).
- Evidence of infiltration testing in accordance with BRE365 to demonstrate the suitability of soakaways. If infiltration is a viable option for surface water management, groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.

- Details of proposed attenuation structures and outfall structures.

#### 4.12 Transportation Manager

The proposal will result in broadly the same highway effects as the current sheep enterprise. No changes are intended to the access, and as the current activities appear to be working without detriment to the highway network, I see no reason to object.

#### 4.13 Conservation Manager (Historic Buildings)

I have reviewed the relevant application material submitted with the application and undertaken a site visit of Almeley village so as to understand the effects of the proposed scheme on the setting of designated heritage assets (listed buildings, a Scheduled Ancient Monument and the Almeley Conservation Area). I visited the site and considered its relationship with nearby heritage assets, as well as more general views from, to, of and between designated heritage assets. I have taken into account relevant national and local policy provision (the NPPF, the NPPG, UDP policy HBA4: Setting of Listed Buildings), the relevant statutory provision and guidance such as Historic England's *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3*. I have also taken note of the findings of the relevant section of the EIA.

The proposed development would be located outside of the Almeley Conservation Area and would not be directly related to the curtilage of a listed building. The issue here is whether the proposed development would cause harm to the significance of the setting of designated heritage assets such as listed buildings, the conservation area and the scheduled ancient monument.

Setting is a broad concept that relates to the surroundings in which a heritage asset can be experienced. Setting can and often relates only to the curtilage within which it is located but often, setting can be more extensive than the immediate boundary of property. Historic England's guidance states that 'Setting is not a heritage asset, nor a heritage designation, though land within a setting may be designated. Its importance is in what it contributes to the significance of the heritage asset.' That is, in considering effects of proposals on the setting of designated heritage assets, the significance of the asset and how the wider area may influence it should be taken into account. UDP Policy sets out that 'Development proposals which would adversely affect the setting of a listed building will not be permitted.'

The Almeley Conservation Area is located some distance from the proposed site. It includes the south-western part of Almeley village, part of the hamlet of Almeley Wotton and a narrow valley known as The Batch that connects the two settlements. The vast majority of the conservation area has no potential to be affected by the proposals given distance from the site, intervening development and landscape features and the local topography. That part of the conservation area in closest proximity to the church and adjacent to its eastern boundary moving south towards the Whittern had the greatest potential to be affected by the proposed site. At the village core, close to the church, the grain of the village is close-knit and the area immediately surrounding the church would not be affected by the scheme. Moving southward, the road drops down the hill and there is no visual connection between the conservation area and the proposed site. Being at a similar level, the area has few clear views out to the east. Views are dominated by the buildings of Bridge Farm. This part of the conservation area feels moderately contained. It therefore is considered that the proposed scheme would not cause harm to the setting of the conservation area for reasons of the site's distance from the core of the conservation area, the lack of physical and visual associations or connections and the amount of intervening development and landscape features. While the site would fall within the conservation area's much wider setting, the significance of the conservation area, which is based on the relationship between existing buildings and the valley to the west, would not be harmed by a development at some distance in the east.



The settings of the listed buildings within the conservation area and beyond were also taken into account in assessing the proposed scheme. Importantly, the contribution of the listed buildings' settings to the significance of the designated assets was considered. In the main listed buildings such as Castle Frome and St Mary's church have very clear significance in terms of their architectural and historic interest and aesthetic, communal and historical value. Often their immediate setting, which includes either surrounding domestic, religious or farmed landscapes or buildings and structures that reflect the rural village quality of the listed buildings, contributes to their significance. I would not consider the proposals to affect the significance of the listed buildings within the conservation area or their settings. As with the conservation area, the proposed site is located some distance from the heritage assets of the village and would not affect designate heritage assets within the village or obscure an appreciation of understanding of their significance.

Having considered all of the relevant listed buildings, only one is in close proximity to the site. This is Wingles Cross, located to the northwest of the proposed site. Wingles Cross is a cottage dating most likely to the 17<sup>th</sup> century, perhaps with 18<sup>th</sup> century alterations. It is a relatively modest timber-framed building which is reflective of the area's historic development and its agricultural use. It is separated from the bulk of the village and set within a setting that includes large open areas to the north of the road and the property and to the south (particularly the south-west). The views of the surrounding landscape and its varied features clearly highlight the agricultural setting (and history of the setting) of the listed building. The Meadows forms part of the wider setting of the listed building but I would not consider the existing site to cause harm to the wider setting of the listed building. The proposed development would be situated further to the south and screened with additional planting. Given the distance of the site from the listed building, the fact that it does not obscure the listed building or overwhelm its presence in the landscape, the existing topography and the proposed landscape plan, I would not consider the proposed scheme to cause harm to the significance of the listed building or that of its setting. I do not consider that the proposals would detract from the setting of the listed building to the degree that the significance of the listed building is obscured. The setting of the listed building and its significance would not be harmed and I therefore have no objection to the proposed scheme.

#### 4.14 Conservation Manager (Landscape)

These are my landscape comments which reference to this application relating to the following planning policy statements:

The National Planning Policy Framework, Item 11, 109 states:

*'The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and soils'*

There will be a loss of valued local environment due to the accumulative size of this proposal when seen in conjunction to existing nearby buildings. There will also be a loss of Grade 2 Agricultural soil which is classified as 'Very good soil' to this proposed development. These two issues will lead to deterioration in the key qualities of this landscape character.

The Herefordshire Unitary Development Plan, following policies state:

S1. Sustainable Development, *'Respecting patterns of local distinctiveness and landscape character in both town and country, safeguarding landscape quality and visual amenity'*

The proposed development would be visible from a number of locations along the public footpaths within the surrounding landscape, in particular when approaching the site from the south and east. As there are existing buildings adjacent to the proposed buildings, there would be an accumulative visual impact when seen from these public rights of way. The proposed tree

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planting on the Landscape Plan will take several years to mature and adequately screen the proposal. This in the short term will have an impact on the visual amenity of this area which would not respect the local distinctiveness and landscape character of this area.

LA2. Landscape Character and areas resilient to change, *'Proposals should demonstrate that landscape character has influenced their design, scale, nature and site selection. Where appropriate, developers will be encouraged to restore degraded or despoiled landscapes to their inherent character'*

There are environmental issues which impact on this site relating to this proposal, such as water pollution. Nutrient rich dirty water is presently being proposed to be spread nearby to the site. This is with reference to proposals on the 'Manure and Dirty Water Management Plan'. There are issues of soil infiltration on this land and potential impacts on the River Wye SSSI which presently has problems with high nutrient levels. Also due to proposed hard surfaces water run off will increase. The site is within a low risk Flood Zone 1.

The site proposals should not impact on any Listed Buildings within this area.

LA5. Protection of trees, woodlands and hedgerows, *'Through the enhancement and protection of individual trees, tree groups woodlands and hedgerows'*

( Since these comments were submitted the Core Strategy has been adopted, the main policy is now LD1).

The Landscape plan shows existing hedgerows to be enhanced and hedgerow trees to be planted, but does not show existing hedgerows and trees to be removed or protected.

### **3. Recommendations**

On the basis of the above landscape comments, I would not object to this application if the following landscape issues are proposed.

- There are standard sized native trees planting at 7m centres to mitigate visual impact. The tree planting is in the same position as the indicative tree planting indicated on the Landscape Plan.
- The provision of a clear and comprehensive Sustainable Drainage proposal for waste water to be treated on site using appropriate attenuation ponds with reed beds/and infiltration systems.

If these above issues are addressed, I would then recommend:

1. The following details to be submitted:

Soft Landscaping:

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

#### Hard Landscaping:

- a) Existing and proposed finished levels or contours
  - b) The position, design and materials of all site enclosure (e.g. fences, gates)
  - c) Layout and other vehicular and pedestrian areas
  - d) Hard surfacing materials to include permeable materials
  - e) Minor structures (e.g. lighting etc.) Any lighting proposals to include minimal night light pollution effects.
  - f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)
2. Sustainable drainage proposals for all runoff water and waste water. The proposed attenuation pond proposals should be clearly identified on the landscape plan/s and the embankment proposals of the pond should include appropriate native marginal planting. Cross section plans of these attenuation ponds should be forwarded. Appropriate SUDs management and maintenance proposals should also be forwarded along with the above plans.

#### 4.15 Conservation Manager (Ecology)

I have read the ecological report submitted with the application and I would agree that the agriculturally intensified operations on this site have resulted in the field being of limited biodiversity value with the hedgerows holding most ecological interest. There is considerable scope for future use of this land to redress some of the balance and attractiveness to wildlife by adopting the mitigation and enhancement measures proposed. In this respect I would, therefore, advise that any approval should accommodate the recommendations of the report with a condition as follows:

*The recommendations set out in Sections 6 and 7 of the ecologist's report from Star Ecology dated March 2015 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 integrated with the landscape 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 Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to meet the requirements of the NPPF and the NERC Act 2006.

I have prepared an HRA screening report in which I conclude there to be a Likely Significant Effect which is viewable separately from my comments.

The ecologist had previously raised a number of concerns, along the same lines as the original comments from Natural England, however receipt of additional information has addressed their concerns, subject to the comments above.

This together with the matters that fall within the Environment Agency jurisdiction result in no objection to the proposal.

Latterly, In response to criticism in the objections about the submitted ecological report in the ES, he has confirmed that the submission is sound.

## **5 Representations**

### **5.1 Almeley Parish Council**

At a meeting of Almeley Parish Council held on 23rd September 2015, it RESOLVED to disassociate itself from all previous planning comments submitted to Herefordshire Council in the name of Almeley Parish Council in relation to the above proposed development site, as those comments were not as a result of public debate by parish councillors at a properly called parish council meeting and were therefore not lawful.

Almeley Parish Council held a meeting on Thursday 30th September at which it supported the views of the 47 local residents present and RESOLVED to object to the above application for the following reasons:

#### **1. SIZE OF BUILDINGS**

The buildings are much taller than standard pig rearing units.

#### **2. INCLUSION OF FANS TO THE DETRIMENT OF PIG WELFARE**

The previous application excluded roof fans because “the best environment for pigs is by allowing air to pass naturally through the shed. There is no need for fans or additional mechanical ventilation and therefore no associated noise.” Hence even the applicant is aware that fans are associated with noise.

#### **3. UNACCEPTABLE NOISE LEVELS**

The noise report states that, in addition to the fans, there will be a wide range of previously unexperienced artificial noises affecting the surrounding area, e.g: daily mechanical cleaning, loading of hoppers and increased traffic.

#### **4. CHANGE OF FEEDER TIMINGS**

The previous application included the feeding systems running all day, apparently to reduce the amount of squealing from the pigs. The feeders in the latest application are only to be operated between 7a.m. and 11 p.m. One can only assume that this will result in the endless drone of feeders all day, followed by pigs squealing all night.

#### **5. PROXIMITY TO LOCAL COMMUNITY**

Unlike other developments of this size, the location is far too close to the local community ... only 400m away from the local school and 350m from the social centre of the village ... the village hall.

#### **6. ODOUR, POLLUTION RISK**

Reports indicate that there will be increases in levels of odour, pollution risk from such a development, especially from ammonia with the maximum concentration area covering the whole of Almeley.

#### **7. INCREASE IN TRAFFIC LEADING TO ROAD SAFETY PROBLEMS**

## 8. ABSENCE OF ECOLOGICAL OR SUSTAINABLE CREDENTIALS

The proposed development does not have any ecological or sustainable credentials either in its construction, method of rearing, transportation or benefit to the community yet the core aim of Herefordshire's Development Plan states that the achievement of sustainable development must ensure recognition of the legitimate needs of everyone in the community and provide effective protection and enhancement of the environment.

## 9. CONTRARY TO LOCAL PLANNING POLICIES

The Herefordshire Unitary Development Plan poses the question "What benefit will this development bring to the community?" There has been no demonstration of any benefit to the community of Almeley. On the contrary, it has the very real potential to prevent positive development in the future.

## 10. NEGATIVE IMPACT ON LOCAL BUSINESS

There does not appear to be any new employment as a result of the development ... in fact it is likely to have a negative impact on other local businesses, including tourism.

## 11. CONTRARY TO NATIONAL PLANNING POLICY

The National Planning Policy Framework states that permission should be refused to development that fails to improve the quality of the area and the way it functions. It also states that "Those developing have a key role in listening to and respecting the views of others for the benefit of the whole community, not just a favoured few." This process has not happened.

5.2 Herefordshire Wildlife Trust raised the same concerns as Natural England in their original submission.

5.3 Objections have been received from approx. 60 different addresses, with a number generating more than one letter or from more than one person within the household. There has also been considerable e-mail exchange with questions about the development.

Petitions have accompanied a number of the letters with approximately 150 signatures.

The objections are summarised as follows:

1. Adverse impact upon Almeley, Woonton, Logaston and surrounding countryside.
2. Noise of running of the unit, including pig noise and roof mounted fans.
3. The proposal fails to meet the social role of the NPPF, being of no benefit to the community and no wealth creation other than to the applicants, it won't create local jobs.
4. Impact upon historic heritage contrary to the NPPF and 'special consideration' test S66 and S72 –Listed Buildings and Conservation Areas Act 1990.
5. Highway safety, additional traffic not less than sheep farm activity, contrary to T9.
6. Spreading of manure impacting upon amenity.
7. Potential for pollution from dirty water tanks.
8. Vermin rats and flies.

9. Odour, including from temporary manure storage areas and run off.
10. Proximity to school and village hall.
11. Landscape impact of buildings.
12. Despite description this is intensive pig rearing in confined space.
13. Contradictions in vehicle movement times between agent and consultant
14. If approved what guarantee that only 1950 pigs.
15. Contrary to policy E16 of the HUDP as within 400m of protected building.
16. Detrimental impact upon tourism, (9 of the letters objecting were from visitors to the area).
17. Impact on village water supply.
18. Devaluation of property.
19. Ecological impact.
20. Not sustainable development.
21. Volume of manure not addressed or inaccurate.
22. Responses from agent do not address questions or concerns.
23. Huge volume of phosphorous and nitrate will find its way to River Wye SAC and SSSI.
24. Health concerns including ammonia emissions.
25. Recent information about manure transportation suggests even greatest highway safety concern, potentially another 85 movements per annum.
26. Agent should identify the third party removing the manure.
27. Omission in the ES of consideration of protected species, and criticism of subsequent Ecologist comments on these points.
28. Unsustainable for pigs to be delivered from Oxfordshire and then slaughtered in Bristol.

5.4 6 letters of support have been received:

1. Buildings are far enough from village not to cause problems.
2. We live opposite at Wingles Cross and support the application.
3. This will support the local farming community.
4. Not farming traffic that causes problem, but lack of consideration of private cars to allow for them.

5. Better to produce pigs here, than import cheap food from abroad with no regard for animal welfare.
6. Freedom Food standard.

5.5 The applicant's Agent has responded to a number of queries. This includes comment about the volume of solid manure and how it will be disposed.

Based on industry standards and farming experience it is estimated that an average 1950 pig place straw based on 2.2 cycle per year will produce:

- 1,038m<sup>3</sup> / 366.5 tonnes manure per year
- 6,577kg Nitrate per year
- Therefore 39ha / 96.4 acres are required for nitrate deposition

Other livestock on the farm in addition to the pigs will be approximately 20 cattle and 250 sheep. This will require a further 27ha / 68 acres of land for nitrate deposition.

