

Agenda

Planning and regulatory committee

Date: **Wednesday 13 September 2017**

Time: **10.00 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory 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 TM James
	Councillor JLV Kenyon
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor EJ Swinglehurst

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 2 August 2017.</p>	9 - 24
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	25 - 32
7.	<p>162261 - LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF</p> <p>Proposed site for up to 80 dwellings, garages, parking, open space and indicative road layout at land off Ashfield way, Bromyard, Herefordshire, HR7 4BF.</p>	33 - 70
8.	<p>164024 - FORMER COUNCIL OFFICE, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ</p> <p>Re-development of former council offices at Bath Street, Hereford including change of use from B1 - business to C3 - dwellinghouses to provide a total of 75no. apartments (comprising 1 & 2 bed apartments). Re-development includes partial demolition of existing buildings (as indicated on submitted drawings), conversion of at former council offices, 39 Bath Street, Hereford, Herefordshire, HR1 2HQ.</p>	71 - 98
9.	<p>163327 - WHITE HOUSE FARM, ARCHENFIELD, HAY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 5TB</p> <p>Erection of a barn egg unit for fertile egg production at White House Farm, Watery Lane, Hay-on-Wye, Hereford, HR3 5TB.</p>	99 - 128
10.	<p>171411 - ONE DWELLING LAND ADJ. SUNNY BANK COTTAGE, LITTLE BIRCH</p> <p>Proposed dwelling at land adjacent to Sunnybank Cottage, Little Birch, Herefordshire.</p>	129 - 136

11. **171931 - COP CASTLE, BRINGSTY COMMON, BROMYARD, WORCESTER, HEREFORDSHIRE, WR6 5UN** 137 - 142

Ground floor: remove infill stone to expose inglenook fireplace to original extent. Replace broken concrete floor of fireplace. Install chimney liner. First floor: remove blanking plasterboard to fireplace and renovate fireplace as found. Cap chimney pot at Cop Castle, Bringsty Common, Bringsty, Worcester, WR6 5UN.

12. **DATE OF NEXT MEETING**

Date of next site inspection – 3 October 2017

Date of next meeting – 4 October 2017

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairman)	Conservative
Councillor J Hardwick (Vice-Chairman)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Conservative
Councillor TM James	Liberal Democrat
Councillor JLV Kenyon	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor WC Skelton	Conservative
Councillor EJ Swinglehurst	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 2 August 2017 at 10.00 am

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

Councillors: BA Baker, WLS Bowen, DW Greenow, KS Guthrie, EPJ Harvey, TM James, FM Norman, AJW Powers, A Seldon, EJ Swinglehurst and SD Williams

In attendance: Councillors PE Crockett, BA Durkin, PM Morgan and D Summers

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler, PJ Edwards, EL Holton, JLV Kenyon, and WC Skelton.

31. NAMED SUBSTITUTES

Councillor WLS Bowen substituted for Councillor PJ Edwards, Councillor EPJ Harvey for Councillor JLV Kenyon and Councillor SD Williams for Councillor WC Skelton.

32. DECLARATIONS OF INTEREST

Agenda item 9: 170984 – Land at Four Winds, Phocle Green, Ross-on-Wye

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

Agenda item 10: 170465 – Land Adjacent to Holly Brook Cottage, Lyde.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

33. MINUTES

RESOLVED: That the Minutes of the meeting held on 12 July 2017 be approved as a correct record and signed by the Chairman.

34. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that this was Leenamari Aantaa-Collier's last meeting as legal adviser to the Committee and thanked her for her contribution to the Committee's work.

35. APPEALS

The Planning Committee noted the report.

36. 162261 - LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

(Proposed site for up to 80 dwellings, garages, parking, open space and indicative road layout.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He added that although no formal written response had been received from the Herefordshire Clinical Commissioning Group (CCG) they had confirmed, at a meeting on 31 July 2017, that Nunwell Surgery was at capacity.

In accordance with the criteria for public speaking, Mr R Page, of Bromyard and Winslow Town Council, spoke in opposition to the Scheme. Mrs C Hughes, a local resident, speaking on behalf of residents of Ashdown Way spoke in objection.

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

He made the following principal comments:

- The site was a windfall development. No local authority plan had designated the site for housing.
- Core Strategy Policy BY1 stated that Bromyard would accommodate a minimum of 500 new homes together with around 5 hectares of new employment land during the plan period. Bromyard and Winslow Town Council had decided not to pursue a Neighbourhood Development Plan having been unable to identify employment land. It was now seeking to participate in the production of the Bromyard Area Development Plan.
- The Parish Council's preference and that of the local population was for development to take place at the strategic housing location Hardwick Bank as provided for in Core Strategy policy BY2.
- He questioned whether the proposal was premature and contrary to the provision of policy SS5 requiring the provision of employment land.
- He highlighted and supported the concerns expressed by Nunwell Surgery that the current capacity was insufficient to meet the additional need that the development would generate.
- St Peters Bromyard Primary School was at or over capacity.
- He questioned whether the development was necessary and whether it would jeopardise infrastructure and the delivery of the strategic housing site at Hardwick Bank.
- In relation to the impact on the landscape and conformity with policy LD1, whilst the planning officer had commented that the planning application was for outline permission applications for planning permission on adjacent sites had been refused and dismissed on appeal on landscape grounds. Recent legal judgements meant that the authority could give weight to this aspect notwithstanding the absence of a five year housing land supply. Development proposals should conserve and enhance the landscape.
- In summary he asked the Committee to consider whether the proposal jeopardised the development of the Hardwick Bank site because of the pressure on infrastructure, whether it was contrary to policy SS5 given the absence of employment land in the Parish and contrary to policy LD1 because of its adverse impact on the landscape.

- If the application were to be approved he requested that the Town Council and local community be involved in consideration of the reserved matters.

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

- In response to questions the Principal Planning Officer showed a plan indicating the proposed housing development in the Town. He confirmed that paragraph 4 of the Heads of Terms document was intended to refer to a contribution per dwelling.
- Current plans provided for sustainable development in Bromyard. Consideration should be given to the potentially adverse effect of unplanned development.
- The development was contrary to the wishes of the Town Council and the local community. There were other sites identified for development for which there was local support.
- Regard needed to be had to the concerns about whether there was sufficient infrastructure provision to support the proposed development.
- The absence of employment land was a concern.
- Particular consideration needed to be given to the impact on the landscape of a development on the approach to the Town. There appeared to be a lack of information about the provision of green infrastructure as part of the development. A member added that if the development were to be approved it would be important to ensure that any mitigation provided was sufficient. If this was carried out well it might even soften the edge of the approach to the Town.
- It was asked whether there was scope for sustainable transport measures. However, in view of the concerns about the impact on the landscape a majority of members supported a proposal that a site inspection be held.

The legal adviser commented on the effect of the "Richborough case" on the application of the NPPF and the weight the Committee could give to core strategy policies. If the Committee was minded to refuse the application it would have to be satisfied that the proposal would cause significant and demonstrable harm.

The Lead Development Manager commented in response to a question that the Rural Areas Development Plan was to be progressed first ahead of the Bromyard Area Development Plan. No decision had yet been taken as to what areas, including the application site, would be included within the Rural Areas Development Plan. A site visit would allow members to consider the concerns that had been expressed about the proposal's landscape impact.

RESOLVED: That consideration of the application be deferred pending a site visit.

(The meeting adjourned between 11.17 am and 11.28 am.)

37. 162809 - TOM'S PATCH, STANFORD BISHOP, BRINGSTY

(Proposed holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.)

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

In accordance with the criteria for public speaking, Mr A Elliot, of Acton Beauchamp Parish Council, spoke in opposition to the Scheme. Mr M Venables, a local resident, spoke in objection. Mr J Lambe, the applicant's agent, spoke in support.