Based on the above figures a total of 164 acres of land is required per year to spread the manure to comply with nitrate depositions. It is therefore likely that the farm holding at The Meadows, Almeley will have sufficient land available. However, if it becomes clear that nitrate deposition levels have been reached manure will be exported from the farm holding to third parties. This will be done following DEFRA best practice guidelines. The recipients of the manure will also be regulated by DEFRA regulations.

To limit phosphorus outputs farm management protocols will ensure that the land is managed to maintain a good soil structure and so avoid soil erosion and any field operations likely to degrade soil structure and exacerbate phosphorus loss.

5.6 In a later submission, subject to further consultation and advertising, the agent advised:

The Meadows farm is not in an NVZ area. Manure can therefore be stored in heaps and spread across the holding subject to relevant guidelines. In general this means manure can be spread at a rate of 250kg of Nitrogen per hectare (Defra Protecting our Water, Soil and Air – A code of good agricultural practice for farmers, growers and land managers). Based on the Nitrogen figures above 51 hectares of land would be required. The Meadows has 67 hectares of land available.

As previously advised much of the manure will be taken off-site in an arrangement with the straw supplier. Based on the figures above its likely that 50% of the manure would be taken off-site, generating approximately 50 vehicle movements per year.

Consequently, there will be sufficient land available at The Meadows to store and spread existing manure produced at the farm and manure and dirty water created by the proposed pig enterprise.

5.7 In response to the Marches Planning Consultancy comments the agent has responded as follows:

In response to the letter from Marches Planning concerning the amount of manure that the proposed pig unit will produce and how this manure will be dealt with I provide the following comments:

As previously advised in my emails dated 13<sup>th</sup> August and 18<sup>th</sup> September the pig unit is likely to produce 1038 cubic metres of manure per year (2.2 cycles). This figure has been provided by the company who supply the pigs. They are a major company with over 30 years' experience of

managing and operating pig units like the one proposed. The figure is based on practical experience and careful farm management.

I also provided another figure of 1973 cubic metres which was calculated following DEFRA guidelines. As stated in my email of 18<sup>th</sup> September guidelines are helpful but will not always relate to the circumstances of particular situations.

Marches Planning confirm that my calculations based on the DEFRA guidelines are correct but that the growth rates of the pigs is incorrect. There is a difference of 1 - 2 weeks in the various growth rate categories. The growth rates will vary slightly depending on the amount and type of feed they are given.

Recalculating the figures based on the growth rates quoted by Marches Planning shows that 2062 cubic metres of manure would be produced per year. A difference of 89 cubic metres from my calculations of 1973 cubic metres.

A variety of different figures have been provided about the amount of manure that will be produced but even based on the highest figure of 2062 cubic metres (which is considered to be much more than what will be produced) the manure can be dealt with in a responsible and compliant way.

1. The Meadows farm has **67 hectares** of land available for manure (nitrogen) and dirty water.
2. As advised in my email dated 18<sup>th</sup> September 50% of the pig manure will be taken off-site by third parties. Two parties have been identified who will take the manure.
3. Manure will be taken off site in sealed covered trailers and will be spread/ploughed in line with DEFRA guidelines. Records will be kept of where the manure is taken. 15 tonnes trailers would require 69 vehicles per year. 18 tonnes trailers would require 58 vehicles per year.
4. Based on the highest figure of 2062 cubic metres, 1031 cubic metres would be taken off-site and 1031 cubic metres would remain at The Meadows farm.
5. 1031 cubic metres of manure would produce 6,578kg of nitrate.
6. Nitrate can be spread at a rate 250kg per hectare, requiring 27 hectares for 6,578kg of nitrogen.
7. As previously advised in my letter dated 22<sup>nd</sup> June dirty water from washing down the pig units could be spread over one acre (0.4 hectares) to comply with DEFRA guidelines. There will only be two wash downs per year.
8. As advised in my email dated 13<sup>th</sup> August the existing cattle and sheep on the farm require 27 hectares for nitrate deposition.
9. 27 hectares (pig manure/nitrate) + 27 hectares (cattle/sheep manure/nitrate) + 1 hectare (dirty water) = **55 hectares**.
10. Approximately half of The Meadows land can be ploughed each year meaning that manure can be ploughed into to 33 hectares.

As previously advised and demonstrated above manure from the proposed development can be dealt with following DEFRA guidelines, which will ensure that it will be done responsibly and not causing environmental or neighbour nuisance.

In view of this and fact that the application and supporting information has demonstrated that the proposed development is in accordance with national and local planning policy I would expect that the application is recommended for approval.

- 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

6.1 Clarification about the amount of manure had been sought given the significant difference in estimates between the agent and objectors and what is available through other documents on-line. This is set out in the agents' subsequent responses.

6.2 This application has been subject to an Environmental Statement (ES), which accompanied the application together with associated documents. The ES has been considered together with the accompanying planning application and further supporting environmental information and all other representations/consultation responses. All have been advertised in accordance with Statutory Procedures.

6.3 The key issues relate to:

- i) Alternative sites
- ii) Economic, Business and Tourism
- iii) Landscape and heritage assets
- iv) Residential amenity
- v) Transport/ Highway safety
- vi) Drainage/Flooding
- vii) Ecological issues
- viii) Cumulative Impact

### 6.4 Alternative Sites

The site has been chosen as being the furthest from residences whilst remaining close to existing buildings to avoid isolated buildings in the countryside and to minimise the need for additional infrastructure. This is considered a reasonable approach to take.

#### Economic, Business and Tourism

6.5 The economic benefits of the development form part of the consideration of sustainable development as set out in the NPPF. Clearly there are general benefits in the diversification of the farming activity, though this is not specifically quantified. Objections have been received from several people who are visitors to the area, with the implication that the proposal would have a detrimental impact on future tourism. Again there is no quantified evidence of the potential impact. On that basis it is not considered that the development would cause significant harm to other businesses.

### 6.6 Landscape and Heritage Assets

The area does not benefit from any special landscape designation. The landscape character falls within the Principal Timbered Farmland designation. In the vicinity the landscape is open in appearance. The buildings are sited close to existing buildings as would be the norm in terms of reducing landscape impact. A Landscape Visual Impact Assessment has been submitted which includes consideration of impacts from a number of viewpoints including nearby footpaths.

The Conservation Manager (landscape) refers to a number of issues to be addressed, but concludes that subject to conditions there is no objection. On balance the loss of a limited amount of grade 2 agricultural land is not considered to warrant a refusal of the application.

There are several listed buildings within the village, with the nearest being Wingles Cross on the opposite side of the road from the farmhouse, the remainder lie on the western edge of the

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village 700m and more from the site. The Almeley Conservation Area is also situated on the western end of the village, approximately 600m at its closest to the site. The Almeley castle scheduled ancient monument site lies 700m to the west. The Environmental Statement also includes an assessment of heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990, S66 requires local planning authorities to have special regard to the desirability of preserving... the setting or any features of special architectural or historic interest which it possess. Similarly S72 advises that ...in a conservation area.. special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

The Conservation Manager (Historic Buildings) – comments at length in para 4.13 and concludes with no objection.

It is considered that the proposal complies with policies LD1 and LD4 of the Core Strategy and that those tests have been applied.

## 6.7 Residential Amenity

This section includes consideration of odour and noise.

### **Odour**

An odour impact assessment has been submitted. The appropriate test in this instance, expressed as a 98<sup>th</sup> percentile of the hourly mean odour concentrations over a one year period is 3.0 ouE/m<sup>3</sup>, meaning the situation should be acceptable if this level is not exceeded on more than 2% of occasions.

The modelling indicates that the none of the closest three dwellings, being the farmhouse, Wingles Cross Cottage and Wingles Cross exceed this figure, being 2.87, 2.62 and 2.39 respectively. Two other dwellings, unnamed measure 2.71 and 2.64 whilst at the school it is 2.6.

### **Noise**

Again subject of assessment, night time noise levels in areas of low background noise should not exceed 40 dB Lnight. For the two closest dwellings (excluding the farmhouse), background levels at night are already around this level. The modelling indicates that at the distances involved there would be no increase in night time levels as a consequence of the development.

The Environmental Health Officer has considered these matters, together with a number of others, as set out in para 4.4 above. Subject to a number of conditions there are no objections in terms of odour, noise or other emissions or issues and is therefore compliant with the relevant section of policy SD1 of the Core Strategy.

## 6.8 Highway Matters

The ES advises that ‘...pigs will be delivered to the site in one or two HGV loads, and will be removed in four to eight HGV loads. These movements will occur two or three times a year. Feed deliveries will result in an average of two HGV loads every two weeks. Each flock cycle will therefore result in sixty two HGV movements (one hundred and four 2-way HGV trips). Based on 2.4 cycles per year, this equates to two hundred and fifty 2-way trips per year, or an average of five 2-way HGV movements per week, or one 2-way HGV trip per day.’

This does not however include trips associated with removal of manure, which an objector estimates to be in the order of eighty five, so approximately one hundred and seventy movements per year. An average of less than four per week is not considered to make a significant difference.

The Transportation Manager has no objection and the proposal is considered to comply with policy MT1 of the Core Strategy.

#### 6.9 Drainage and Flooding

Dirty water from the cleaning process (once every twenty week cycle) is to be collected in an underground tank, located underneath the yard area at the southern end of the buildings. This will then be spread on the applicant's land during appropriate weather conditions. Surface water from rain from buildings and hard areas that are clean or lightly contaminated will be separated from dirty water and collected in a storm water harvesting tank and re-used as part of the cleaning process.

Clean water, which is not collected in either of the tanks referred above, will discharge to the existing drainage ditch on the western boundary of the site.

The site lies in flood zone 1, the lowest category of risk. As the site is less than one hectare in area no flood risk assessment is required.

The Environment Agency has no objection. The Council's Drainage Consultant advises that a sustainable drainage scheme (SUDS) be considered if infiltration is not appropriate. In this instance clean water will discharge to an existing ditch, whilst dirty water is collected in tanks for later use. A later letter from the agent sets out more detail about dirty water disposal, including application rates and techniques and map. On this basis it is not envisaged that a SUDS scheme will be required.

The proposal is considered to comply with policy SD3 and SD4 of the Core Strategy.

#### 6.10 Ecology

This is in part tied up with the management of dirty water referred to above. The Council's ecologist and Natural England had expressed concerns early on, however subsequent information submitted have addressed those matters and there is no objection from either party subject to conditions and an understanding that whilst not subject to an Environmental Permit, discharges are subject to other regulations and Defra best practice 'Protecting our Water, Soil and Air'.

Subsequently objectors raised concern about the adequacy of the ecological content of the ES. The Council's consultant has replied to these issues and maintains his position as set out in para 4.15. The proposal is considered to comply with policy LD2 of the Core Strategy.

#### 6.11 Cumulative Impact

All of the above considerations have potential to create a situation, which whilst individually are acceptable, cumulatively, with other developments, create conditions which are unacceptable. In terms of odour for example, there are existing poultry units at a distance of around 1160m to the south east and another 1900m to the south, but at these distances there are considered to be no cumulative impact.

Similarly the concerns of Natural England related in part to cumulative issues related to dirty water disposal, but as set out above they have no objection. It is not considered that any of the considerations generate significant adverse impacts.

## 6.12 Conclusion

The application has been prepared and presented under the regime of the current Environmental Impact Assessment Regulations (EIA Regulations). The Environmental Statement meets the requirements of those regulations and addresses the relevant topics in adequate detail. Having considered the proposal with regard to the ES and other environmental information, consultee responses and other representations, it is considered that on balance, given compliance with the Herefordshire Local Plan - Core Strategy, and the overall tenor of the NPPF, the application should be recommended for approval.

### **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. The development hereby approved shall be limited to no more than 1950 pigs at any one time.  
Reason: The permission is granted on the basis of the information supplied within the Environmental Statement and other information received , based on those figures, to ensure continued compliance with the policies of the Herefordshire Local Plan –Core Strategy identified throughout the planning report.**
- 3. B01 Development in accordance with the approved plans**
- 4. C01 Samples of external materials**
- 5. The recommendations set out in Sections 6 and 7 of the ecologist’s report from Star Ecology dated March 2015 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 integrated with the landscape 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 Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to meet the requirements of the NPPF and the NERC Act 2006.**
- 6. Before the development hereby approved is brought into use a manure and waste water management plan shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. It shall include details of the method of sheeting any vehicles used in removing manure from site.  
Reason: To ensure compliance with policies SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**
- 7. Before the development hereby approved is brought into use a noise management plan which should reflect the advice on mitigation measures identified in the noise assessment (7.1) including the restrictions identified on night time activity, shall have been submitted to and approve in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.**

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815

**Reason: To ensure compliance with policy SD1 of the Herefordshire Local Plan – Core Strategy.**

8. • Before the development hereby approved is brought into use a detailed drainage strategy, with supporting calculations, showing the location and size of drainage features and demonstrating how discharges from the site are restricted to no greater than pre- developed rates (with climate change allowance), shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. This shall include evidence of infiltration testing in accordance with BRE365 to demonstrate the suitability of soakaways. If infiltration is a viable option for surface water management, groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.

• Reason . To ensure compliance with policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

9. G10 Landscaping scheme  
10. G11 Landscaping scheme - implementation

**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.

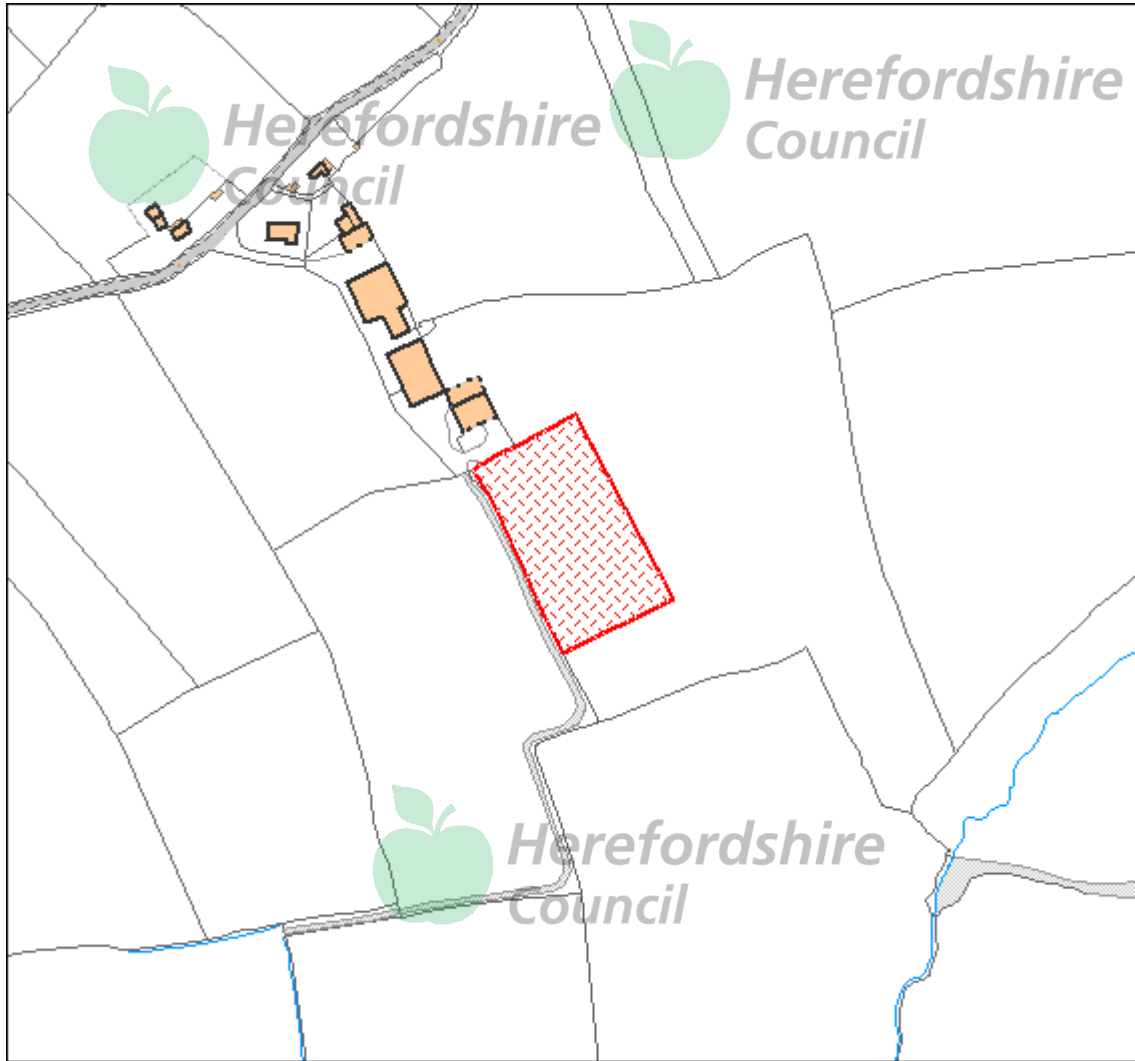
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 150990

**SITE ADDRESS :** THE MEADOWS, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>P132707/O - SITE FOR THE ERECTION OF UP TO 89 DWELLINGS INCLUDING AFFORDABLE HOUSING. CONSTRUCTION OF VEHICULAR ACCESS AND OTHER ASSOCIATED WORKS AT LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE.</b>  <b>For: Mr Peter Smith per Mr Paul Smith, 41 Bridge Street, Hereford, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132707&amp;search=132707">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=132707&amp;search=132707</a>
<b>Reason Application submitted to Committee – Change of Policy</b>	

**Date Received: 1 October 2013**

**Ward: Golden Valley  
North**

**Grid Ref: 334803,238508**

**Expiry Date: 8 January 2014**

Local Member: Cllr PD Price

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

- 1.1 The application site comprises a field extending to 3.97 hectares located towards the eastern end of Peterchurch, a main settlement and the focus for proportionate growth in the Herefordshire Core Strategy. To the south is a modern residential cul-de-sac (Hawthorn Rise), the boundary of which is defined by a fence marking the rear gardens of a line of bungalows. To the east is Crossways, a larger residential estate, the boundary of which is defined by low level vegetation some trees and a grass track. To the north and beyond a mature hedgerow is agricultural land which rises steadily in a north easterly direction to Blakemere Hill, Stockley Hill and Barratt`s Hill. Beyond this is the Peterchurch Primary School and associated playing fields.
- 1.2 Public footpath PR8 is 60 metres away to the north east which links with footpath PR9 that runs through Bazley Lane some 230 metres to the north-west. Overhead electricity cables run diagonally across the site running in a west-east direction.
- 1.3 Wellbrook Manor, a part 14<sup>th</sup> century farmhouse, Grade I listed building, lies approximately 115m north east of the site.
- 1.4 This is an outline application for up to 89 dwellings (22 no. 2 bedroom dwellings, 50 no. 3 bedroom units and 17 no. 4 bedroom units) with all matters, with the exception of the means of access, reserved for future consideration. Of this total 35% of the dwellings would be affordable. An illustrative layout is provided that establishes a possible configuration of development along the spine road up slope and north eastwards. The higher density development is shown on the lower portion of land and closer to the B4348 road. The spine road joins the existing road

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

serving Hawthorn Rise at a point 40 metres from the junction with the B4348 road. This spine road will also provide access to the proposed recreation area.

- 1.5 It is stated that any dwellings that adjoin the north-eastern side of existing properties in Hawthorn Rise will be one and a half storey height, with any first floor window being sited away from the rear gardens of these properties.
- 1.6 The application is supported by the following documents:
- Design and Access Statement
  - Transport Assessment
  - Desk Based Assessment and Trial Trench Evaluation (Archaeology)
  - Ecological Survey and Assessment of Land
  - Drainage Appraisal
- 1.7 A significant portion of the site (1.2 hectares) between the school and Hawthorn Rise is allocated as recreational open space. This proposal seeks to relocate this recreational area to the north-east of the school. The existing overhead power lines that cross the site will remain and have influenced the illustrative layout. However, two lower voltage lines to the north-east of Hawthorn Rise will be laid underground.
- 1.8 The application is accompanied by a Draft Heads of Terms for a Section 106 Agreement which is attached at Appendix 1.

## **2. Policies**

### **2.1 Herefordshire - 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 settlements
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
LD4	Historic environment and heritage assets
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
ID1	Infrastructure delivery



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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

## 2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:

Introduction	-	Achieving sustainable development
Section 4	-	Promoting sustainable communities
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

## 2.3 National Planning Guidance

## 2.4 Other Relevant National Guidance:

Planning for Growth	-	2011
Laying the Foundations	-	2011
Housing and Growth	-	2012

## 2.5 Neighbourhood Planning

The Neighbourhood Plan Area was designated on 28<sup>th</sup> November 2012 the plan is being drafted but has not reached Regulation 14 stage at the present time and therefore is not sufficiently advanced to attract weight for the purpose of determining planning applications.

## 3. Planning History

- 3.1 110387/O – Erection of 16 dwellings, construction of revised access – Refused 2 November 2011. Dismissed on Appeal 20 July 2012 (APP/W1850/A/11/2165638)

## 4. Consultation Summary

Statutory Consultees

### 4.1 Welsh Water: No Objection

In the light of concerns regarding the development the developer commissioned a Feasibility Study of Peterchurch Waste Water Treatment Works (WWTW) to identify a solution to accommodate the flows from the site. We are presently designing a suitable upgrade solution in order to facilitate the proposal. The improvements required can be met by the mechanism of the S106 Planning Obligation as well as the imposition of the following recommended conditions:

No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Peterchurch WWTW to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Welsh Water Feasibility Study) has been completed and confirmed in writing by the Local Planning Authority.

*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*

- Foul water and surface water discharges shall be drained separately from the site.

*Reason: To protect the integrity of the public sewerage system.*

- No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

*Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.*

- No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

*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.*

#### 4.2 The Environment Agency: No objection

This is on the basis that mains drainage is utilised. It is understood that a Grampian style condition would be imposed and that Welsh Water have concerns relating to feasibility. This is a matter to be resolved between Welsh Water and the developer.

The Environment Agency had objected originally to the use of a non-mains drainage solution.

#### Internal Council Consultees

#### 4.3 Transportation Manager: No objection

The development is acceptable in principle, the detailed reserved matters are key to making the development suitable and integrated into Peterchurch.

The access is suitable for the development though a footpath must be constructed to the west linking to the footpath on the B4348.

The size of development will have an impact on Peterchurch but this can be mitigated by maximising the pedestrian/cycle links from the development to the surrounding area.

A Section 38 agreement is required for the site as regards detailed design. Car-parking will need to be detailed together with cycle provision.

A full drainage plan is required at the Reserved Matters stage.

A Travel Plan has been put forward for this development and the submission of an Outline Travel Plan will be required.

The TA gives the speeds and vehicle numbers in this location. The village is unique in its layout and problems such as the centre of the village. Linking the village is key.

S106 contributions are required towards the following schemes which are in no particular order :

- Safer routes to school - footpath / cycleway to Fairfields School
- Gateway and engineering features - may incorporate removal of centrelines,
- work to the centre of the village - improvements to pedestrian links undertaken with the Parish Council and local community
- TRO's may be required, but the principle is that a range of measures are required to minimise the impact of the development/ Improvements to passenger waiting facilities.

#### 4.4 Conservation Manager (Landscape) No Objection:

I note that in her landscape comments she recommends that development should be contained within the former settlement boundary and that this in all likelihood would result in a reduction of number of dwellings.

I would concur with her findings in that the hedgerow marks an historic field boundary shown in pre-war maps, as well as defining the change in contours of the landform. Retaining development within the settlement boundary would therefore confine built form to the lower slopes as well assisting in mitigating any potential visual impact from views along public rights of way to the east.

Notwithstanding the above if development were to extend beyond the village settlement boundary as shown within the indicative layout (Drawing no 752:02) it is accepted that the context for development does already exist because of the adjacent built form at Hawthorn Rise and further eastwards on the rising contours at Crossways. There are no designations on site and the integrity of 'villagescape' and the setting of listed buildings within the area will remain unaffected by the proposal.

In terms of visual impact, the Herefordshire Trail runs to the west of the proposal however with the retention of the existing hedgerow which lies parallel with the B4348, the effects of the proposal will not be unduly harmful. The public right of way PR9 will afford filtered views of the proposal however the vegetation lining Bazley Lane will mitigate the impact of the proposal. Views from public right of way PR8 will be elevated with the likelihood of open views of the development.

The proposal will include 1.32 hectares of recreational space, given that this will bring about the provision of this allocation, this can therefore be seen as an opportunity for enhancement.

In conclusion, as previously stated in my initial paragraph I would concur with Ms Tinkler's findings, however it is accepted that the adverse effects identified may not be considered so significant as to give rise to a landscape objection.

If the application is approved the following recommendations should be considered:

- Where development extends beyond the defined settlement boundary in particular along the eastern edge of the proposal development should be confined to single storey dwellings.
- The density of the proposal should be reduced in order to reflect the transition between built form and the open countryside.
- Whilst it is noted that the layout is indicative, the northern section of the proposal lacks consideration of the existing pattern of the land and the proposed relationship between the dwellings and recreational space is not well conceived. Built form following the line of the contours of the land and the existing pattern of development is preferable.

- Existing field boundaries within the development should be retained and given the appropriate space and treatment to ensure the longevity of the trees and hedgerow.
- New boundaries should be instated to the east of the development in order to create robust landscape buffers to contain development and filter views from the east.

#### 4.5 Conservation Manager (Ecology):

I have read the ecological report by Willder Ecology dated June 2013 and broadly agree with its findings although I have some reservations concerning the conclusions regarding reptiles. Grass snakes are known to occur along this stretch of hills and slow worms have been found at Vowchurch. Conditions on the site are not pristine but the vegetation coupled with piles of rubble could well harbour some individuals of the latter species. Any mitigation will have to be informed by proper survey with a targeted proposal for mitigations. We can condition this but the surveys will need to be carried out in April/May ideally.

My major concern is the proposal for non-mains drainage of foul water. This area of Peterchurch is susceptible to field drainage flooding. As well as a soak-away being inadequate at some periods of the year, disposal of treated into a watercourse which finds its way to the R. Dore Special Wildlife Sites would not be acceptable. For a development of this size which will output over 30 000 litres of foul per day, it is not clear how this can be accommodated. Potentially this could well mean 60 kg of phosphate a day at least finding its way to the R. Dore with a direct water channel discharge. If this is not correct then we need to some figures to substantiate the proposal.

Before committing to any conditions we need some affirmation from the applicant that these issues will be adequately addressed. We will also be asking for habitat enhancement plans to integrate with any landscape proposals in order to cater for biodiversity improvements for the site.

#### 4.6 Conservation Manager (Historic Buildings Officer): No objection

The proposed development that is the subject of the current outline application for planning permission involves the construction of 89 dwellings on land adjoining Hawthorn Rise in Peterchurch. The site does not form part of a conservation area but there are a number of listed buildings relatively nearby. These include the grade I listed Wellbrook Manor, the grade I listed Church of St Peter and the grade II listed Crossways House.

Peterchurch has grown considerably during the 20<sup>th</sup> century. Prior to the beginning of the 20<sup>th</sup> century, these listed buildings were dispersed and very much set into an undeveloped agricultural landscape. They have effectively been linked through the development of Peterchurch during the 20<sup>th</sup> century and now form part of a settled village environment. The former character and appearance of the wider setting of each of the listed buildings is still retained in part through their relationship with an open agricultural landscape in various directions from their respective locations.

The proposed site is located roughly at the centre of a triangle formed by the three listed buildings. This triangle is geographical in nature but the topography of the local area, the presence of intervening development and vegetation and the overall lack of strong visual linkages between the listed buildings means that while the proposed site falls within the wider development of the listed buildings, it does not form an obvious part of their setting and rather would link in to what is already a comparatively densely developed area. With this in mind I would not consider the development of the proposed site to cause harm to the wider setting of the relevant listed buildings. There is some distance between the site and the listed buildings and as noted, the general topography, landscaping and intervening development prevents very clear visual relationships between the site and surrounding heritage assets. In addition, the

proposed development would form an addition to what is already very much an established townscape character of the village.

#### 4.7 Conservation Manager (Archaeology): No objection

I have now considered the initial archaeological report ( please refer for detail), and have the following comments to make:

- The report has been produced to a good standard and in general gives a fair reflection of the results.
- It now seems to be the case that over the vast majority of the development area, there are unlikely to be any archaeological issues of substance.
- However, in the broad vicinity of Trench 3 (where seemingly isolated prehistoric remains of some interest were identified), there is a particular 'zone' of real sensitivity.
- Whilst it is difficult to be sure at the moment of the exact extent and significance of this zone (not least because of the constraints caused by the overhead power supply on site) it seems unlikely that it would extend further than the closest ends of negative Trenches 1, 2, & 4.
- On the other hand, given that trial trenching is a limited and imprecise tool, there is a clear risk that there will be further remains within this location. In my view, it would be reasonable to regard the zone of sensitivity as being some 50m x 50m in area - a very small proportion of the total site area.
- As regards the significance of the remains present/ likely to be present in this zone, they would certainly be of local archaeological importance, maybe of regional importance.

However, there is no evidence to suggest that they would be nationally important, and they would, I think, be of a character well suited to appropriate mitigation by archaeological recording under NPPF Para 41.

In summary therefore, whilst it would be preferable under any detailed design to avoid intrusive development of the archaeologically sensitive zone (could this zone possibly coincide with a landscape buffer, public open space etc.?). I do not think it essential that such avoidance occurs. It would be reasonable and proportionate to require an archaeological excavation of the zone as a condition of planning permission if granted, and that would be the crux of my advice here.

No objections, standard archaeological condition E01/C47 advised.

#### 4.8 Land Drainage Engineer: No objection

##### Overview of the Proposal

The site occupies an area of 3.98ha of currently arable land. The site topography is generally level from its B4238 road frontage through to the mid-section between Hawthorn Rise and the school grounds. Thereafter, the land rises with increasing steepness towards its north-eastern margins. Review of the Design and Access Statement and EA indicative flood map highlights a minor watercourse located adjacent to the south-eastern site boundary. The Design and Access Statement states that this watercourse is usually dry. This watercourse discharges to the River Dore located to the west of the site.

##### Fluvial Flood Risk

The site is located within the low risk Flood Zone 1. However, as the site area is greater than 1ha, a Flood Risk Assessment (FRA) will be required. The FRA should address all sources of flooding in accordance with National Planning Policy Framework and should demonstrate how the development will:

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

- Prevent any increase in flood risk elsewhere and reduce flood risk through the layout and form of the development and the appropriate application of sustainable drainage systems; and
- Reduce flood risk by making space for water by creating flood flow paths and by identifying, allocating and safeguarding space for flood storage.

### Surface Water Flood Risk

Review of the site location with regards to mapped surface water flood risk as illustrated on the uFMfSW indicates that the site is not at significant risk of surface water flooding. However, review of surrounding topography indicates that the site may be at risk of flooding from overland flow from the north-east.