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

She made the following principal comments:

- She questioned whether the development was sustainable. Any other form of development would have been refused planning permission on the grounds that it represented development in the open countryside.
- A recent application for the construction of 5 dwellings next door to the application site had been refused at appeal on the grounds that it was not a sustainable location and another application for a house in Acton Beauchamp had been refused on the grounds that it represented development in the open countryside.
- In this case weight was being given to the economic benefits of the development associated with tourism. She highlighted paragraph 6.2 of the report which referred to policy E4 – tourism. She noted that having regard to paragraph 2 of policy E4 the policy supported the development of sustainable tourism opportunities “where there is not detrimental impact”. It was questionable whether the landscaping plans would be capable of mitigating the impact of the proposed development. It was also the case that there were a number of caravan developments in the area (the adjoining Malvern view (permission for 323 caravans and lodges), and, on the other side of Bromyard, Saltmarsh Castle (approx. 100 caravans) and Rock Farm (approximately 40 caravans). The application site did not support the type of developments referred to in paragraph 4 of policy E4. There would be some economic benefit but this had to be weighed against the other impacts of the proposal.
- The area was very rural; the parishes of Stanford Bishop, Acton Beauchamp and Evesbatch had small populations and the cumulative impact of the development on the locality had to be viewed in that context. There had been 31 letters of objection, a large number given the population.
- The access road was very narrow. The Transportation Manager had originally recommended refusal of the application. Some mitigation in the form of new white lines had now been proposed but there was a question as to whether this was sufficient, noting also that their condition would deteriorate over time. Visibility splays were also a concern and the right turn travelling to Bromyard was difficult.
- In summary the application site was not in a sustainable location; the economic benefit was not sufficient to outweigh this and there was already a significant number of such developments in the area. There were significant highways concerns and landscape issues.

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

- Some concern was expressed about the arrangements in place to ensure that the caravans were not permanently occupied. The legal adviser commented that council's enforcement team's ability to enforce was not a material planning consideration. The Lead Development Manager undertook to discuss the concerns raised with the Development Manager (enforcement).
- There were concerns about highway safety.
- There would be some limited economic benefit but this did not outweigh the significant impact on local amenity. The development was not sustainable.
- It was questioned when the cumulative impact of such developments in a locality could be considered detrimental and therefore inconsistent with policy E4.

- The landscape mitigation proposed would vary in its effectiveness according to the seasons.
- The Principal Planning Officer confirmed that the proposed lodges fell within the legal definition of caravans and the application needed to be considered within that policy context, which was different to that in terms of housing sites when considering sustainability. It was inherently the case that caravan sites would be located in more rural locations.
- The Lead Development Manager commented, having regard to concerns expressed in the debate, that if the Committee was minded to refuse the application the two main issues were the impact on local infrastructure potentially making the application contrary to policy MT1 and the cumulative impact on the landscape of the number of caravans on sites in the locality potentially making the application contrary to policy LD1.

Members suggested that policy E4 was also relevant.

The local ward member was given the opportunity to close the debate. She commented that the site was not small and discrete, as had been suggested, particularly when viewed in conjunction with the large, neighbouring caravan site.

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, E4 and MT1.

38. 170984 - LAND AT FOUR WINDS, PHOCLE GREEN, ROSS-ON-WYE.

(Erection of a 3 bed dwelling, amended access and bio-disc drainage.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Long, the applicant, and Mr B Griffin, the applicant's agent, spoke in support of 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 open countryside but the application had to be put in perspective. There were some 10 properties close by including a gated estate of 4 bungalows next door. The application site was not isolated but would form part of a hamlet and intrude no further into the open countryside than the estate next door.
- The Parish Council supported the proposal. There were 29 letters in support and 2 objections.
- He noted the circumstances of the applicant, an agricultural worker, as at paragraph 6.12 of the report. He acknowledged that the application did not comply with policy RA3 but considered that it had merit.
- In summary the site was not an isolated development, but would form part of a viable hamlet in the open countryside on a brownfield site.

The Chairman commented that he was the local ward member for the applicant's current dwelling but not the ward member for the application site.

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

- The application for a small development on a brownfield site would not intrude any further into the open countryside than the existing development which formed a small hamlet. It was sustainable.
- There was local support for the application including the Parish Council.
- The applicant was a council tenant losing his tenancy and seeking to provide accommodation for himself on waste land.
- Weight could not be given to the personal circumstances of the applicant, however sympathetic to these Members may be. The application was contrary to policy RA2 and did not meet the exception criteria in policy RA3.
- Reference was made to the reasons for the refusal of an earlier application set out at paragraph 3.22 of the report and it was suggested that nothing had changed since that refusal.

The Lead Development Manager commented that the adjacent bungalows had been approved on appeal. The inspector had commented on the unique nature of the application and the significant harm presented by the poultry units then on that site. The application needed to be determined in accordance with the development plan. The application was contrary to policy. The site was in the open countryside. The applicant owned an adjoining property. The applicant had submitted no evidence, for example the requested additional information on transportation aspects, to counter the reasons for refusal of the previous application.

The local ward member was given the opportunity to close the debate. He had no additional comments.

A motion that the application be approved on the basis that it represented a sustainable location for a single dwelling was lost.

A motion that the application was refused on the grounds recommended in the report was carried.

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

- 1. The proposal is considered to represent an unsustainable form of development where residential development of this type is not supported unless it meets exceptional criteria. As such, the application is found to be contrary to Policies RA2 and RA3 of the Herefordshire Local Plan – Core Strategy.**
- 2. The proposal is considered to be out of keeping with the pattern of the surrounding development, introducing an uncharacteristic ‘backland’ development. As such, the character of the landscape has not positively influenced the site selection with the application therefore being contrary to Policy LD1 of the Herefordshire Local Plan – Core Strategy.**
- 3. In the absence of sufficient information, the highways implications of the proposal cannot be adequately assessed in relation to visibility splays, connection to the highway and increased vehicle movements onto the highway. The proposal is therefore unable to be assessed favourably against Policy MT1 of the Herefordshire Local Plan – Core Strategy and paragraph 32 of the National Planning Policy Framework.**

39. 170465 - LAND ADJACENT TO HOLLY BROOK COTTAGE, LYDE, HEREFORDSHIRE, HR4 8AD

(Proposed bungalow and garage with access.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Stain, a local resident, spoke in objection to the application. Mrs Hall, the applicant, spoke in support.

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

She made the following principal comments:

- The Parish Council objected to the application for the reasons set out at paragraph 5.1 of the report.
- The gradient of the proposed driveway was severe. There was a concern that removal of soil to achieve the access would result in subsidence to the neighbouring boundary wall and garden.
- There was a concern that emergency vehicles would be unable to access the property.
- She noted concerns of the Conservation Manager (Ecology) about the clearance of the site by the applicant that had taken place.
- Policy RA2 identified Pipe and Lyde as an area where sustainable growth would be supported. She questioned the sustainability of the application for 1 dwelling against the three dimensions of sustainable development: economic, social and environmental.
- There was a dispute over land ownership.
- A previous application on the site had been refused.
- In summary she considered the proposal would have an adverse environmental impact. This outweighed any modest social and economic benefit and the development was not sustainable.

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

- A general concern was expressed about the access and visibility. Clarification was requested on the suitability of the access given its gradient and the potential impact on the neighbouring property. The Area Engineer – Development Control commented that the gradient was within the range permitted by the relevant standards.
- Concern was also expressed about sewerage and foul water disposal.
- It was noted that the clearance of the site, however regrettable, was not a material consideration.
- Mindful of the comments of the Conservation Manager (Ecology) it was asked what conditions could be imposed to provide mitigation in response to the clearance of the site, with the additional aim of preventing intensification of development on the site having regard to concerns about the access.

The Lead Development Manager commented that the application site was compliant with policy RA2 and represented organic growth. It had been judged that the application was suitable for one dwelling. A further application would be required if additional

development of the site was proposed. The refusal of a previous application for 2 dwellings had happened prior to the adoption of the Core Strategy and the inclusion of Pipe and Lyde as a settlement listed in policy RA2 where proportionate growth would be accepted. The Strategy provided for minimum growth of 25 dwellings and to date only one had been built. He suggested that if the Committee was minded to approve the application an additional conditional be applied regarding landscaping. The proposal was sustainable development.