### Surface Water Drainage

The Design and Access Statement states that a French Drain will be provided above the northern boundary of the site. It is assumed that this drain is required to intercept overland flow from undeveloped land to the north/north-east to mitigate flood risk to the proposed development. Whilst we agree with the proposal in principal, the applicant will need to consider the potential impacts of this arrangement of flood risk associated with the receiving watercourse(s)/ discharge point(s).

The Design and Access Statement states that SUDS will be investigated and promoted within the development. We are in support of this approach and recommend that the SUDS management train is applied. The SUDS management drain gives preference to the management of surface water runoff through infiltration, followed by controlled discharge to a watercourse, followed by controlled discharge to a sewerage network. Soakaways should be located a minimum of 5m from building foundations and a minimum of 1m above normal groundwater levels in accordance with BRE Digest 365. The site is not located within a designated groundwater Source Protection Zone therefore all forms of development are considered suitable for infiltration.

It is recommended that surface water runoff is attenuated to equivalent Greenfield runoff rates (at minimum) up to and including the 1 in 100 year event (allowing for climate change effects) to prevent any increase in downstream flood risk, and where possible, provide betterment. Due to the size of this development, it is recommended that the applicant demonstrates how overland flows will be managed, in particular for events greater than the 1 in 30 year event and during rainfall events that exceed the provided surface water management system. In order to mitigate flood risk to adjacent development, it is recommended that the developer considers extreme events and overland flow routes, applying guidance set out within CIRIA C635 Designing for Exceedance in Urban Drainage.

#### 4.9 Parks & Countryside: No objection

##### UDP Policy Requirements for Open space

The proposal generally meets with the policy requirements for open space and has taken account of pre-application discussion. In detail:

UDP Policies RST5 (New Open Space in/adjacent to Settlements) /RST4 (Safeguarding Existing Recreation Open Space): This development, which includes the loss of safeguarded open space and the offer of land to replace it has been supported since early conversations with the applicant and the Parish Council on the following basis:

- In accordance with UDP Policy RST5 there is a requirement of 1.2 ha of new public recreational, amenity space at Peterchurch to address deficiencies in provision and an area

is safeguarded for this purpose, which is the proposed development site. This area has not been brought forward into the public domain for recreational purposes and remains on privately owned land with no public access and constrained by overhead cables running across it.

- In accordance with UDP Policy RST4 the applicant has provided an area of land of 1.2 ha which is of at least equivalent community benefit and is provided in a convenient and accessible location which would be available for public use as part of the proposed development.
- In respect of connectivity and access, the applicant has indicated that the proposed and existing footpath network would provide good pedestrian links and connectivity throughout the site which is welcomed, including access to the MUGA/ recreational area for those living in other parts of the village as well and a link to the local primary school if an established link with the school and proposed recreation ground is needed.
- The proposed area of recreational land has no constraints (e.g. no over head cables) and offers good opportunities to develop a multi functional recreation ground including both sports pitches and play provision. Previously the Parish Council has indicated their support for this proposal, although the applicant hasn't established this further.
- Given the on and off-site contribution sought for play and outdoor sports requirements (see below) this proposal offers the opportunity of developing the land for recreational purposes to meet the identified needs of the community.

UDP Policy H19: Open Space Requirements (on and off site requirements) UDP Policy RST3 Open Space Standards On-Site (A and B): In accordance with UPD Policy H19 Schemes in excess of 60 houses are required to provide for:

- Children's Play Space for all ages, infants, juniors and teenagers (on-site provision)
- Out door Sports Space Provision (off-site contribution)

It is noted that the on-site provision for play includes:

- MUGA to be located in the main recreation area (B) and a very small LAP of only 100sqm (C) in a poor location next to the main access road and on the edge of the development which isn't considered suitable for young children to use and access. In accordance with the Play Facilities Study we don't support the provision of LAPS as they offer little in play value and are costly to maintain and for a development of this size it is not appropriate as they cater for infants only.
- One larger area for play is preferable. The main recreation area offers an ideal opportunity to do this and create a multi-functional area along with other sports requirements and the development of imaginative play for all ages including formal and informal natural play opportunities.
- The MUGA and LAP comes to approx. 1350sq m which is a little less than the policy requirement. In accordance with UDP Policy RST3 (0.8 ha per 1000 population of play provision) a development of this size (89 houses @ 2.2 average occupancy = 195persons) should provide approximately 0.15ha (1500sq m).
- As per pre-application comments it should be of a value of about £65K (in accordance with the SPD on Planning Obligations). Consultation with the local community and in particular the Parish Council is important to establish what is required. For example, the inclusion of a large MUGA may not be appropriate and consideration should be given to both its potential use as they can be provided in all sizes and costs (for example, 465sq m is required as a minimum for 5 aside football) and other play requirements.

It is advised that as the design progresses the local community and Parish Council are fully engaged in the process.

Off-Site: It is noted that the draft heads of terms refer to a contribution towards sports of £128,776.

Whilst this figure is correct and in accordance with pre-application advice, this was for 84 houses and therefore it may be preferable to include contributions based on size of house. It should also identify the amount towards outdoor sports facilities and the amount towards indoor sports facilities as they potentially would benefit different projects:

- Outdoor Sports contribution: In accordance with the SPD on Planning Obligations and based on the market housing:

- 1 bed - £878
- 2 bed - £1066
- 3 bed - £1,442
- 4+ bed - £818

Priorities for spend will be used in accordance with the Indoor Facilities Strategy and on priorities at the time of receiving the contribution including indoor facilities (swimming pools and leisure centres) in the nearest towns and Hereford City. Sport England advocate a 20 minute drive time to facilities in rural areas.

SUDS/Attenuation Pond (C): Is it noted that there is provision for an attenuation pond and whilst a Highways matter if it is to become an integrated part of the POS and recreation offer there are a number of issues which would require consideration with regard to future suitability and adoption;

- o Its design should take account of health and safety, and consider standing water.
- o They do make good areas for wildlife and if carefully designed be both an informal recreation area and an area for biodiversity.
- o The Parish Council would need to be willing to take on its future maintenance as POS (not including the Highways obligations).

However, looking at the location in a narrow space adjacent to the road this approach may not be appropriate and the area would need to be fenced off and remain a highways responsibility

Adoption/commuted sums: The Council would not wish to adopt any of the on-site POS, given the location. The Parish Council may be best placed. Further consultation is required to establish this and what their requirements would be.

#### 4.10 Housing Officer: No objection

The application meets the requirement for 35% of the proposed dwellings to be affordable units. Of these 31 units 13 should be for social rent and 18 for intermediate tenures.

All the affordable homes should meet the Homes and Communities Agencies Design and Quality Standards, Lifetime Homes and at least level 3 of the Code for Sustainable Homes.

In theory I agree with everything within the Draft Heads of Terms. The style and location of the units will need to be negotiated which I understand is achievable before the submission of the reserved matters, with this in mind I am supportive of the scheme

#### 4.11 Public Rights of Way Manager: No objection

#### 4.12 Environmental Health & Trading Standards Manager: No objection

However I recommend a limit on the hours of construction



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

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

## 5. Representations

### 5.1 Peterchurch Parish Council state:

After consultation with residents of the parish, the Parish Council resolve that they would only support the application if the following issues were satisfactorily redressed.

- 1) The need for the construction of an “Attenuation Pond” (which in itself would cause a child safety hazard next to the proposed recreational areas and school) clearly highlights the inadequacy of both the proposed and existing public drainage system, in an area which already suffers with land drainage issues and is adjacent to an area which has major storm drainage problems.
- 2) The proposed onsite sewage treatment should be reconsidered and the public processing plant be improved to handle the increased volumes (30% to 40%) ensuring viability, maintenance issues, the cost of which could fall to the residents or the parish.
- 3) High voltage overhead power lines must be laid underground as the safe areas in the development could become unsupervised play areas.
- 4) Greater integrated mixture of homes on the site which should include one bedroom starter properties (to help alleviate any potential “them and us” scenario.)
- 5) All car parking should be next to the properties (children are not put at risk crossing roads unnecessarily to get to their homes while parents are distracted unpacking shopping etc.)
- 6) Adequate consideration must be given to the access and storage of recycling bins and waste generally
- 7) The installation of a roundabout at the Hawthorn Rise/B4348 junction would ensure both a safer exit from the development and create much needed traffic calming on the B4348.
- 8) MUGA:- already alternative in the village, this area would be better utilised as an amenity and car parking area for the proposed new recreation field.
- 9) 106 monies must be allocated locally following meaningful consultation with the community with consideration being given to twenty first century communication systems and a tangible public transport system.
- 10) An agreed proportion of the proposed affordable housing must have a 106 for families with local connections.
- 11) An agreed proportion of the proposed affordable housing must have a 106 for families with local connections.
- 12) Parish Council Working Group will be maintained to continually monitor work in progress should the application be approved and liaise with the developer.
- 13) Tangible agreed time scale for phases of the development.
- 14) Additional landscaping and tree planting.
- 15) Assurance that the B4348 and A465 are able to cope with the additional traffic from this development and other local developments entering Hereford.

5.2 Peterchurch Parish Council further advise:

I would like to reiterate that the Parish Council insist on being consulted about the allocation of all Section 106 funding relevant to this application.

After consultation with residents of the parish, the Parish Council resolve that they would only support the application if the issues were satisfactorily redressed, as set out above.

5.3 39 letters of objection have been received. The content is summarised below:

- Totally alters character of village
- Beyond settlement boundary, therefore open countryside
- 2005 parish plan- said no more housing estates
- Contrary to Policies in Core Strategy
- Number of dwellings not needed
- Houses for sale in village i.e 18 (4 in Hawthorne Rise)
- Build in and around Hereford i.e race-course
- Need sheltered housing; 1 and 2 bedroom units
- Schools over sub-scribed
- Waiting times now at surgery
- No employment in vicinity
- Contrary to Paragraph 16 of NPPF as regards sustainable transport
- Limited bus service i.e no evenings or Sundays Buses full already on route to Hereford
- Car dependent .Increase in traffic movements 400-500?
- Close to junction with Closure Place, inherent conflict
- Access point insufficient width
- Restricted visibility on B road at school run times
- Access for waste collection facilities
- Does water supply exist for number of dwellings
- High voltage lines away from open space , but what about dwellings
- Close boarded fencing needed for dwellings in Hawthorn Rise, not barbed wire
- Foul drainage will not work with tanks, note Environment Agency objects
- Note limited life of proposed French drains , whose responsibility ?
- Quantity of surface water now pooling to rear of properties and then runs between Crossways and Hawthorn Rise to where as it is not evident.
- Developer should complete existing planning permissions
- Overlooking of properties in Hawthorn Rise
- No ecological appraisal submitted
- Setting of grade I listed building
- Need community centre
- Need good standard of construction
- Still mounds of rubbish on site

5.4 The applicant's agent in response to the Landscape officer's objection makes the following points

Objections relate solely to a single line on northern side, but does not include development elsewhere or beyond the north-west boundary.

You will note from revised illustrative plan a substantial hedgerow with intermittent feature would reiterate and reflect the character of the local landscape identified in Council's adopted Landscape Character Assessment as comprising: *Networks of small winding lands nestling within a matrix of hedged fields.*

The local landscape is also identified as having " a notably domestic character, defined chiefly by the scale of the field pattern, the nature and density of its settlement and its traditional land uses". Considered that planting of hedgerow and intermittent trees would not run counter to these characteristics in the landscape

The LCA identifies .. *inappropriate maintenance and degradation and loss of hedgerows which are one of the most significant features in the landscape* ....This proposal would move towards reduction in size of field, not its enlargement which the LCA specifically identifies as a negative landscape change. Rather the planting of a hedgerow and trees and reinstatement of existing will reinforce local landscape character.

Development would conserve and enhance hedgerow pattern

Only small element of overall scheme objected too. The LCA prevents the loss of hedgerows and small fields not the creation of more hedgerows or the creation of a smaller field as proposed.

- 5.5 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 Peterchurch is identified as a settlement within the Core Strategy suitable for proportionate growth over the lifetime of the Core Strategy. Peterchurch has a wide range of facilities including: schools, shop, police station, fire station, industrial estate and good transport links to Hereford and Hay-on-Wye. The indicative growth target is a minimum of 12% in the Golden Valley. The minimum number required with the plan period after taking into account recent permissions is 54 dwellings.
- 6.2 The application is made in outline with all matters bar access reserved and involves the erection of up to 89 dwellings with 35% affordable on land to the north-east of the B4348. The site for residential development comprises an inverted 'L' shape. It is also a site that has been identified within the SHLAA study as a site of low constraints.
- 6.3 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, heritage assets in the form of the listed building (Wellbrook Manor) and archaeology, surface water and foul drainage arrangements and increased traffic movements such that these would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

### Planning Policy

- 6.4 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."*
- 6.5 In this instance the Development Plan for the area is the Herefordshire Core Strategy recently adopted.

- 6.6 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:
- *“Approving development proposals that accord with the development plan without delay; and*
  - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
    - *any adverse impact 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.”*
- 6.7 In the context of the Core Strategy and the identified housing targets across the county, the decision-taker must decide whether the development before them is representative of sustainable development having regard to the provisions of the Core Strategy and the NPPF.
- 6.8 Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions.
- 6.9 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, which is further reinforced 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.
- “Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”*
- 6.10 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.
- 6.11 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located within one of the largest settlements in proximity to the main population centre (Hereford) whereas the delivery of up to 89 dwellings, including 35% affordable, and community open space would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. In this case, it is the assessment of the development’s approach to fulfilment of the environmental role, with specific reference to landscape character and the impact on the setting of listed buildings that is critical.

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

- 6.12 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposal 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.’* Core Strategy policies SS6

(environmental quality and local distinctiveness) (landscape character), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3 (green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with chapters 11 and 12 of the NPPF.

- 6.13 The application site has no formal landscape designation and represents a logical location for the extension of the village. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity. It will be viewed from the public footpath linking Crossways and Bazeley Lane and will in part be viewed from the B4348 Road, notwithstanding the overhead power-lines, which are not built under, provide an uninterrupted view through the site uphill toward the well treed slope of Stockley Hill and the existing embankment and hedgerow adjoining the B4348 road affords some screening.
- 6.14 The key issue revolves around the contribution that the existing field pattern makes to the landscape, which is characterised by small to medium sized hedged fields. The proposed site to the north-east in particular straddles what is considered to be a substandard hedgerow given the gaps in it. This hedgerow defines the field boundary and it will be retained and reinforced by further planting such that notwithstanding the extension of residential development beyond this field boundary, this defined field boundary will provide a degree of visual separation..
- 6.15 Although your officers recognise that whilst there will be direct impacts arising from loss of pasture land and its replacement with housing and the direct impact upon the amenity of neighbours, these must be weighed against the benefits of the scheme, including those relevant to the economic and social roles outlined above. Officers acknowledge that this development will alter the character of the village in this location, however, this is mitigated by the presence of existing adjoining residential development and by further landscaping and the lower density development proposed on the more elevated part of the site. This will need to be mitigated by landscaping as stated by the Conservation Manager (Landscape).
- 6.16 In terms of mitigation, this can be provided with hedgerow and tree planting along the north eastern boundary that delineates the existing field boundary with sparse vegetation. This will enhance this part of the landscape particularly when viewed from footpath PR8. This planting will also provide an opportunity for a wildlife corridor. It should also be noted that the development extends beyond the north western boundary towards the area allocated for the recreation area. Conditions will be imposed requiring the formulation of detailed planting and management proposals to ensure that an appropriate form of development is brought to fruition at the Reserved Matters stage.
- 6.17 The harm to landscape character is localised in an edge of village location that officers do not consider prejudicial to the overarching character of the Principal Settled Farmlands typology. There will also be no adverse harm to the setting of two grade I listed buildings (designated heritage assets).i.e Wallbrook Manor and the church of St .Peter and Crossways House a grade II listed building on the B4348 road, this is given the extent of existing development, the distance between the heritage assets and the proposal site and the topography. Therefore, the proposal accords with the provisions of Policy LD4 in the Core strategy and Chapter 12 in the National Planning Policy Framework.
- 6.18 The final issue relates to archaeology. There has already been some excavation of the site as detailed in the submitted assessment. There is the possibility of further finds across the site, this can though be appropriately recorded as necessary with the imposition of a planning condition. This course of action is supported by the Conservation Manager.

## **Transport**

- 6.19 The means of access is the only matter to be determined at this stage. The use of the existing access point onto the B4348 road is logical given that it has the requisite visibility splays. It will

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

also assist in retaining the roadside hedgerow. A new access point would have required more hedgerow removal and engineering works given the difference in levels between the site and the B4348 road.

- 6.20 The spine road will provide access to the recreation area that will be developed in accordance with the aims of the Parish Council. The development will also provide footpath links to the north east to public footpath PR8 and to the north-west to join the footpath that runs along Bazley Lane that provides access to the local shop, library, church and public house on the opposite side of the B4348 road. It is intended to improve Bazley Lane for this purpose as well as provide improved footpath /cycleway facilities to Fairfield school.
- 6.21 There are problems identified with cars parking at either end of the school day along the B4348 road and concerns about increased use of the existing junction which is nearly opposite the junction into Closure Place, on the opposite side of the road. This only occurs at peak periods and the Transportation Manager is satisfied, following submission of a Transport Assessment, that the B4348 has the capacity to handle the additional traffic flows. Whilst, it is acknowledged that there will be an increase in traffic flows this needs to be viewed in the context of improved pedestrian and cycle provision, improved bus-services and traffic calming measures along the B4348 road which could result in gateways at either end of the village and other beneficial highway improvements. This scheme with the attendant contribution could facilitate improvements across the village, including the barrier that the B4348 provides to pedestrians in particular crossing the classified road.

#### **Foul drainage**

- 6.22 This is an issue raised by Welsh Water, the Environment Agency and Parish Council. It is a matter that has arisen previously on other sites including one at Kingstone, when on appeal the appointed Inspector concluded that a Grampian style condition could reasonably be imposed. This approach is one that the applicant anticipates in the event that planning approval was supported.
- 6.23 Welsh Water has in this instance following the provision of a Feasibility Study recommended conditions that should be attached together with a requirement that the funding required to upgrade the Waste Water Treatment Works is facilitated via a clause in a section 106/Planning Obligation. The key issue is that this process undertaken by the developer under the control of Welsh Water has established that subject to the above provisos foul drainage generated by this development can be satisfactorily dealt with.

#### **Surface water drainage**

- 6.24 Surface water drainage will need to be provided such that the run-off rate including at storm time is consistent with the run-off for this greenfield site. This is feasible subject to conditions as recommended by both the Land Drainage Officer and the Transportation Manager, the latter being of significance as regards run-off from the spine road and other estate roads and the design for the attenuation pond(s) and french drains which has been the focus of some representations. It is considered that the design of such features can be controlled in order to allay fears relating to health and safety, in relation to young children. This site is on a hillside and therefore given the scale of development mitigation for run-off has to be provided, the design for which will be the subject of planning conditions and separate agreements with the Highway Authority.

#### **Public Open Space**

- 6.25 The scheme makes provision for recreation space as required by Policies OS1 and OS2 in the Core Strategy. The siting is well related to the school, as was the allocated site. It is though removed from the constraint of the overhead power-lines which increases the potential for

increased use as compared to the allocated site, which with the emergence of the Core Strategy was subject to possible change. The provision of recreation land is important given the needs of the village and the fact that just under half of the proposed site is affected by this policy allocation.

- 6.26 Officers consider that in the circumstances this proposal represents a genuine, long-term benefit to the community in a convenient and accessible location relative to the existing facilities that accords with the requirements of Core Strategy Policies OS1 and OS2 and NPPF paragraphs 70 and 73.

### **S106 contributions**

- 6.27 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’ – £349,800 based on current housing mix

‘Sustainable Transport Contribution’ - £181,855 based on current housing mix. This money would be directed towards sustainable transport projects, with potential expenditure on traffic calming and speed management measures, including gateway features at each end of village, possibly a roundabout, improvements to Bazley Lane, footpath/cycleway provision to Fairfield School and improvements to passenger waiting facilities and improvements to bus services.

‘Off site play’ - £86,466 based on current housing mix. This contribution would be directed towards playing pitches in accordance with the Playing Pitch Assessment for the Golden Valley Area.

‘Waste & Recycling’ – is now £80 per unit to cover the cost of the bins.

The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing (up to 31 units), together with requisite standards and eligibility criteria.

The developer covenants to provide an area of 1.2 hectares for public open space, including 1500sqm MUGA/play space/recreation area and would be available for public use. Exact detail of MUGA/play area/recreation space will be sought in consultation with Parish Council.

Finally the agreement will also provide for Improvements to Peterchurch Waste Water Treatment Works.

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

- 6.28 This is a material consideration notwithstanding that the layout plan submitted is illustrative only. The potential area for possibilities for overlooking are in relation to properties adjoining the western and north eastern boundaries of Hawthorn Rise and the western boundary of Crossways. However, it is evident that the illustrative plan submitted has addressed this by siting dwellings which will be one and a half storey away from rear garden boundaries and without first floor windows. This approach was adopted for an earlier scheme that was the subject of a dismissed Appeal; the appeal being dismissed solely on access grounds. Therefore, it is considered that there are no substantive grounds for resisting development. Notwithstanding, this is a matter more appropriately determined at the Reserved Matters stage. Therefore, good standards of amenity can be achieved in accordance with Core Strategy Policy SD1 and NPPF Paragraph 12 in the NPPF.

## Ecology

- 6.29 The Council's Ecologist requests pre-commencement surveying of the site for reptiles. This can be secured by planning condition. Concerns have also been raised to the use of non-mains drainage, this again is addressed by planning condition requiring details for a foul drainage.

## Summary and Conclusions

- 6.30 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. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.31 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 is mostly inside what was previously defined as the settlement boundary, notwithstanding the new settlement boundary will only be defined on adoption of the Neighbourhood Plan. Policy RA2 in the Core Strategy states that *in the period leading up to definition of appropriate settlement boundaries the Council will assess applications against their relationship to the main built form of the settlement*. Therefore, given the context of the site and relationship to existing residential areas it is concluded that the proposal accords with this policy requirement. This is a SHLAA minor constraints site in what is, having regard to the NPPF, a sustainable location with good access to a wide variety of services, facilities and employment opportunities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.32 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 Section 106 contributions 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. Beyond this, the application also makes provision for community open space, which will be dedicated to the Parish Council. Monies will also secure improvements to pedestrian and cycle way provision. In broader terms it is considered that this is the one feasible site in Peterchurch that can provide the scale of housing proposed and associated community benefits.
- 6.33 The tension, in this case, relates to the environmental role. Whilst it is acknowledged that the north eastern area of development is sited beyond the existing rudimentary hedgerow, this hedgerow is considered to have limited ecological value and landscape value. Nevertheless, the layout submitted reinforces this field boundary with additional hedgerow and tree planting and therefore retains and respects the existing field pattern. There are not substantive policy grounds for resisting development beyond this boundary given the contribution this boundary currently makes in the wider landscape and given the shortfall in housing provision. The proposal site will also not impinge upon the setting of Wellbrook Manor further up slope and to the east of the site. In ecological terms, officers conclude that there is no overriding evidence of significant or demonstrable harm of nature conservation interests.
- 6.34 Additional traffic will join the B4348, however, this road is capable of taking the increased traffic volumes that will be mitigated by improvements to pedestrian access from the site via existing public footpaths, improvements to access to Fairfield school allied with traffic calming measures throughout the village secured through Section 106 contributions. It is within this wider context that the proposal needs to be assessed not simply one as generating more traffic.



- 6.35 The means of foul and surface water drainage can be provided subject to a Grampian condition in relation to foul drainage provision and standard conditions in relation to surface water management. As regards foul drainage the onus is on the developer to secure a satisfactory means of disposal which can be secured via the Section 106 Agreement/ Planning Obligation. Surface water drainage details will be subject of approval of the Council's Land Drainage Officer and Transportation Manager.
- 6.36 Officers conclude that there are no overriding landscape, highways, drainage, recreation and ecological 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 recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

## **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. **B01 Development in accordance with the approved plans**
5. **G03 Retention of existing trees/hedgerows**
6. **G04 Protection of trees/hedgerows to be retained**
7. **G09 Details of boundary treatments**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **E01 Site investigation archaeology**
11. **H06 Vehicular access construction**
12. **H11 Parking-estate development (more than one house)**
13. **H17 Junction improvement/off site works**
14. **H18 On site roads -submission of details**
15. **H19 On site roads- phasing**
16. **H20 Road completion in 2 years**
17. **H21 Wheel washing**
18. **H27 Parking for site operatives**

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

19. **H29 Secure covered cycle parking provision**
20. **H30 Travel plans**
21. **Prior to commencement of the development, a reptile survey should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved.**
22. **No development shall take place until a foul drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.**
23. **I20 Scheme of surface water drainage**
24. **I21 Scheme of surface water regulation**
25. **I16 Restriction of hours during construction**
26. **No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Peterchurch Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study) has been completed and confirmed in writing by the Local Planning Authority.**
- 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**
27. **Foul water and surface water discharges shall be drained separately from the site.**
- Reason: To protect the integrity of the public sewerage system.**
28. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**
- Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**
29. **Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.**
- Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**
30. **No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.**

**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.**

**INFORMATIVES:**

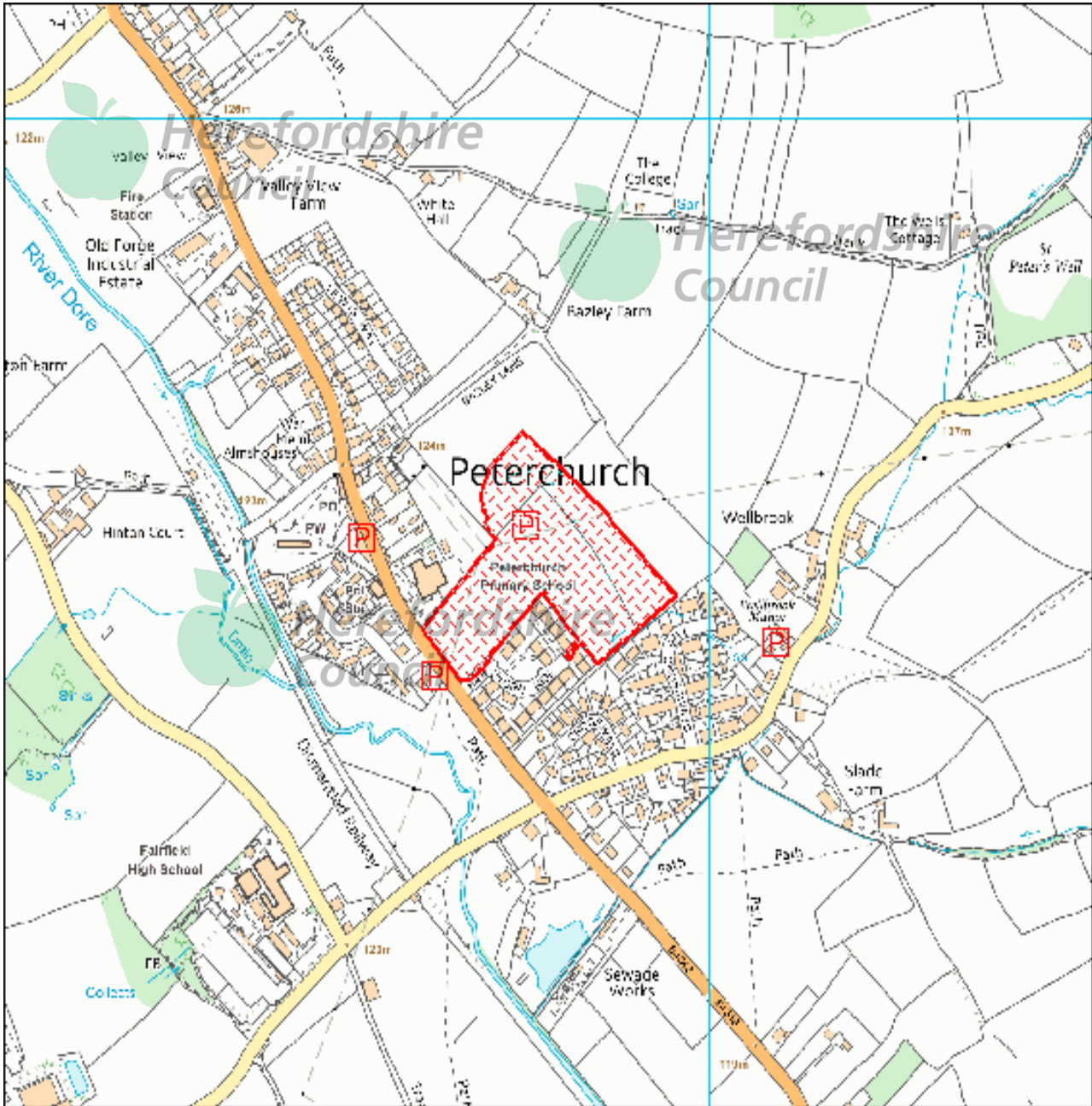
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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. HN08 Section 38 & Drainage details**
- 3. HN07 Section 278 Agreement**
- 4. HN04 Private apparatus within highway**
- 5. HN28 Highways design Guide and Specification**
- 6. HN27 Annual Travel Plan Reviews**
- 7. HN25 Travel Plans**
- 8. S106**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 132707/O

**SITE ADDRESS :** LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Prior on 01432 261932

# 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.

Planning application: P132707/O

Site for the erection of up to 89 dwellings including affordable housing, construction of vehicular access and other associated works on land adjoining Hawthorn Rise, Peterchurch, Herefordshire.

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

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

The contributions will provide for enhanced educational infrastructure at South Hereford City Early Years, Peterchurch Primary School, Fairfield High School, South Wye Youth Service and the Special Education Needs Schools. 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. **Based on the indicative housing scheme the contribution will be £349,080.00**

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
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**£2,949.00** (index linked) for a 3 bedroom open market dwelling

**£3,932.00** (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 will be £181,855.00**

The sustainable transport infrastructure will include:

- Provision of footway/cycleway to Fairfield School with pedestrian crossing to existing bus stop that will be improved through the provision of a shelter
- Peterchurch transport package – looking at Gateway features at both ends of the village, providing a ‘square’ in the centre, removal of central white lines and different coloured road surfacing to reduce speeds, making drivers more aware of the village environment they are driving through. This may include a roundabout feature as part of the entrance to the development site. The design of the package will need to consider each junction / crossing point / parking provision.
- Improvements to passenger waiting facilities in Peterchurch, shelter and kerbs.
- Improvements to bus services

*Note: A Cycle/footway will be delivered along existing footpath (PR9 Bazley Lane) to link the Public Open Space to the centre of the village with a gateway feature exiting the cycle/footway. This is necessary to make the development acceptable and will be a condition of the planning permission to be delivered through a Section 278 highway agreement.*



3. The developer covenants with Herefordshire Council that in accordance with UDP Policy RST4 to provide an area of land of 1.2 hectares for public open space (indicated on drawing no. 752:02 and appended to the agreement), including 1500sqm MUGA/play space/recreation area which is of at least equivalent community benefit and is provided in a convenient and accessible location which would be available for public use as part of the proposed development. The exact detail of the MUGA/play area/recreation space will be sought in consultation with the local parish council. The recreational space and MUGA/play space shall be made available on or before the occupation of the 1<sup>st</sup> open market dwellinghouse.