The local ward member was given the opportunity to close the debate. She reiterated concerns about the access and questioned whether the proposal represented appropriate proportionate growth and sustainable development.

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

1. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with the approved plans (Drawings received 7 February 2017)**
3. **CAH - Driveway gradient**
4. **CAL - Access, turning area and parking**
5. **CAZ - Parking for site operatives**
6. **C13 - Samples of external materials**
7. **C95 - Details of Boundary treatments (boundary treatment (in particular Wyloe);**
8. **CD5 - No drainage run-off to public system**
9. **CD6 - Comprehensive & Integrated draining of site**
10. **CE6 - Water Efficiency - Residential**
11. **CD2 - Habitat Enhancement Scheme**
12. **CBK - Restriction of hours during construction**
13. **Single storey building only.**
14. **Ecological working method and risk avoidance measures statement.**
15. **Boundary tree protection measures during construction.**
16. **C96 – Landscaping scheme**
17. **G11 – Landscaping implementation**

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. I05 - HN10 No drainage to discharge to highway

3. I45 - HN05 Works within the highway

40. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.45 pm

Chairman

PLANNING COMMITTEE

Date: 2 August 2017

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Nunwell Surgery. It reiterates their concerns about the amount of new housing development that may take place in Bromyard and the impact that this will have on their service delivery.

OFFICER COMMENTS

No further comment

NO CHANGE TO RECOMMENDATION

162809 - PROPOSED HOLIDAY PARK FOR 40 HOLIDAY CARAVANS, ASSOCIATED INFRASTRUCTURE AND MANAGERIAL LODGE AT TOM'S PATCH, STANFORD BISHOP, BRINGSTY

For: Mr & Mrs Powell-Bateson c/o Agent per Mr Jeremy Lambe, Galeri, Victoria Dock, Caernarfon, Gwynedd, LL55 1SQ

ADDITIONAL REPRESENTATIONS

Email received from Bromyard & District Chamber of Commerce & Industry.

They have advised that they wish to express their support for the following reasons.

1. Rural Business diversification (NPPF)
2. Favourable economic activity in the Bromyard and District area.
3. Opportunities for local employment (NPPF and Herefordshire LDF/Core Strategy).
4. Not aware that the B4220 is heavily used in terms of severity (NPPF)
5. Holiday Parks in the Bromyard & District area should be encouraged given their significant contribution to the local economy and their wider Tourism favourable impact in the County of Herefordshire (Policy E4 LDF/Core strategy).

OFFICER COMMENTS

Three additional letters of representation have been received. In summary the points raised are as follows:

- The officer's report does not properly apply the 'planning balance'. It automatically assumes in favour of sustainable development and does not sufficiently take account

of the need for the 'weighing' or balancing of all relevant factors before determining whether the proposal is sustainable in terms of paragraph 14 of the NPPF.

- The report downplays the relevance of the appeal decision at Rock Farm for an almost identical proposal.
- Reference to a recently dismissed appeal for 5 dwellings at Woods End, 500 metres north of the site which was dismissed for not meeting sustainability criteria and having a negative impact on the Herefordshire Wooded Plateau Landscape.
- Another appeal was dismissed on landscape grounds at Little Froome Farm, Bromyard for a solar PV farm, despite massive potential renewable energy benefits.
- The negative impacts on the AONB and North Herefordshire Wooded Plateau Landscape measures weigh heavily against the proposal.
- The roofs of the lodge style units will intrude significantly within the setting of Silkcroft when viewed from the west and north east, particularly during autumn and winter months.
- Visual and residential amenity from other properties, namely The Herefordshire House (467 metres), The Oaks (520 metres) and Chapel Cottage (475 metres) will all be substantially affected by the cumulative negative impacts of the development.
- The lack of a Neighbourhood Development Plan (NDP) apparently discounts the strong feelings of the local community.
- The report uses the absence of a NDP for invoking the precedence of Policy E4 of the Core Strategy regarding the promotion of sustainable development.
- Questions paragraph 6.29 of the report which suggests that there is confusion about the ownership of Toms Patch and Malvern View Country Park.
- Agreement with paragraph 6.30 of the report that planning does not exist to stifle development and that over-development can only be assessed on planning-related issues, provided that competition is actually intended and that the real intention is not in fact to sell the site to the owners of Malvern View.
- Weight must be given to the cumulative negative impact of the site and Malvern View.
- The number of conditions proposed to be imposed and the amount of mitigation required are a clear indication that the proposal almost certainly represents over-development.
- The report over-exaggerates the benefits to be derived from tourism. There may be marginal benefits to local pubs and restaurants but these do not provide adequate justification for further permanent major encroachment into the rural environment.
- Continued concern about highway safety

OFFICER COMMENTS

The correspondence from the Chamber of Commerce does not raise any new issues but concurs with the view expressed in the Officer's Appraisal at paragraph 6.33 that the proposal will have benefits in terms of its economic impact. This is one of the three dimensions of sustainable development and is a material planning consideration in favour of the proposal to which officers have attributed weight.

The representations raise a number of points that require further comment. They are addressed in the same order:

With regard to the 'planning balance' the officer's view is that the process for considering the application is set out quite clearly in paragraphs 6.3 and 6.4 in that it sets out the need to apply the planning balance before coming to the conclusion as to whether the proposal is representative of sustainable development.

The references to appeal decisions are noted but Members are reminded that applications must be treated on their own merits. However, it is considered necessary to provide some commentary to address the points raised.

With reference to the appeal at Rock Farm, paragraph 6.31 of the Officer's Appraisal identifies a crucial difference between the two sites; the topography of the site. In that case the Inspector concluded that the site would be clearly visible in the near and middle distance as the site is quite steeply sloped and is not afforded the same degree of existing mature vegetation. In this case the site is flat and is surrounded by mature vegetation. As a result its visual impact is considered to be limited by comparison.

Contrary to the suggestion of one of the authors, the appeal for residential development at Woods End does not refer specifically to the negative impact of that appeal proposal would have on the North Herefordshire Wooded Plateau Landscape. It does consider settlement pattern and the impact of the site. Paragraph 18 of the appeal decision specifically says:

"...the visual impact of the site in the wider countryside is minimal. The impact of the site is essentially limited to passers-by on the road and has little effect on the setting of the listed building to the north..." and continues: *"the site has no material impact on the large Malvern View Leisure Park..."*

The visual impacts of a solar PV farm are inherently different to those of this proposal. They do not afford the same potential to introduce new planting to mitigate the impacts of development. The site in question is quite open and is clearly visible from a number of public vantage points. The same cannot be said of this site; whose characteristics and visual prominence have been examined in detail by the applicant's landscape appraisal and the Council's Landscape Officer, both of which concur that the site has a limited impact in the wider landscape.

The comments concerning the impact on heritage assets and residential amenity are a matter of judgement on behalf of the author of the correspondence. In the case of impact upon Silkcroft the comments do not apply the same test of significance of impact as outlined in the Officer's Appraisal. In terms of amenity, the correspondence fails to specify what the cumulative impacts are. The properties are distant from the site and it is not considered that they will suffer any demonstrable detrimental impact to their amenity.

The fact that the report highlights the lack of a NDP is not intended to dilute the significance of the comments received from the local community, but simply makes clear the policy basis under which the application should be considered.

While the author of the further correspondence may be clear about the ownership of the application site a number of objection letters do make reference to Malvern View and appear to conclude that this proposal is linked to it.

Correspondence suggests that the site may be sold to the owners of Malvern View and that consequently will not result in competition. In the same way that the planning system should not seek to stifle competition it cannot seek to restrict future ownership.

National Planning Practice Guidance (NPPG) provides advice about the use of planning conditions. It says:

"When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development."

It does not suggest that the number of conditions to be imposed is an indication that the cumulative impacts of a proposal render it as unacceptable – the conditions are there to mitigate identified impacts.

Finally, the economic benefits have been given weight in the planning balance. It appears that the benefits are also given weight by local Chamber of Commerce. The precise impacts

are impossible to determine but the very fact that the proposal will bring tourists into the local area who will spend some of their income in Herefordshire has to be beneficial to the local economy.

The correspondence does not raise any new issues but concurs with the view expressed in the Officer's Appraisal at paragraph 6.33 that the proposal will have benefits in terms of its economic impact. This is one of the three dimensions of sustainable development and is a material planning consideration in favour of the proposal to which officers have attributed significant weight.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 SEPTEMBER 2017
TITLE OF REPORT:	APPEALS

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 170292

- The appeal was received on 10 July 2017
- 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 Mr J Gillespie
- The site is located at Lower House Farm, Church Road, Little Birch, Herefordshire, HR2 8BB
- The development proposed is Log cabin to land at rear of Lower House Farm.
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Withers on 01432 260612

Enforcement Notice 172688

- The appeal was received on 10 July 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Gillespie
- The site is located at Lower House Farm, Church Road, Little Birch, Herefordshire, HR2 8BB
- The breach of planning control alleged in this notice is:
 - Without planning permission unauthorised operational development by erection of a log cabin.
- The requirements of the notice are:
 - Permanently remove the unauthorised log cabin from the land.
- The appeal is to be heard by Written Representations

Further information on the subject of this report is available from the relevant case officer

Case Officer: Mr Simon Withers on 01432 260612

Application 162891

- The appeal was received on 10 July 2017
- 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 Mr Tim Woodcock
- The site is located at 11 Hartland Close, Belmont, Hereford, Herefordshire, HR2 7SL
- The development proposed is (Retrospective) Change of use of land to residential curtilage. Retention of garden room, decking, timber stairs and steps.
- The appeal is to be heard by Written Representations.

Case Officer: Mr Scott Low on 01432 261814

Enforcement Notice 172689

- The appeal was received on 10 July 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Tim Woodcock
- The site is located at 11 Hartland Close, Belmont, Hereford, Herefordshire, HR2 7SL
- The breach of planning control alleged in this notice is:
 - Without planning permission unauthorised material change of use of land to residential curtilage and unauthorised operational development by erection of a garden room, decking, timber stairs and steps outside of the residential curtilage.
- The requirements of the notice are:
 - (1) Permanently cease the residential use of land outside of the residential curtilage and remove the garden room, decking, timber stairs and steps outside of the residential curtilage
 - (2) Reinstate the land outside of the residential to its former condition.
- The appeal is to be heard by Written Representations

Case Officer: Mr Scott Low on 01432 261814

Application 171351

- The appeal was received on 21 July 2017
- 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 Mr Richard Brandram-Jones
- The site is located at Land adjacent to Mill Ditch Cottage, Kings Caple, Herefordshire, HR1 4UB
- The development proposed is Outline application for the erection of a three bedroom cottage, access, turning manoeuvring, car parking and scale.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 162900

- The appeal was received on 25 August 2017
- 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 Mr P Murray
- The site is located at Togpen, Willey Lane, Lower Willey, Presteigne, Herefordshire, LD8 2LU

- The development proposed is A Retrospective Planning Application for Four Small Outhouses, changes to the Entrance on to the Public Road, the Inclusion of a Wood Burning Stove, the Erection of Fences outside the Development Area and the Resultant Increase in the Curtilage
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

APPEALS DETERMINED

Application 162518

- The appeal was received on 26 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Angela Vaughan
- The site is located at Balance Farm, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed was Application for removal of condition 2 following grant of planning permission. (95/0238/O) to remove the agricultural workers dwelling restriction
- The main issues was
- Whether the site is a suitable location for an open market house within the countryside having regard to its location with Eywood Park, a grade II registered park and garden and within the settings of nearby heritage assets.

Decision:

- The application was Refused under Delegated Powers on 16 January 2017
- The appeal was Dismissed on 26 July 2017

Case Officer: Mr M Tansley on 01432 261815

Application 162824

- The appeal was received on 26 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mrs Angela Vaughan
- The site is located at Land at Balance Farm, Eywood Lane, Titley, Kington, Herefordshire, HR5 3RU
- The development proposed was Site for the proposed erection of 5 dwellings.
- The main issue(s) were:
 - The effect of the development on highway safety.
 - The effect on the settings of nearby heritage assets.

Decision:

- The appeal was Dismissed on 26 July 2017

Case Officer: Mr M Tansley on 01432 261815

Application 163592

- The appeal was received on 15 February 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal was brought by J & E Fury
- The site is located at Lea Villa Residential Park, Lea, Ross on Wye, HR9 7LQ
- The development proposed was Application for a Lawful Development Certificate for a proposed use or development - use of land for the stationing of 4 caravans.
- The main issue was whether the Council's decision to refuse to grant a certificate was well founded.

Decision:

- The application was Refused under Delegated Powers on 4 January 2017
- The appeal was Allowed on 28 July 2017

Case Officer: Miss Emily Reed on 01432 383894

Application 163096

- The appeal was received on 22 May 2017
- 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 John Stinton
- The site is located at The Beech, Haynall Lane, Little Hereford, Ludlow, Herefordshire, SY8 4BG
- The development proposed was Proposed change of use and alterations of a farm building to create an
- The main issues are the effect of the proposal on highway safety and whether the appeal site is in a suitable location for the development proposed.

Decision:

- The application was Refused under Delegated Powers on 16 December 2016
- The appeal was Dismissed on 1 August 2017

Case Officer: Mr Andrew Prior on 01432 261932

Enforcement Notice 171448

- The appeal was received on 20 April 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Mary Wood
- The site is located at Old Brooks Farm, Pontrilas, Hereford, Herefordshire, HR2 0BL
- The breach of planning control alleged in this notice was:
 - Without planning permission unauthorised operational development by erection of a veranda to the rear elevation.
- The requirements of the notice were:
 - Permanently remove the unauthorised veranda
- The main issue is the effect of the development on the character and appearance of the appeal property and the area.

Decision:

- The appeal was allowed on 2 August 2017, the enforcement notice is quashed.

Case Officer: Mr Scott Low on 01432 261814

Enforcement Notice 171433

- The appeal was received on 20 April 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Derek Wood
- The site is located at Old Brooks Farm, Pontrilas, Hereford, Herefordshire, HR2 0BL
- The breach of planning control alleged in this notice was:

- Without planning permission unauthorised operational development by erection of a veranda to the rear elevation.
- The requirements of the notice were:
 - Permanently remove the unauthorised veranda
- The main issue is the effect of the development on the character and appearance of the appeal property and the area.

Decision:

- The appeal was allowed on 2 August 2017, the enforcement notice is quashed.

Case Officer: Mr Scott Low on 01432 261814

Enforcement Notice 171539

- The appeal was received on 20 April 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Martin Soble
- The site is located at Whitethorn Farm, Witherstone Lane, Carey, Herefordshire
- The breach of planning control alleged in this notice is:
Without planning permission the unauthorised material change of use of land from agricultural to a mixed use of agricultural and to site a mobile home for residential purpose.
- The requirements of the notice are:
Permanently remove the unauthorised caravan from the land thereby causing the cessation of its residential use on the land

Decision:

- Subject to variation, the appeal is dismissed and the enforcement notice upheld on 3 August 2017

Case Officer: Mr Scott Low on 01432 261814

Application 163840

- The appeal was received on 23 May 2017
- 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 Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed was Proposed garden room extension.
- The main issue was:
 - Whether the works proposed and development would preserve the special architectural and historic interest of the Grade II listed building.

Decision:

- The application was Refused under Delegated Powers on 19 January 2017
- The appeal was Dismissed on 16 August 2017

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 163841

- The appeal was received on 23 May 2017

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Miss Morton-Saner
- The site is located at Nupend Barn, Woolhope, Hereford, Herefordshire, HR1 4QH
- The development proposed was proposed garden room extension.

- The main issue(s) was:
 - Whether the works proposed and development would preserve the special architectural and historic interest of the Grade II listed building.