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

**£878.00** (index linked) for a 1 bedroom open market dwelling

**£1066.00** (index linked) for a 2 bedroom open market dwelling

**£1,442.00** (index linked) for a 3 bedroom open market dwelling

**£1,756.00** (index linked) for a 4 bedroom open market dwelling

The contributions will be spent in accordance with the Playing Pitch Assessment for the Golden Valley Area and emerging Investment Plan and on priorities identified at the time of receiving the contribution. This can include developing the recreation area as dedicated junior football pitches to meet the Football Association's new regulations for 5 v 5, 7 v 7 and 9 v 9 pitches. On receipt of the contribution the Council will consult on the expenditure with the local parish council, community and club. 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 will be £86,466.00**

5. 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 dwelling
<b>£146.00</b>	(index linked) for a 2 bedroom open market dwelling
<b>£198.00</b>	(index linked) for a 3 bedroom open market dwelling
<b>£241.00</b>	(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Peterchurch. 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 will be £11,870.00**

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum up to **£10,680.00** (index linked) dwelling. The contribution will provide for waste reduction and recycling in Hereford. 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 £120.00 per dwelling.**

7. The maintenance of the 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% (up to 31 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 Affordable Housing units, at least 46% shall be made available for social rent with the remaining 54% being available for intermediate tenure occupation.

10. Not to Occupy or cause or permit the Occupation of more than fifty percent (50%) of the Open Market Units (unless Occupation is otherwise agreed in writing by the Council in accordance with a phasing programme).

12. the Affordable Housing Units must at all times be let or managed by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing by way of Social Rented Housing and Intermediate Housing (unless otherwise agreed in writing by the Council) to persons who are:

12.1 registered with Home Point at the time the Social Rented Housing Unit or the Intermediate Rent Housing Unit become available for residential occupation; or

12.2 is eligible for a Shared Ownership Housing Unit under the Herefordshire Allocations Policy and the allocation policy of the landlord Registered Proprietor; and

12.3 satisfy the requirements of paragraph 13 below.

13. The Affordable Housing Units must be allocated in accordance with the provisions of sub-clauses 12.1 or 12.2 above for occupation as a sole residence to a person or persons one of whom has:-

13.1 a local connection with the parish of Peterchurch; or

13.2 in the event of there being no person having a local connection to the parish of Petrchurch a person with a local connection to the adjoining parishes; or

13.3 in the event of there being no person with a local connection as referred to in sub-clauses 13.1 and 13.2 above any other person who is ordinarily resident to the County of Herefordshire of a type described in sub-clauses 14.1 to 14.5 below and is eligible under the allocations policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after 20 working days of any of the Affordable Housing Units becoming available for letting the Registered Provider having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-clauses 13.1 or 13.2 above.

14. For the purposes of sub-clauses 13.1 or 13.2 of this schedule 'local connection' means having a local connection to one of the parishes specified above or the County (if appropriate) because that person:

14.1 is or in the past was normally resident there; or

14.2 is employed there; or

14.3 has a family association there; or

14.4 a proven need to give support to or receive support from family members; or

14.5 because of special circumstances

15. 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.

16. 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.
17. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 7 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.
19. 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.
20. 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>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>152240 - PROPOSED ERECTION OF A REPLACEMENT DWELLINGHOUSE AND THE ERECTION OF 1 NO. NEW DWELLINGHOUSE WITHIN THE CURTILAGE AT LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD</b>  <b>For: Mr Stokes per Mr Stephen Barter, The Old School House, Church Road, Clehonger, Hereford, Herefordshire HR2 9SD</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152240&amp;search=">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152240&amp;search=</a>
<b>Reason application submitted to Committee – Redirection</b>	

**Date Received: 24 July 2015**

**Ward: Hagley**

**Grid Ref: 354275,242420**

**Expiry Date: 22 September 2015**

Local Member: Councillor DW Greenow,

## 1. Site Description and Proposal

- 1.1 The application site lies on the south-eastern side of the A465, Hereford to Bromyard Road, at Eau Withington, and comprises a detached bungalow (known as Fernleigh), with vehicular access to the northern corner of the site. The site is situated adjacent to Flood Zones 2 and 3 but is unlikely to be affected as site levels rise steadily from the roadside to the highest point on the far boundary. The site has recently been extensively cleared of vegetation and now comprises predominantly of grass.
- 1.2 Planning permission is sought for the demolition of the existing bungalow to be replaced by two new dwellings in separate curtilages. The larger of the two dwellings is a 4-bed family house situated to the rear of the plot and the smaller dwelling is proposed to be a 3-bed bungalow replacement of the existing. Each dwelling would utilise the existing access.
- 1.3 The application is accompanied by a Planning Statement and a Preliminary Ecological Appraisal.

## 2. Policies

### 2.1 Herefordshire Local Plan - Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Ensuring sufficient housing land delivery

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Further information on the subject of this report is available from Steffan Thomas on 01432 260627

- SS4 - Movement and transportation
- RA3 - Herefordshire's countryside
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable design and energy efficiency

## 2.2 National Planning Policy Framework

- Introduction - Achieving Sustainable Development
- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 11 - Conserving and Enhancing the Natural Environment

## 2.3 Neighbourhood Planning

Bartestree with Lugwardine Group 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 Core Strategy, but is not currently sufficiently advanced to attract weight for the purpose of decision-taking.

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

<https://www.herefordshire.gov.uk/corestrategy>

## 3. Planning History

- |     |          |  |                       |
|-----|----------|--|-----------------------|
| 3.1 | 150926/F | Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage. | Withdrawn<br>16.06.15 |
| 3.2 | 141960/F | Siting of two temporary static caravans with link extension (retrospective).                                       | Approved<br>15.09.14  |

## 4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to informative

Internal Council Consultees

- 4.2 Transportation Manager: Objects to the proposal on account of the following reasons:
1. unsustainable location requiring dependence on private motor vehicle;
  2. visibility splays are insufficient for the proposed intensification of the existing access;
  3. parking provision far exceeds maximum standards.
- 4.3 Minerals & Waste: No objection
- 4.4 Conservation Manager (Ecology): No objection subject to conditions



## **5. Representations**

5.1 Bartestree with Lugwardine Group Parish Council: Application Supported but the Highways comments are noted.

5.2 There has been four letters objecting to the proposal, the main points raised are:-

1. The proposed 8 double bedrooms could lead to as many as 10 vehicles using the site;
2. Traffic flows on the unrestricted A465 are problematic and likely to cause accidents, most residents currently turn left towards Hereford to avoid accidents;
3. Ecological survey will not show any habitats as the site has been cleared of mature fruit trees and ancient yews prior to this application;
4. Two properties on this plot are an overdevelopment of the site;
5. The applicant claims there have been monthly car-boot sales on this site, this is completely untrue, over the last 45 years there have been none;
6. The development potential of this site was explored when the site came on the market a couple of years ago, a planning officer confirmed that it could only accommodate a replacement dwelling.
7. The area of the village which this application affects has been discussed at great length in the consultation process supporting the Neighbourhood Development Plan. The conclusions are clearly represented in Para's 6.1.12/13 of the draft plan and reject development of this area.
8. The draft Neighbourhood Development Plan has clearly addressed potential sites to meet the required growth of housing in the parish in line with the county targets, and the site covered by this application is not required.

5.3 There has been 21 letters supporting the proposal, the main points raised are:-

1. The applicants have enhanced this previously run-down site over the last 12 months and the proposed dwellings would further improve it;
2. The family are local people and an established asset to the community, they should be permitted to live here;
3. The local postman, who delivers to this address daily, has experienced no issues with visibility when entering or exiting the driveway.

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:-

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

## **6. Officer's Appraisal**

6.1 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the principle of development, access and highway safety, the impact on landscape character and amenity, the design and appearance, the impact on neighbouring residential amenity and the ecological impact.

## Principle of Development

- 6.2 The application site lies outside of the built up area of Bartestree and Lugwardine. Whilst there are properties on either side and in the vicinity, these are loose knit and there are no local services or facilities that are reasonably accessible. On this basis, it is considered that the site is in an isolated and unsustainable location for the purposes of new housing development. New development in the open countryside is strictly controlled in accordance with paragraph 55 of the NPPF and Policy RA3 of the Core Strategy. This limits residential development to proposals that satisfy one or more of the seven criteria.
- 6.3 The third of these criteria is most relevant as it permits the replacement of an existing dwelling (with a lawful residential use) provided that the new dwelling is comparable in size and scale, and is located in the curtilage of the existing dwelling.
- 6.4 This proposal seeks to replace the existing 2 bed dwelling (approximately 50sqm gross floor area) with a far larger 4 bedroomed dwelling to the rear (stated in the covering letter to be 275sqm gross floor area) but also introduce an additional 3 bed dwelling on the site of the existing dwelling, approximately double its size.
- 6.5 Clearly, this proposal far exceeds the parameters of criteria 3 and furthermore seeks an additional dwelling to that of the replacement. As such, the very principle of this form of development is contrary to policy on account of its unsustainable location, contrary to the guidance of Policy RA3 and paragraph 55 of the NPPF.

## Transportation

- 6.6 Notwithstanding the issues pertaining to the scale and location of this proposal, the Transportation Manager has identified additional concerns regarding the parking, access and highway safety implications. Specifically, these are concerned with the visibility splays afforded from the existing access and also the over-provision of parking spaces.
- 6.7 The existing access opens onto the A465, a length of road that is subject to the national speed limit (60mph). The required visibility splays for a junction onto a 60mph limit road, as dictated by the Highways Design Guide for New Development 2006, extend as far as 215m in each direction. On account of the positioning of the access on the apex of a curve in the road, the existing visibility is approximately only 140m in either direction. This 75m deficit in visibility presents a significant threat to highway safety and provides an objective measure that gives greater context to the claim that residents of neighbouring properties all turn left to avoid accidents.
- 6.8 On request of the applicant, an additional site visit was made to determine the maximum possible splays that could be achieved. The subsequent submission of amended plans indicates splays of 195m to the south-west and 150m to the north-east could potentially be achievable, albeit this would require third party land to be kept clear of vegetation. These visibility splays, provided they are achievable, would ultimately still fall somewhat short of the requisite distances.
- 6.9 The access has historically only served the bungalow Fernleigh, but it is currently also used by the occupants of the two static caravans situated further up the hillside within the application site. These caravans were granted temporary permission last year despite objections from the Transportation Manager concerning the access arrangements as it was considered that these caravans would provide alternative accommodation rather than additional, so no material increase in the use of the vehicular access would have occurred.
- 6.10 This application seeks to secure planning permission for two separate dwellings served by this same access. Notwithstanding that one of the dwellings is proposed to be for elderly relatives



who may not frequently make use of their vehicles, over the lifetime of these buildings this would constitute a material intensification in the use of the access.

- 6.11 The resultant intensification of an existing access which is considered potentially dangerous presents an unacceptable risk to highway safety, contrary to part 4 of Policy MT1.
- 6.12 The Transportation Manager has also drawn attention to the proposed provision of ten dedicated parking spaces being far in excess of the maximum standards permitted for this form of development. This issue is not fundamental to the application and could reasonably be resolved by condition. This condition would limit parking to three spaces for the four bed property and two spaces for the two bed property, bringing the provision in accordance with Council standards and subsequently satisfying part 6 of Policy MT1.

#### Impact on Landscape Character and Visual Amenity

- 6.13 The application site is not located within a protected landscape, but does feature a substantial change in levels as the site slopes upwards to the south-east. As such, the larger of the two proposed dwellings, located further up the hill, would appear distinctive upon the hillside and could be seen from as far as the railway line to the north.
- 6.14 The proposed design has however incorporated a low profile for the dwelling and mindful of the comparable development next door but one, Starpit, this new dwelling would not appear noticeably out of place. The resultant impact to visual amenity is not deemed to be severe and could reasonably be accommodated without adversely affecting the landscape.

#### Design and Appearance

- 6.15 This proposal would subdivide the application site to form two separate curtilages, each featuring a newly constructed dwellinghouse.
- 6.16 The larger of the two dwellings is located up the hillside and towards the rear of the plot, emulating the positioning of the next-door-but-one dwelling Starpit. It features a simple gabled form orientated across the plot with three first floor dormers on the front and rear elevations. This design ensures the height and massing of the dwelling is kept suitably low such that it does not appear intrusive on the hillside. The use of slate tiles, cream render and feature brickwork is considered broadly appropriate and as such the proposed design raises no concerns.
- 6.17 The smaller dwelling is proposed to be a bungalow and would be situated marginally behind the existing building. This recessed location is more akin to that of neighbouring properties Rosedene and Aston Lea and is considered a justifiable alteration that would enhance the streetscene. The use of a simple gabled form orientated across the plot has been repeated, but with the addition of two feature cross-gables on the forward elevation that add visual interest. A single cross-gable has also been included to the rear. The use of matching materials to the larger dwelling is again considered broadly appropriate.
- 6.18 The four other dwellings that form this cluster of housing have few attributes in common with each other. As such, beyond the positioning and layout of these dwellings, there is little that constitutes local character to which this proposal would need to adhere to.
- 6.19 These two dwellings are not considered to be of exceptional quality or demonstrative of innovative design, yet their physical manifestation broadly accords with Policies SD1 and LD1. Notwithstanding the issue of their comparative scale to the existing dwelling, which is a fundamental concern, the proposed design and appearance of each of these dwellings is acceptable.

### Residential Amenity

- 6.20 By virtue of the scale, location and distance from the curtilage of both the replacement dwelling and the new dwelling, neither are considered to have any significant impact upon neighbouring amenity. Similarly, both in terms of the provision of private amenity space and the provision of an acceptable degree of outlook, the amenity afforded to any future occupants of either of the two dwellings is deemed to be acceptable.

### Impact on Ecological Interests

- 6.21 The Council's Ecologist concurs with the findings of the submitted preliminary ecological appraisal. It is concluded that the proposal will not have a significant impact on ecological interests. Subject to the imposition of conditions, the development is considered to accord with the provisions of the Core Strategy and NPPF guidance.

### Conclusion

- 6.22 Whilst the personal circumstances of the applicants are acknowledged, the fundamental planning issues of sustainability and the safe access to and from the site have not been suitably addressed. I see no legitimate reason to contravene planning policy by making an exception in this case and as such I recommend that this application is refused.