Decision:

- The application was Refused under Delegated Powers on 19 January 2017
- The appeal was Dismissed on 16 August 2017

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 162474

- The appeal was received on 12 June 2017
- 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 W J Powell & Sons
- The site is located at Land adjacent to The Claytons, Bridstow, Herefordshire
- The development proposed was Outline planning application for the erection of 4 x 2 bed 3 x 3 bed
- The main issues were:
 - i) whether the proposal would have a harmful effect on the character and appearance of the surrounding area within the Wye Valley Area of Outstanding Natural Beauty; and
 - ii) the effect of the proposal on highway safety.

Decision:

- The application was Refused under Delegated Powers on 8 November 2016.
- The appeal was Dismissed on 23 August 2017.

Case Officer: Mr C Brace on 01432 261947

Enforcement Notice 172533

- The appeal was received on 4 July 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Anthony Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is:
Without planning permission unauthorized operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are:
Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.

Decision:

- The appeal was Withdrawn on 22 August 2017

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 172534

- The appeal was received on 4 July 2017

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Davies
- The site is located at Land at The Stables, Greenfields, Dilwyn, Hereford, Herefordshire, HR4 8JH
- The breach of planning control alleged in this notice is:
Without planning permission unauthorized operational development by siting of an agricultural workers dwelling.
- The requirements of the notice are:
Secure the cessation of the occupancy and remove the living accommodation and all constituent parts from the site and reinstate land upon which it stands for agricultural use.

Decision:

- The appeal was Withdrawn on 22 August 2017

Case Officer: Mr M Tansley on 01432 261815

APPEAL COSTS

If members wish to see the full text of decision letters copies can be provided.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 SEPTEMBER 2017
TITLE OF REPORT:	162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF For: NT & R Eckley per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&search=162261,
Reason Application submitted to Committee – Re-direction	

Date Received: 19 July 2016

Ward: Bromyard West Grid Ref: 364874,254047

Expiry Date: 7 April 2017

Local Members: Cllr A. Seldon

Introduction

This application was deferred by Planning Committee on 2nd August 2017 pending a site visit by Members to consider the landscape impacts of the development. With the exception of the landscape impact section of the officer's appraisal (paragraphs 6.32 to 6.42) the following report is the same as that considered on 2nd August. Comments from NHS Herefordshire CCG with respect to concerns about the capacity of the local doctor's surgery to accommodate the additional patient numbers that are likely to be generated by the proposed development have now been received and are re-produced in full at paragraph 4.9 of the report. In summary the response requests a contribution of £21,494 is requested to mitigate the impacts of the development and provide additional consultancy room floor space.

1. Site Description and Proposal

- 1.1 Outline planning permission is sought for the erection of up to 80 dwellings on land off Ashfield Way Bromyard. The site extends to cover approximately 3.83 hectares and comprises two parcels of land. The western parcel is predominantly a rectangular shape aligned in an east-west direction whilst the eastern parcel smaller is smaller and offset diagonally northeast. Both parcels are bordered to the north by a residential estate and by agricultural fields to the east and south. The western boundary is bordered by Hereford Road (A465), defined by a timber post & rail fence with Queen Elizabeth Humanities College opposite.

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

PF2

- 1.2 The western parcel of land is mostly semi-improved grassland. It is approximately 3.23 hectares and was once divided by hedgerows into three separate fields. Native hedgerows and mature hedgerow trees still dominate and define the southern and eastern boundaries. A number of mature former hedgerow trees are also still located in the centre of the site.
- 1.3 The eastern parcel of land is predominantly scrub. It is approximately 0.6 hectares bordered to the north, east and west by residential properties on Maple Close, Oak Close and Highwell Avenue. The southern boundary is defined by a mature hedgerow and trees.
- 1.4 The Agricultural Land Classification for the Site is Grade 3 cited as being 'Good to Moderate' agricultural land as noted by Natural England Agricultural Land Classification Maps for the West Midlands.
- 1.5 The topography of the site as a whole is gently sloping from its highest point of 168m AOD at the north-western corner, down to 148m AOD at the eastern edge.
- 1.6 The surrounding topography reflects the undulating topography of the site, with the landform to the south continuing to fall southeast and east towards the valley of the River Frome.
- 1.7 There are no national or local landscape or heritage designations either within the site or the local area. Bromyard Conservation Area, which includes a number of listed buildings, is located approximately 500m north. A number of Grade II listed buildings are located within 1 kilometre of the site and include:
 - Little Froome located 440m to the southeast
 - Birchyfield located 675m to the southwest
 - Pool Hall located 1Km to the east-southeast
- 1.8 A Schedule Ancient Monument (SAM) Ruins of Church of St. Mary is located 1.45Km south-east of the site. This is surrounded by a small wooded area.
- 1.9 The application is submitted in outline with all matters apart from access reserved for future consideration. The scheme has been amended since its original submission and the number of dwellings proposed reduced from 105. The plan below is the indicative masterplan submitted as part of the application. It shows that access is to be taken directly from Ashfield Way via an existing field gate. The plan simply serves to demonstrate that the quantum of development can be accommodated within the site. The detailed layout and design of the dwellings will be subject to a further reserved matters application should this outline application be approved. For the avoidance of doubt, dwellings in orange on a white background are existing.



1.10 The application is also supported by a number of technical documents:

- Design & Access Statement
- Flood Risk Assessment
- Heritage Impact Statement
- Transport Statement
- Desktop Archaeological Report
- Protected Species Survey Report
- Landscape Appraisal
- Tree Survey

1.11 The applicant has also been provided with a Draft Heads of Terms Agreement. This is appended to the report.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be of relevance to this application:

- | | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS2 | - | Delivery New Homes |
| SS3 | - | Ensuring Sufficient Housing Land Delivery |
| SS4 | - | Movement and Transportation |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| BY1 | - | Development in Bromyard |
| RA1 | - | Rural Housing Distribution |

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

- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sport and Recreation Facilities
- OS2 - Meeting Open Space, Sport and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Quality
- ID1 - Infrastructure Delivery

2.2 National Planning Policy Framework

The following sections are of particular relevance:

- 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 8 - Promoting Healthy Communities
- Section 11 - Conserving and Enhancing the Natural Environment
- Section 12 - Conserving and Enhancing the Historic Environment

2.3 Historic England - The Setting of Heritage Assets

2.4 Supplementary Planning Guidance

Supplementary Planning Document: Planning Obligations

2.5 Bromyard Neighbourhood Development Plan

Bromyard and Winslow Town Council designated a neighbourhood area on 23 November 2015, however a decision was taken in their March 2017 meeting that they wish to withdraw from the neighbourhood planning process.

2.6 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/adopted-core-strategy>.

3. Planning History

- 3.1 There is no planning history specifically relevant to the site. However, planning permission was refused and an appeal dismissed for the installation of stand alone PV modules and their associated infrastructure on land bounding the site (application reference 151506/F).

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

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

SEWERAGE

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

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

Dwr Cymru Welsh Water has no objection to the proposed development.

Internal Council Consultations

4.2 Transportation Manager

Further to our site visit we do not see any problems regarding intensified use of Ashfield Way or the Hereford road or site visibility issues. The Higher than posted (30mph) 85th percentile speeds given by the applicant on Hereford Road show there is an issue with speeding that we would like to see addressed with possible traffic calming and improvements to the sites current connectivity for pedestrians and cyclists.

The applicant refers to contributions as listed in the Design and Access statement:

*“Bromyard is one of the County's main market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population growth. It has a good range of shops, services, and employment opportunities and the site lies on the Southern side of the developed area of the town. It is considered that the site is sustainably located and in delivering 80 houses, 40% of which will be affordable for local people, **together with contributions for a range of community benefits including public open space, sustainable public transport and education infrastructure will fulfil the economic and social roles of sustainable development.** These are significant material considerations which weigh in favour of the proposal. At the same time the site is not subject to any special environmental designations.”*

We would welcome improvements to the routes to school and other amenities in the area and would encourage discussion with our safer routes to school team throughout the full application process.

We would also encourage cycle path connectivity to the wider network within the design of the scheme going forward.

4.3 Conservation Manager

Landscape

The large scale development as proposed on the Concept Masterplan Drawing No 1438/1D has visual impacts associated with long distance views from Public Rights of Way in the South East. The Herefordshire Trail being a major long distance footpath to the South East also has winter hikers. There is therefore a need to provide additional native tree planting to enhance the existing site boundaries and tree planting within the site to help absorb the development into the wider landscape. Landscape proposals should relate to the Landscape Character of this area (Timbered Plateau Farmlands), but also include native evergreen trees to mitigate views in the winter months.

The proposed site has no specific environmental designations, but does have Tree Preservation Orders on several trees which require protection. Our Tree Officer can provide further information on these TPO trees.

The existing green infrastructure network of trees and hedgerow boundaries should be retained and enhanced to maintain the character of the site's setting in the wider landscape and increase the potential wildlife habitats within the site.

Connecting existing boundary hedges with the proposed native hedges will provide improved access for wildlife across the site to the wider landscape.

Fruiting trees will help improve biodiversity of the site. The introduction of planted swales will improve habitat opportunities for local wildlife providing shade and shelter. Wildflower corridors provide food and habitat for pollinating insects and are used as highways for the movement of bees, hoverflies and other pollinators.

The landscape design should use Sustainable Drainage Systems including permeable surfaces and swales to help ensure that the ground water run-off does not exceed the rate of the existing green field site.

Planting a wide variety of native trees and shrubs will help achieve a varied structure and will benefit prevent heavy losses if one species is hit by disease or effects of climate change.

The applicant is to provide the following information:

An Outline Landscape Plan, identifying existing and proposed green infrastructure for enhancement, conservation and restoration of the development site. The proposed green infrastructure plan should provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to local character and regional identity.

The plan also needs to indicate how the proposed rough grass areas for habitat enhancement are to be protected from the adjacent active recreation area.

It should also provide details of hard landscape surface areas showing footpath connectivity to the town.

Provide a conceptual SUDs Plan which shows the general layout and scale of the SUDs scheme.

Ecology

I have had an input on the ecological advice for this application and as a result the revised design contains a better green infrastructure although we think there could be much better enhancement of the southern boundary to provide a buffered region between the countryside and the development. In this area we would expect to see more extensive planting with provision for hedgehog, bat flyways, bird nesting and a more substantial 'corridor' along the southern boundary of the development.

In addition, the protected species issue pertaining to great crested newts is to be addressed through Reasonable Avoidance Measures given the possibility of great crested newts in the area. Consequently, we think that a more detailed ecological plan

which provides for these Reasonable Avoidance Measures, pre-development site checks and enhancement should be completed for submission to the Local Authority under condition as follows:

The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

Trees

In general, it appears that the design does take into account the existing trees on site and incorporates them into the scheme.

As there is no tree retention/loss plan it makes it difficult to understand the loss of trees and hedgerows across the site as part of the proposals.

I also have concerns regarding the positioning of the site attenuation ponds close to mature trees (T25 and T26). This will require excavations and level change within this area which will be unacceptable and will almost certainly impact the health of these trees.

The positioning of some of the plots in the north-eastern/eastern regions and southern boundary of the proposed site are shown close to existing trees. As well as the potential for light availability issues, there are potential impacts from construction activities and post development pressure to reduce/remove trees in close proximity to dwellings. I consider that any plots should be positioned to allow adequate space between them and the retained trees.

To be able to understand the potential impacts to the existing/retained trees on the site, the applicant is to provide the following information;

- An updated report to include missing detail as highlighted above.

- Tree Retention/Loss Plan which will indicate the tree/hedgerow loss as a result of the development. This should include an ‘overlay’ of the latest development design.

I consider that at this outline planning stage, it would be premature to request an arboricultural Impact assessment (AIA), tree protection plan (TPP) and ‘heads of terms’ for arboricultural method statement (AMS).

Going forward, if outline permission is gained and the applicant goes to detailed planning permission, then this information should be requested once a detailed design is finalised. This will also guide to whether a more detailed AMS is required.

Heritage Assets

The Historic Buildings Officer raises no objection to the proposal and comments that:

- Birchyfield House has no inter-visibility with the site and the development would not affect its setting.
- Little Frome Farm has limited inter-visibility with the site, however given the distance and limited significance of these views it is not felt that the proposals would affect its setting.
- The centre of Bromyard with its conservation area and cluster of listed buildings is sufficiently distant and separate from the site so as to not be affected.

4.4 Land Drainage Engineer

In principle we do not object to the proposed development on flood risk and drainage ground. We do, however, recommend that the Council considers if the use of best practice SuDS techniques should form part of the development proposals and, if so, that the Applicant demonstrates sufficient space within the development layout to accommodate these features. We also recommend that the Applicant is required to confirm the proposed foul water drainage arrangements.

Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters associated with the permission:

- Demonstration that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development,

- demonstrated for the 1 in 100 year event (6 hour storm) with a 20% increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
 - Confirmation of groundwater levels, where infiltration is proposed, to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
 - Details of the location, type and size of conveyance features designed to manage identified surface water flood risk, namely to route overland surface water flows from the north of the site around/through the site, up to the 100 year return period event and including a 20% allowance for climate change;
 - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage, including consideration of the 100 year return period event, including a 40% allowance for climate change;
 - Demonstration that appropriate pollution control measures are in place prior to discharge;
 - Details of any proposed outfall structures;
 - A detailed foul water drainage strategy showing how foul water from the development will be disposed of;
 - Evidence that the Applicant has sought and agreed permissions to discharge foul water and surface water runoff from the site with the relevant authorities;
 - Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

4.5 Public Rights of Way Officer

No objection

4.6 Waste Officer

The presentation point (location that residents have to put their bin ready for emptying by collection crews) should be at the boundary of the property closest to the public highway and not be more than 25 metres from the point on the highway that an RCV can safely access. In this area we operate a 26 tonne RCV.

Any premises located over 25m from where the vehicle can safely access would need to have a suitable collection point identified for refuse and recycling bins. Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling

4.7 Housing Development Officer

I refer to the above application for up to 80 dwellings. There is a requirement to provide affordable housing as stipulated. For the purpose of the Heads of Term's in relation to the affordable please see below:

- 40% affordable.
- Tenure split of 40% Intermediate and 60% Rented (to be agreed).
- Exact mix to be agreed prior to RM, but the greatest need for Bromyard for both open market and affordable housing is for 2 and 3 beds. So we would expect the majority to be 2 & 3s and to include bungalows.
- No more than 50% open market units to be available before the affordable.
- Local connection to Bromyard, then to the County of Herefordshire.

4.8 Education Officer

The educational facilities provided for this development site are St Peters Primary School and Queen Elizabeth Humanities College.

St Peters Bromyard Primary School has a planned admission number of 30. As at the schools Summer census 2016 four year groups were at or over capacity - R=31, Y1=33, Y3=30, Y5=31

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide an extension to the classroom space at the school.

Queen Elizabeth Secondary School has a planned admission number of 80. As at the schools autumn census 2016 all year groups have spare capacity and no contribution is sought.

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

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

Contribution by No of Bedrooms	Primary	SEN	Total
2+bedroom	£1,201	£89	£1,290

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

apartment			
2/3 bedroom house or bungalow	£2,143	£138	£2,281
4+ bedroom house or bungalow	£3,471	£247	£3,718

4.9 NHS Herefordshire CCG

General Medical Services in Bromyard are provided by Nunwell Surgery which has a total of 12 clinical rooms. There are 11 GPs, 3 Health Care Assistants, 2 Practice Nurses and a Nurse Practitioner providing services to patients from the surgery. In addition, these clinical rooms are used to see patients by an Audiologist, a Primary Mental Health Care Worker, a Consultant Psychiatrist, a Dietician, a Diabetic Specialist Nurse, Community Psychiatric Nurses and a Community Midwife. The clinical rooms are therefore already used for all of their available sessions and the Practice building has reached its capacity for offering primary and community healthcare services to patients in Bromyard.