## **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

1. **The application site is situated away from any public services or facilities and is considered an unsustainable location for new residential development. The proposed new dwelling fails to meet any of the criteria for permitting housing outside of settlements and is subsequently contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
2. **The proposed replacement dwelling is substantially larger than the existing bungalow. This form of intensification within a countryside setting is contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
3. **The intensification in the use of the vehicular access presents an unacceptable risk to highway safety, contrary to part 4 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
4. **The parking provision is in excess of Council standards, encouraging dependency on the motor vehicle. This is contrary to part 6 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

**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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

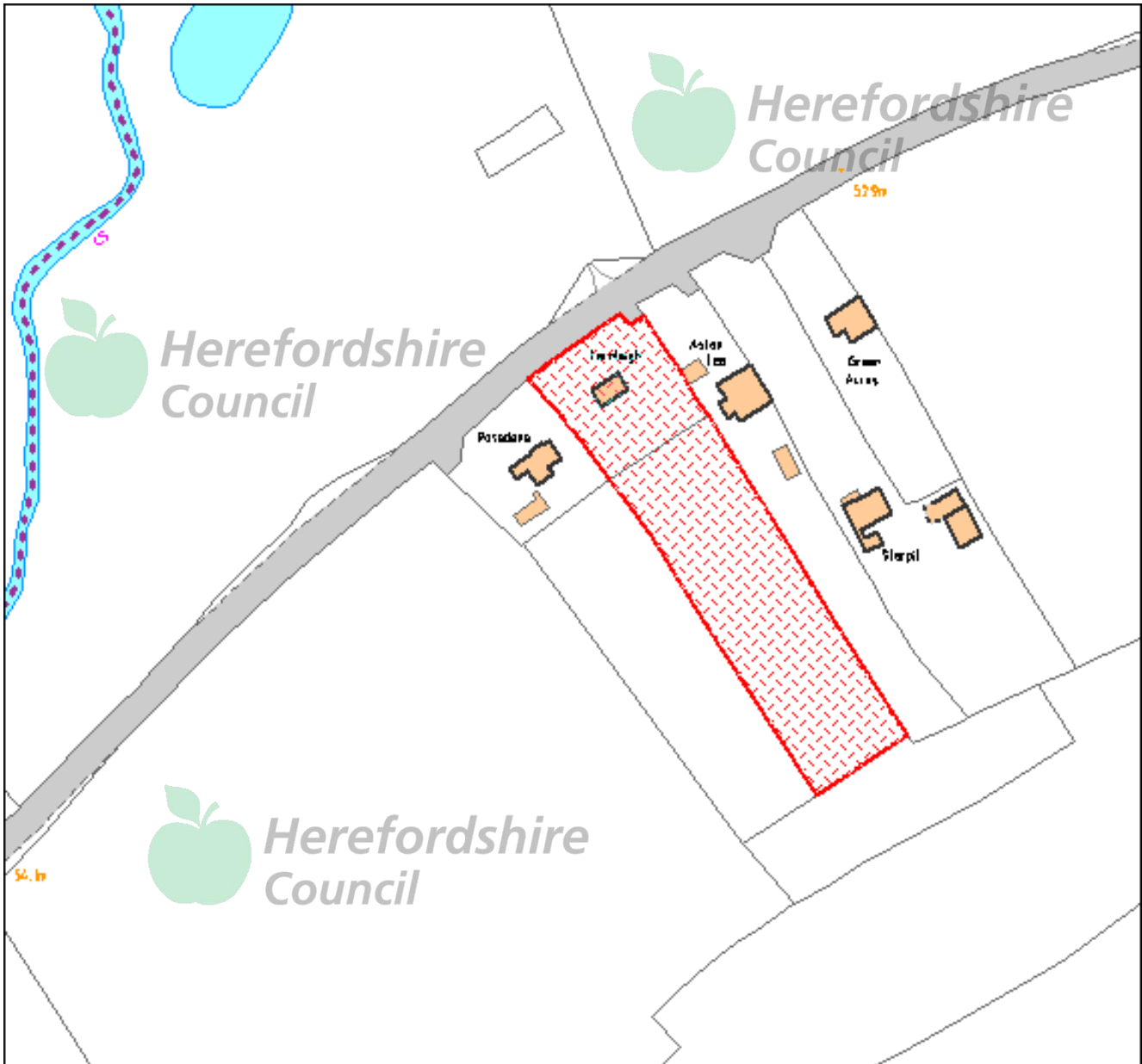
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 152240

**SITE ADDRESS :** LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>152246 - PROPOSED CONVERSION OF FORMER PUB FUNCTION ROOMS INTO 6 SELF-CONTAINED APARTMENTS AND EXTERNAL STAIR TO NORTH ELEVATION AT 1 ST MARTINS STREET, HEREFORD, HEREFORDSHIRE, HR2 7RD</b>  <b>For: Mr Rone per Mr Mark Powles, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152246&amp;search=">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152246&amp;search=</a>
<b>Reason Application submitted to Committee – Member Application</b>	

**Date Received: 28 July 2015**

**Ward: Hinton & Hunderton**

**Grid Ref: 350829,239538**

**Expiry Date: 22 September 2015**

Local Member: Councillor ACR Chappell

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

- 1.1 The application site is situated within the central area of Hereford, forming a strip of land to the east of St Martin's Street reaching from the River Wye in the north to Wye Street in the south. The site comprises The Saracens Head, a Public House which has recently reopened after having been closed since February 2014. Opposite the site, across St Martins Street, are a mix of A1, A2 and C3 uses whilst to the rear is the Old Sack Warehouse which has been sensitively converted to residential use.
- 1.2 Planning permission is sought for the conversion of the various functions rooms within the Public House into six flats. New external staircases are proposed on the eastern elevation and one on the northern elevation to facilitate first and second floor access. The flats would comprise of four one-bed studio apartments and two two-bed apartments.

## **2. Policies**

### **2.1 Herefordshire Local Plan - Core Strategy**

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Ensuring sufficient housing land delivery
SS4	-	Movement and transportation
HD1	-	Hereford
HD2	-	Hereford city centre
SC1	-	Social and community facilities

Further information on the subject of this report is available from Steffan Thomas on 01432 260627

- LD1 - Landscape and townscape
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable Water Management and water resources
- SD4 - Waste Water treatment and river water quality

## 2.2 National Planning Policy Framework

- Introduction - Achieving Sustainable Development
- Section 2 - Ensuring the Vitality of Town Centres
- Section 4 - Promoting Sustainable Transport
- Section 6 - Delivering a Wide Choice of High Quality Homes
- Section 7 - Requiring Good Design
- Section 12 - Conserving and Enhancing the Historic Environment

## 2.3 Neighbourhood Planning

There is no Neighbourhood Plan for Hereford. The Council will prepare a Hereford Area Action Plan.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

## 3. Planning History

### 3.1 No recent planning history

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water: No objection subject to an informative in the recommendation.
- 4.2 Historic England: The north-western corner of the building sits within the scheduled ancient monument of the Wye Bridge (UID: 1005521). If any below ground works are to be undertaken within the area of the scheduled ancient monument then scheduled monument consent will need to be applied for.
- 4.3 Natural England: No objection subject to an informative in the recommendation.

### Internal Council Consultees

- 4.4 Transportation Manager: No objection subject to condition
- 4.5 Conservation Manager (Archaeology): No objection subject to informative
- 4.6 Conservation Manager (Historic Buildings): No objection subject to condition
- 4.7 Conservation Manager (Ecology): No objection

## 5. Representations

5.1 Hereford City Council: No objection

5.2 There has been one letter received relating to this proposal, the main points raised are:-

The existing Residents Parking Scheme is largely at capacity. The addition of six new dwellings with no dedicated parking provision would likely put additional pressures on this highly valued but finite community resource.

5.3 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 In accordance with the Town and Country Planning Act 1990 (as amended) the principal considerations in the determination of this application are the principle of development, the detailed design within this historic setting, the parking, access & highway safety implications as well as the impact on neighbouring amenity.

### Principle of Development

6.2 Policy SC1 seeks to retain social and community facilities such as this which can serve as community hubs. However, given the provision of ample alternative venues to fulfil this function within the vicinity and the fact that the Public House, which was closed and only recently re-opened, is retained, the policy is considered to have been complied with as the Public House is retained albeit on a reduced scale.

6.3 The text that furnishes Policy HD2 provides clear support to the principle of this form of residential development as it specifically identifies the conversion of underused spaces to be an important means of securing the 800 new homes that are proposed to be accommodated within the city centre.

### Parking, Access & Highway Safety

6.4 The Transportation Manager considers that the comparative use of pub function rooms and residential to be broadly comparable and therefore not an intensification of the site. As such no S106 contribution can be justified.

6.5 The proposed cycle store has been positioned in what appears to be an unsuitable location, leaving a gap of only 1 metre between the store and a staircase, impeding access to flats 3, 5 and 6. In addition, its size appears to be insufficient provision for the six apartments that are proposed. Both of these concerns can be suitably addressed by the imposition of a condition.

6.6 The city centre location is appropriate for a car free development and as such no dedicated parking provision is considered to be necessary. Notwithstanding this, residents of the new flats would qualify for resident parking permits to Parking Zone 8 which covers the Wye Street and St Martin's area. The site visit corroborated the claims of concerned neighbours that the number of available residents parking spaces is extremely limited. In this respect the future parking concerns of local residents are considered both reasonable and valid.

- 6.7 The capacity for the planning system to address these specific concerns is however restricted by Written Statement HCWS488 which requires Local Planning Authorities to only impose parking standards for residential development where there is clear and compelling justification that it is necessary to manage their local road network. In this instance, the parking issue raised is speculative and the Transportation Manager has not indicated that any action is necessary. As such, there is not considered to be sufficient justification for the imposition of parking conditions.
- 6.8 The Council's Parking Team have been informed of the development and they have indicated that the pressures on parking spaces within permit zone 8 will be kept under periodic review.

#### Detailed Design & Historic Context

- 6.9 1 St Martins Street is an unlisted building; however it lies within Hereford's Central Conservation Area. There are a number of listed buildings nearby including: 2 St Martins Street (grade II) on the opposite side of the street; The Old Sack Warehouse (grade II) immediately adjacent to the east; and the Wye Bridge which is grade I listed and a Scheduled Ancient Monument. Further listed buildings are in the vicinity including The Bishops Palace (grade II\*) and associated buildings, set within extensive grounds running down to the north bank of the River Wye. The impact on the setting of these designated heritage assets and also on the character and appearance of the conservation area needs to be taken into account when assessing this proposal.
- 6.10 The elevation fronting St Martins Street would retain much of its current appearance but with 4 new window openings in the southernmost range. There is no objection from a heritage perspective to this alteration although detailed drawings of the windows will be secured by condition should planning permission be granted.
- 6.11 The most substantial physical alterations affect the rear (east) elevation. These works would introduce two additional sets of external stairs as well as 8 new window openings and 5 new doorways. In terms of visual impact, the new windows and doors are largely hidden from view on account of their orientation facing into a narrow alleyway formed between The Saracens Head and the adjacent Old Sack Warehouse. Of greater concern are the proposed staircases as these would add additional clutter and the upper elements would be visible from the footpath running along the south bank of the river and also from the Wye Bridge. There are also more distant views afforded from the north bank of the river, to the south of Gwynne House (grade II). To ensure that the addition of these stairs avoids harming the setting of the adjacent listed building or harm to the appearance of the wider conservation area, the detailed design would need to be of a suitably high quality. Discussions between the Conservation Manager (Historic Buildings) and the applicant concerning an agreeable detailed design are ongoing and it is considered pertinent to require these details to be agreed via condition.
- 6.12 The elevation fronting onto the River Wye is also proposed to be altered to accommodate a further set of external stairs. The much greater visibility of this element of the proposal in conjunction with its location, adjoining existing decorative metalwork on the first floor balcony, would require a suitably more ornate design. This has been agreed in principle with the applicant and detailed drawings of the exact design will similarly be secured by condition.

#### Residential Amenity

- 6.13 By virtue of their location and orientation, the six new apartments are not considered to have any discernable detrimental impact on the amenity of any of the neighbouring properties.



## Conclusion

- 6.14 The proposed scheme accords with the relevant planning policy, providing six new dwellings within an existing structure that is currently underused. The physical alterations to accommodate the change of use are deemed acceptable, subject to elements of the detailed design being agreed to ensure no detrimental impact to the site's historic setting. The localised concerns raised over parking pressures are reasonable, but are not deemed sufficient to warrant the imposition of parking conditions. As such, in accordance with the principle in favour of sustainable development, the application is recommended for approval.

## **RECOMMENDATION**

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

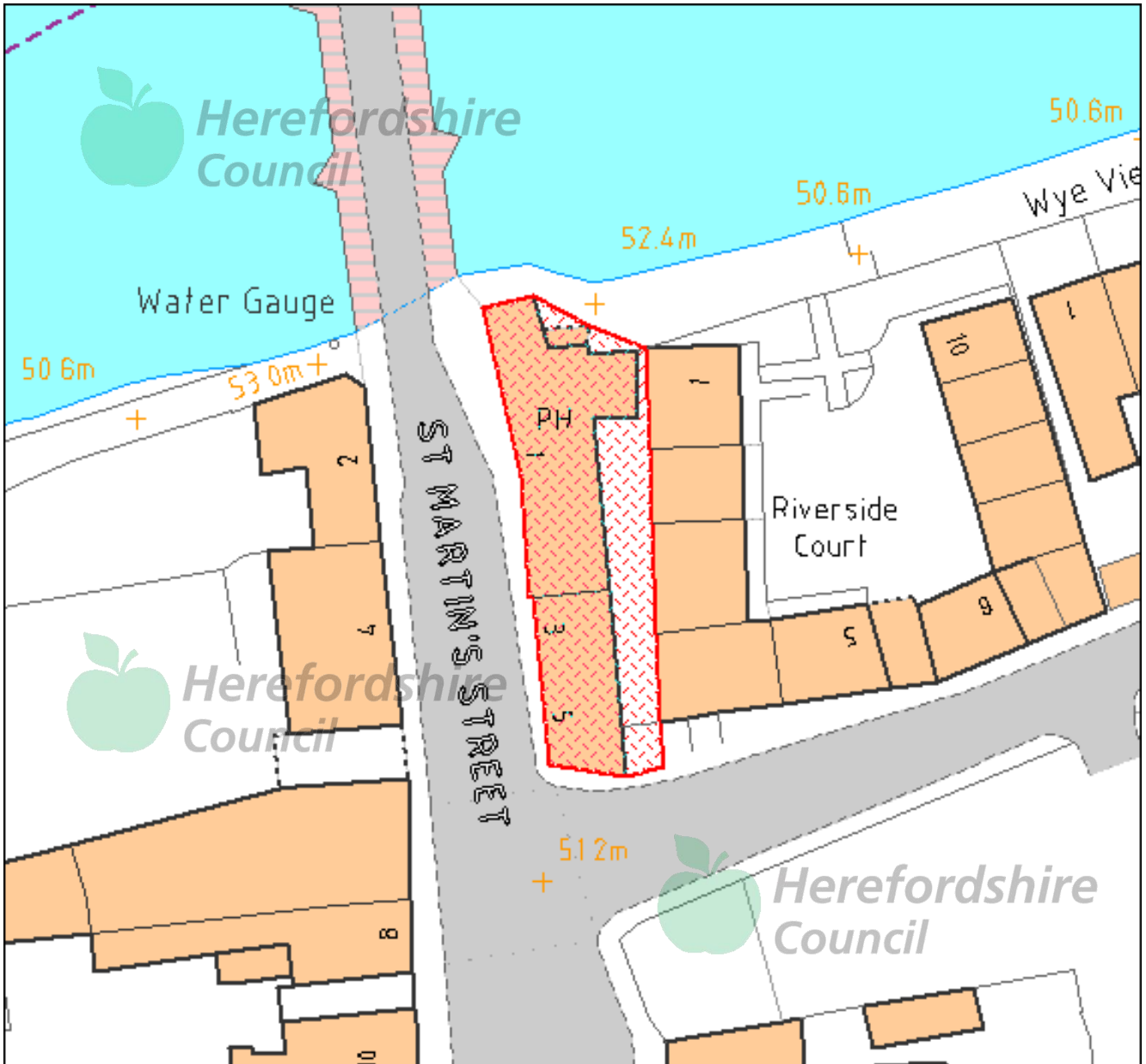
1. **A01 - Time limit for commencement (full permission)**
2. **H29 - Covered and secure cycle parking provision**
3. **D02 - Approval of details:**
  - A) Detailed design of windows;
  - B) Detailed design of staircases.
4. **B02 - Development in accordance with approved plans and materials (Drawing nos. 2270-05, 2270-06 and 2270-07)**
5. **I16 - Restriction of hours during construction**

## **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. **N11C – General**
3. **N11A – Wildlife and Countryside Act 1981 (as amended) – Birds**
4. **ND02 – Area of Archaeological Importance**
5. **W02 – Welsh Water rights of access**

## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 152246

**SITE ADDRESS :** 1 ST MARTINS STREET, HEREFORD, HEREFORDSHIRE, HR2 7RD

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 NOVEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>151630 - PROPOSED ERECTION OF ONE DWELLING AT LAND AT APPLEWOOD HOUSE, BRIDSTOW, ROSS ON WYE</b>  <b>For: Mr Willis per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151630&amp;search=151630">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151630&amp;search=151630</a>
<b>Reason Application submitted to Committee – Member Re-direction</b>	

Date Received: 29 May 2015

Ward: Llangarron

Grid Ref: 358444,224472

Expiry Date: 24 July 2015

Local Member: Councillor EJ Swinglehurst

## 1. Site Description and Proposal

- 1.1 The application is located within the built core of Bridstow, a village identified under Core Strategy Policy RA2 as a settlement for proportionate residential growth. The site as is the whole of Bridstow is located within the Wye Valley AONB, a statutory designated landscape. The site comprises residential curtilage associated with Applewood House, a detached modern dwelling that has been previously extended. It is noted Applewood House enjoys a large front and rear curtilage. The site, as is the existing dwelling, is accessed from a lane serving 5 existing dwellings which in turn connects to Bannutree Lane and the A49 Trunk Road.
- 1.2 The site adjoins Applewood House to the north, Pool House to the west, with the access lane forming the south and east boundaries. This boundary is delineated by an established hedgerow which is retained.
- 1.3 The proposal is a full application for the erection of a dwelling with associated garage, access and parking. External materials will be brick and clay tile with timber, all details to be agreed by condition.