This planning application proposes the construction of 80 new dwellings that will lead to an estimated increase in population of 192 residents. This needs to be seen in the context of the overall development proposed for Bromyard which it is understood will result in an increased population of some 2,000 residents which would be a 21% increase in registered patients at the practice. It would not be possible for these additional residents to be served from Nunwell Surgery so NHS Herefordshire Clinical Commissioning Group requests a Section 106 capital contribution from the developer for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard. This contribution is calculated as follows:

Capacity Analysis			
Planned No. of dwellings	80		
Average No. of residents per dwelling	2.4		
Forecast increase in population	192		
Average No. of consultations per annum	6		
Forecast consultations per annum	1,152		
Forecast consultations per week	22		
Average length of consultation	0.17		
Forecast consulting room hours required	4		
Surgery core opening hours	52.5		
No. of consulting rooms required	0.07		
Consulting room floor area required m ²	1.13		
Support Accommodation	2.00		
Sub Total	3.13		
Planning Allowance	0.78		
Engineering Allowance	0.39		
Circulation Allowance	0.88		
Total Floor Area Required	5.17		
Cost Analysis		VAT	TOTAL
Construction Cost	£9,312	£1,862	£11,174
Abnormal Site Works	£1,862	£372	£2,235
Sub Total Work Costs	£11,174	£2,235	£13,409

Equipment	£1,955	£391	£2,347
Fees	£2,011	£0	£2,011
Statutory Charges	£726	£145	£872
Sub Total Non-Works Costs	£4,693	£536	£5,229
Total Works & Non-Works Costs	£15,867	£2,771	£18,638
Risk Contingency Allowance	£2,380	£476	£2,856
Total Cost	£18,247	£3,247	£21,494

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

As can be seen from this analysis and calculation, the requested contribution of £21,494 is necessary to make the development acceptable in planning terms, directly related to the development and is fairly and reasonably related in scale and kind to the development.

5. Representations

5.1 Bromyard & Winslow Town Council - The Town Council's Planning & Economic Development Committee resolved to object to this application on the following grounds:-

- A significant lack of information accompanying the application (e.g. FRA, Transport Assessment, Heritage Statement, Ecology Report, Section 106 agreement).
- A lack of identification of 1.05ha of employment land to accompany the application and render it sustainable, as required by Policy BY1 of the Council's adopted Core Strategy.

Following the submission of additional information the Town Council commented as follows:

The Town Council continues to object to the above application on the following grounds:-

- High landscape sensitivity of the site.
- Lack of a Transport Assessment, Heritage Statement, Ecology Report and Section 106 agreement.
- Lack of identification of the 1.05ha of employment land to accompany the application, as required by the Core Strategy.

At its meeting on Monday 9th January 2017 the Town Council's Planning & Economic Development Committee resolved to continue to object to this application on the following grounds:-

- Visual harm to the wider landscape
- Adverse effect on the setting of the Grade 2 listed building Little Froome Farmhouse
- Failure to protect and enhance the intrinsic character and beauty of the area
- The proposed development is in conflict with the Core Strategy 2011-31. Approval would lead to overdevelopment of a locally valued site and conflicts with the strategic site to north of the A44.
- The proposed development is incompatible with and detrimental to views across the Froome Valley and Bromyard Downs
- The proposed play area is wrongly sited and there is no scheme of management for it
- The proposed access would require parking restrictions on Ashfield Way which may not be feasible
- The proposed development would have an adverse effect on the nearby Herefordshire Trail

- There are already commitments and live applications for more than 700 dwellings in Bromyard

5.2 Twenty six letters of objection from sixteen local residents have been received in response to the initial consultation and subsequent re-advertisement following the receipt of amended plans and information. In summary the points raised are as follows:

Amenity Issues

- The scheme will be detrimental to the residential amenity of existing properties
- Detrimental effects on existing residents in terms of noise and air pollution

Infrastructure

- Residents on Ashfield ay already suffer from low water pressure and the proposed development would only make this worse
- The existing sewage system is already at capacity and the combined foul and surface water system overloads during periods of heavy rainfall
- There are limited public transport facilities in Bromyard and development will simply increase dependency upon private modes of transport
- Development would result in increased pressure on local services including the doctors surgery, hospital and sewage system
- There are insufficient employment opportunities in Bromyard

Highway Matters

- The proposed access is inappropriate for the number of dwellings proposed
- Increased traffic movements would require some sort of traffic control or traffic calming system along the A465. This will lead to congestion
- The proposal is contrary to the preferred option of the town council for new development to be located to the north of the Leominster Road (A44), around Hardwick Bank
- Concerns about highway safety and in particular that children would have to cross the A465 to get to school (QE Humanities Academy) and also the A44 (St Peters Primary)

Landscape and Ecology

- The proposal will have a detrimental impact upon the landscape. Attention is particularly drawn to the fact that an appeal against the refusal of planning permission for a solar farm on an adjacent field was dismissed on landscape impact grounds
- All of the trees on the site have been uprooted in recent months in advance of the submission of the application
- Detrimental impacts upon ecology through the loss of trees and hedgerows
- The proposals make no provision for a community orchard or allotments

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

- The ecology survey does not take proper account of the presence of Great Crested Newts and plays down the diverse range of birds and mammals in the locality.

Other Matters

- The site is immediately adjacent to a historic road
- The site is outside of the current settlement boundary
- The proposed housing mix is disappointing given the ageing population trend
- There has been a lack of community consultation prior to the submission of the application
- If approved, the proposal would set a precedent for the development of other areas of agricultural land.

5.3 Nunwell Doctors Surgery

These are comments in relationship to this planning application, but also take into consideration planning applications no 163932 and no 163001. *(for clarity these are the applications for the strategic housing site at Hardwick Bank for up to 500 dwellings and land of Pencombe Lane for up to 120 dwellings)*

We presently have 9600 patients registered with the Practice. Our present Surgery building is fully utilised Monday to Friday by the Practice clinical team and attached staff of District Nurses, Health Visitors and Community Midwife. As well as visiting clinicians from the Mental Health Trust.

Our expectation, taken into consideration the appointments offered at the moment and the recent historical increase in need for more appointments to meet the need of the present population, is that we will need more capacity to meet future needs, without any increase in the towns population. The combined planning application would increase our practice population by approx. 15%

We therefore feel it is essential that the consideration of this planning application recognises the need for support for infrastructure changes in primary health care services in the town as well as other essential services such as education, social care and employment. We support planning for more housing in the area, but this has to be balanced by increased resources for health infrastructure.

We want to continue to offer first class primary health care services to our patients and to do this we need Herefordshire Council to take into consideration these comments.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&search=162261

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>

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

6. Officer's Appraisal

The Principle of Development

- 6.1 In accordance with the National Planning Policy Framework (the NPPF), the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 'Delivering new homes' confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community."
- 6.2 Policy SS2 of the Core Strategy makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford and the market towns. With specific regard to Bromyard Policy BY1 says that the town will accommodate a minimum of 500 new homes over the plan period.
- 6.3 It has been well rehearsed in many previous reports to Planning Committee that a failure to maintain a supply of housing land will render the housing supply policies of the Core Strategy as being non compliant with the NPPF and therefore out-of-date. Policy SS3 'Ensuring sufficient housing land delivery' thus imposes requirements on the Council in the event that completion rates fall below the trajectory set out in Appendix 4 of the Core Strategy.
- 6.3 Despite the adoption of the Core Strategy, a housing land supply deficit persists. The Council's most recently published position advises of a supply of 4.54 years.
- 6.4 The Core Strategy sets out a number of policies in chapters 3, 4 and 5 for the supply of housing which are relevant to the present application. As a consequence of the housing land supply position, the policies in the Core Strategy relating to the supply of housing are out of date by reason of paragraph 49 of the NPPF. Although these policies are out of date, the weight that they should receive is a matter of planning judgment for the decision-maker. This is a matter that has been reinforced in the recent Richborough Estates Supreme Court ruling.
- 6.5 Policy BY1 is most relevant in this regard. While it identifies a minimum proportionate growth target of 500 dwellings and is clearly a housing supply policy, it also sets out a number of criteria against which new development proposals will be assessed. These are material to the determination of the application and, in your officer's view, can be attributed weight in the planning balance.
- 6.6 The site is located on the southern boundary of Bromyard and is immediately adjacent to the built environs of the town. Access is gained via Ashfield Way and in turn onto the A465. The playing fields of the Queen Elizabeth Secondary School are immediately opposite and the site is also within walking distance of the town centre where there are a range of local services, including a doctor's surgery. In terms of its location, the site is considered to be sustainable and one that is appropriate for development.