## 2. Policies

### 2.1 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
SD1	-	Sustainable Design and Energy Efficiency
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages

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

LA1	-	Landscape and Townscape
LD3	-	Green Infrastructure
LD5	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy

## 2.2 National Planning Policy Framework (NPPF)

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 12	-	Conserving and Enhancing the Historic Environment

2.3 Bridstow is preparing a Neighbourhood Plan and the Neighbourhood Area was designated 23 September 2013 however the Plan has not yet progressed and therefore has no weight for the purpose of determining planning applications.

2.4 The Herefordshire Local Plan – Core Strategy is the 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/core-strategy/adopted-core-strategy>

## 3. Planning History

3.1 DCSE2007/2088/F – Erection of dormer bungalow and garage – Refused 29 August 2007

DCSE2001/1780/O – Site for erection of single-storey dwelling – Refused, Appeal Upheld 23 July 2002 – Adjoining site

SH96/0895/PF – Extension – Approved with conditions 11 October 1996

SH94/1389/PF – Erection of a bungalow – Refused 4 January 1995

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water has no objection however advises that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets. These are attached to the recommendation.

Internal Consultees

4.2 Transportation Manager comments:

Due to the past history of this lane, access to this development has previously been discussed via an appeal. Therefore I remove my objection.

Parking and turning should meet Herefordshire Council’s design guidelines; garages should be 6 x 3m in dimensions. Due to the limited available of additional parking, both along this lane and

along Bannutree Lane, please can a condition be placed preventing the development of the garages to habitable space. Details of parking provision for site operatives should be provided.

## 5. Representations

5.1 Bridstow Parish Council objects commenting after making a site visit that Bridstow Parish Council felt that the access proposed is totally unsuitable. This application could only lead to increased congestion and difficulties on the narrow private lane, with the poor visibility onto Bannutree Lane and furthermore increased traffic flow on to the A49.

5.2 Seven letters of objection have been received from local residents. Comments are summarised as follows:

- Highway safety
- Inadequacy of lane for additional traffic
- Existing passing places parked in by applicant
- Questions legality of proposed house vis a vis access rights
- Impact on adjoining properties
- Reliance on a hedge to screen development
- Planning consent at rear of the property was for a bungalow and is not comparable with this application

5.3 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 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay 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 the NPPF indicate development should be restricted.

6.2 Core Strategy policy SS1 details Herefordshire Council will take a positive approach that reflects this presumption in the NPPF. As part of this, this means locating new residential development within or adjoining the settlements listed under policy RA2. Bridstow is listed under this policy. These settlements have been selected to maintain and strengthen a network of locally sustainable communities across the rural parts of Herefordshire, in these villages best able to support development, bolstering existing service provision, improving facilities and infrastructure and meeting the needs of their communities.

6.3 The NPPF is clear the three dimensions of sustainable development are indivisible. This assessment demonstrates that the adverse impacts associated with granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains

should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

- 6.4 Paragraph 9 of the NPPF states pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) improving the conditions in which people live, work, travel and take leisure.
- 6.5 The Ministerial foreword to the NPPF states, *our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity* and goes on to set out the Government's policies, aims and objectives in Section 7 Requiring Good Design, paragraphs 56-68.
- 6.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.

Whilst local planning authorities are advised not to impose architectural styles, paragraph 60 states it is proper to seek to promote or reinforce local distinctiveness.

- 6.7 Paragraph 61 acknowledges that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.8 Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.9 Core Strategy policy SS1 details Herefordshire Council will take a positive approach that reflects this presumption in the NPPF. As part of this, this means locating new residential development within or adjoining the settlements listed under policy RA2.
- 6.10 Bridstow is designated in the Core Strategy under Policy RA2 as a settlement for proportionate growth. Whilst Bridstow is wholly within the Wye Valley Area of Outstanding Natural Beauty, this does not preclude development in sustainable locations on suitable sites. This would in the main only comprise sites within or adjoining existing sustainable settlements. It is noted in the Core Strategy that this settlement is to provide a minimum number of 57 dwellings in the Plan period of which two are committed.

- 6.11 Policy RA2 acknowledges the importance of the Herefordshire landscape, and particularly the Malvern Hills and Wye Valley Areas of Outstanding Natural Beauty. As such it states new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping. High quality design that is sustainable and reinforces the locally distinctive vernacular will be particularly encouraged. Innovative and/or contemporary design will also be supported where it is appropriate to its context, it makes a positive contribution to the architectural character of the locality and achieves high levels of sustainability in terms of energy and water efficiency, as set out in Policy SD1.
- 6.12 The unacceptability of development within the AONB is listed within the NPPF as being a scenario whereby:
1. specific policies of the NPPF indicate otherwise; or
  2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.13 The appropriate method of determination in the context of the above hinges on whether or not the scheme is considered ‘major development’ in the context of paragraph 116:
- If the development is found to meet the definition of major development then the cost-benefit analysis required by paragraph 116 becomes the test of acceptability; or
  - If the scheme does not meet the definition of major development, the planning balance remains the relevant test of acceptability albeit with great weight afforded to retaining the landscape character and scenic beauty of the AONB required at paragraph 115.
- 6.14 Officers do not consider the provision of a single dwelling to represent major development in the context of Bridstow and paragraph 116 of the NPPF. The planning balance therefore applies here, however, it is considered inarguable that Bridstow, in principle, as described under Core Strategy policies SS1 and RA1, is a targeted, suitable and sustainable location for residential development.
- 6.15 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF and Core Strategy policy SS1 to engage the positive presumption in favour of the proposal. The Government’s definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 5, 6, 7 and 11 of this paragraph are most relevant in requiring that planning:
5. take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
  6. support the transition to a low carbon future in a changing climate;
  7. contribute to conserving and enhancing the natural environment and reducing pollution; and
  11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.16 The proposal is for a single dwelling in a settlement that is identified in the Core Strategy as both sustainable and a location for proportionate residential growth. Bridstow will during the

Core Strategy period accommodate at a minimum, an additional 57 dwellings. This is in the full knowledge the settlement is wholly within the Wye Valley AONB.

- 6.17 This proposal includes quality sustainable design that also creates a safe, accessible, well integrated environment. In conjunction with this, the proposal incorporates the following relevant requirements of Core Strategy policy SD1:
- ensure that proposals make efficient use of land taking into account the local context and site characteristics,
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
  - safeguard residential amenity for existing and proposed residents;
  - ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
  - ensure that distinctive features of existing buildings and their setting are safeguarded;
  - utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;
  - Where possible, on-site renewable energy generation should also be incorporated;
  - ensure that proposals make efficient use of land taking into account the local context and site characteristics, including land stability and contamination;
  - ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development;
- 6.18 Bridstow is listed under policy RA2 of the Core Strategy as one of the villages which are the main focus of proportionate housing development and furthermore as assessed against the NPPF it is accepted this is a sustainable location in regards access to services (primary school, bus stops, recreational opportunities and proximity to Ross on Wye) and reduced reliance on using a private vehicle. It is also noted the site represents infill development as opposed to development creep into open countryside, as the site is surrounded on all sides by existing residential development, the majority of which is post War.
- 6.19 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.20 Planning permission was granted on appeal for a new dwelling on a plot of land to the rear of 'Appledore' which adjoins the current application site to the south (application reference DCSE2001/1780/O). The Planning Inspector considered that the resultant use of this access road and its junction with Bannutree Lane did not justify the refusal of planning permission. Subsequent to this decision there is no basis to refuse the proposal on access and highways grounds as noted by the Council's Transportation Manager. Furthermore, amended plans have addressed previous parking, turning and amenity concerns.
- 6.21 The proposed dwelling is modest in its scale, proportionate to its plot, having an L shape in plan and measuring 10.45 x 7 metres over its maximum extents. The dwelling has a height to ridge of 6.7 metres and eaves of 4 metres. The detached garage measures 6.2 x 3.4 metres in plan with height to ridge of 3.7 metres and is located to the North and side elevation of the proposed house. It is considered the dwelling has subservience to the existing Applewood House and will not dominate the streetscene.



- 6.22 The scale and design respects its location, indeed it can be considered the proposal has superior character and is a more attractive design than the existing dwelling Appledore. The dwelling has been designed to ensure and minimise limited impact on adjoining amenity and privacy utilising a dormer style design with only one first floor window in the South elevation. Roof lights serve other first floor rooms. The West elevation is blank.
- 6.23 The previous refusal and subsequent appeal decision are noted, however clearly local and national policies have evolved since that decision, including the NPPF's presumption in favour of sustainable development and the adoption of the Core Strategy.
- 6.24 As such, having regard to all of the above, approval is recommended.

## **RECOMMENDATION**

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

- 1. A01 - Time limit for commencement (full permission)**
- 2. B02 - Development in accordance with approved plans**
- 3. Foul water and surface water discharges shall be drained separately from the site.**  
**Reason: To protect the integrity of the public sewerage system.**
- 4. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**  
**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**
- 5. H06 - Vehicular access construction**
- 6. H11 - Parking - estate development (more than one house)**
- 7. H13 - Access, turning area and parking**
- 8. H27 - Parking for site operatives**
- 9. H29 - Secure covered 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. HN01 - Mud on highway**

- 3. **HN04 - Private apparatus within highway**
- 4. **HN05 - Works within the highway**
- 5. **HN10 - No drainage to discharge to highway**
- 6. **HN28 - Highways Design Guide and Specification**
- 7. **HN24 - Drainage other than via highway system**

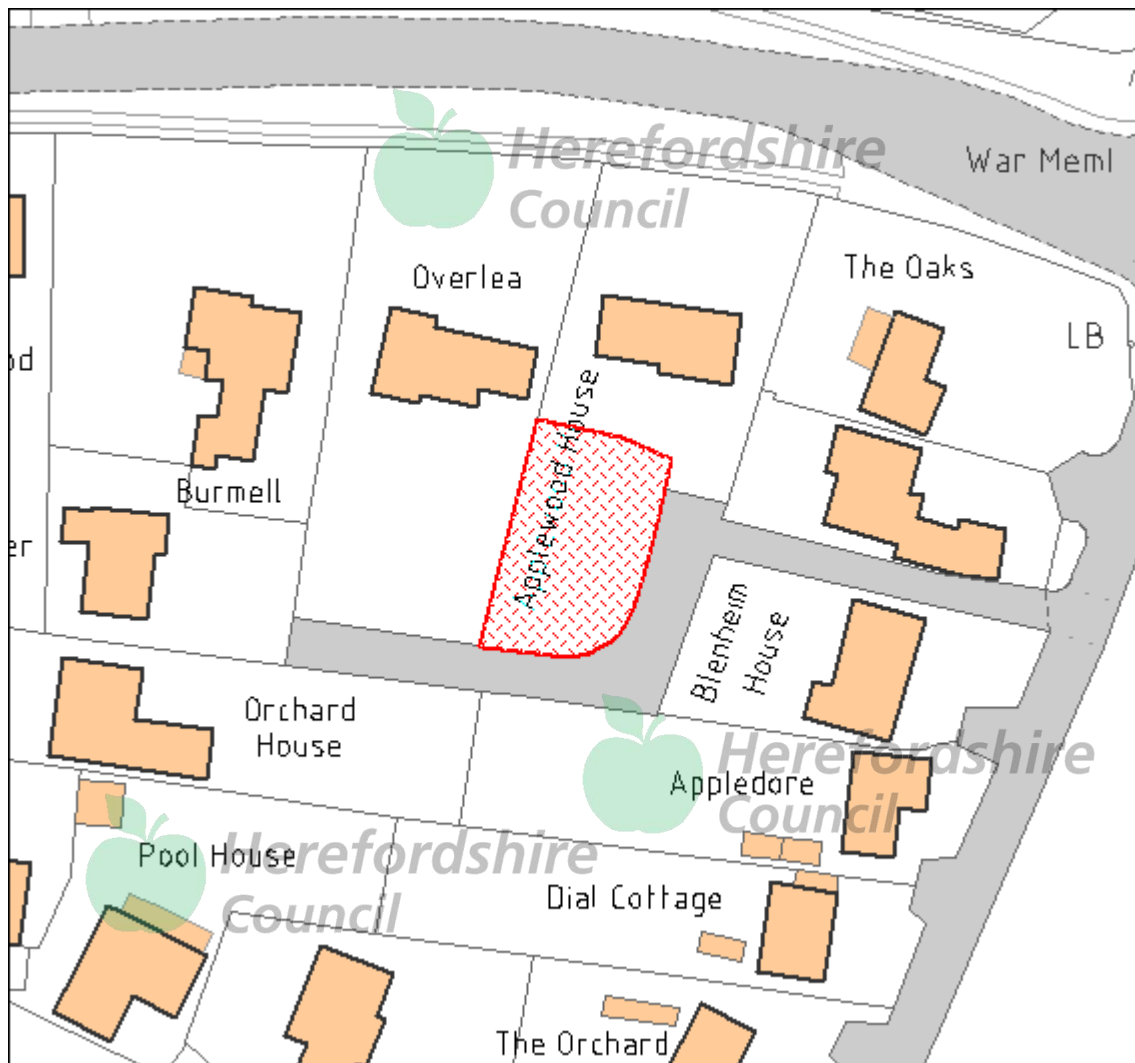
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 151630

**SITE ADDRESS :** LAND AT APPLEWOOD HOUSE, BRIDSTOW, ROSS ON WYE, HEREFORDSHIRE

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