Photograph showing the site and its relationship to existing built-up areas



- 6.7 Given that the site is considered to be acceptable in terms of its general location, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Impact on designated and non-designated heritage assets

- 6.8 The proposed development site is located 500 metres north of the Bromyard Conservation Area. At least three Grade II listed buildings are located within one kilometre of the site, the closest being Birchyfields and Little Froome Farmhouse.
- 6.9 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 6.10 With particular regard to Conservation Areas, Section 72 of the Act goes on to say:

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

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”

- 6.11 Appeal decisions have subsequently informed the precise meaning of “preserving” in that it means doing no harm.
- 6.12 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.13 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.14 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.15 Paragraph 132 reiterates the presumption of great weight being afforded to the preservation of heritage assets and is clear that; ‘The more important the asset, the greater the weight should be.’
- 6.16 It is also clear that significance can be harmed or lost through alteration or destruction of a heritage asset, and that proposals that require this should be fully justified and wholly exceptional.
- 6.17 Paragraph 133 is clear that;
- ‘Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...’*
- 6.18 Paragraph 134 has been confirmed through case law to be a restrictive policy and deals with development that would lead to less than substantial harm. It has two limbs, stating that harm should be weighed against the public benefits of the proposal. The same case

law confirms that the second limb; the public benefits, should go first, and that the test is effectively different to paragraph 133 – the identification of harm does not immediately direct one to refuse planning permission.

- 6.19 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.20 The application is supported by a Heritage Impact Assessment which concludes that the setting of the Conservation Area will not be affected by the proposed development by virtue of the intervening modern residential development and by-pass that has taken place throughout the 20th Century. In respect of the Conservation Area the report concludes that; “... *the proposed development will have no impact on the character, setting or significance of any of the listed buildings or other designated heritage assets in the medieval town.*”
- 6.21 With regard to Birchyfields, the impact assessment concludes that the site plays no part in the setting of the listed building and the lack of any reciprocal views between the two means that the proposed development will have no impact on the character, setting or significance of the listed building.
- 6.22 Little Froome Farmhouse is the other listed building potentially impacted by the proposed development. The assessment considers that the distances between the listed building and the application site, coupled with the buildings and hedgerows in between and the fact that the new built element of the proposed development is set back from the distinct break slope at the top of the valley side, means that there will little or no impact on the character, setting or significance of the listed building.
- 6.23 The Council's Historic Buildings Officer has assessed the proposals and confirms that it will not demonstrably impact upon the setting of any heritage assets. It is therefore concluded that the impacts identified above in relation to the two listed buildings and the setting of the Conservation Area fall towards the lower end of the less than substantial spectrum identified at paragraph 134 of the NPPF – to which recourse must be had in the context that Policy LD4 of the Core Strategy does not address how harm should be factored into the planning balance. There are no non-designated heritage assets affected by the proposal and in this case the harm to heritage assets is marginal. Your officers' opinion is that this does not give rise to a reason to refuse the application. On this basis weight will be attributed accordingly.

Highway Safety

- 6.24 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for

all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 32).

- 6.25 Access to the site is to be taken directly from a residential estate road; Ashfield Way, and in turn from the A465. The speed limit on Ashfield Way is 30mph and the A465 is also covered by the same 30mph limit immediately either side of the junction. Ashfield Way is built to modern highway standards and includes footway provision constructed to adoptable standards on both sides, which link to Hereford Road, where a pedestrian refuge and dropped kerb crossing points are provided. The Hereford Road/Ashfield Way junction is also built to a high standard in terms of vehicular access and safety. This includes appropriate radii and visibility splays, as well as a dedicated right turn lane to facilitate safe manoeuvres into Ashfield Way as shown by the photograph below:



- 6.26 The application is accompanied by a speed survey and weekday forecast of traffic movements associated with the proposed development at the Ashfield Way / A465 junction. It projects that at peak periods the development will generate:

- 42 movements – Left turn from Ashfield Way (0700 – 0800)
- 51 movements – Left turn from Ashfield Way (0800 – 0900)
- 41 movements – Right turn into Ashfield Way (1700 – 1800)

- 6.27 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the Core Strategy recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.

- 6.28 There are a range of local amenities within a 10 minute walk of the site. The town benefits from a good network of footpath provision and this includes a footpath along the A465 and A44. These are the most obvious and direct walking routes to the town centre from the site.

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

- 6.29 Bromyard is served by a number of bus services to nearby towns and cities, including Worcester, Hereford, Leominster and Ledbury.
- 6.30 The Transport Statement concludes that the additional traffic movements likely to be generated by the proposal could be accommodated without significant impact on the safety or capacity of the transport network. The site is also ideally located to promote alternative transport movements.
- 6.31 The comments received from the Council's Transportation Manager endorse this view and, subject to some improvements to local infrastructure and implementation of traffic calming, raises no objection to the scheme. These are improvements that can either be secured on-site through a further reserved matters application, while off site improvements that are directly related to the proposal can be provided through condition and Section 106 contributions. On this basis the scheme accords with Policy MT1 of the Core Strategy and the NPPF.

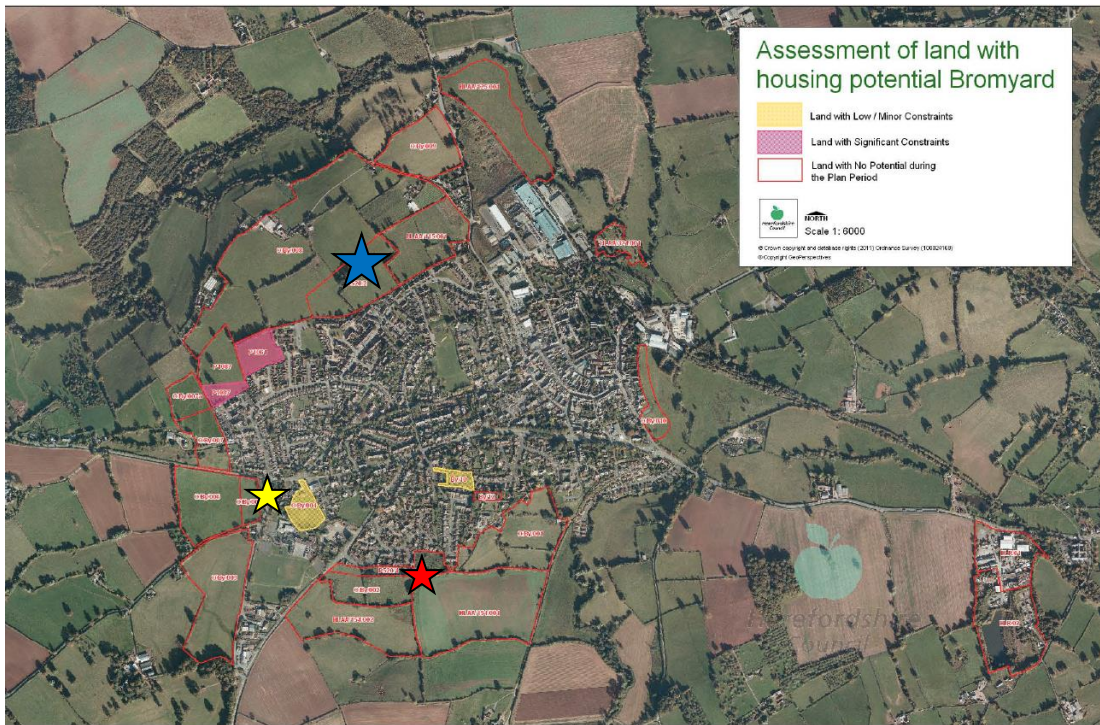
Impact of the development on the landscape

- 6.32 The site is not located within an area where there is either national or local landscape designation. It is part of an attractive rural setting to the southern fringe of Bromyard and is typical of much of Herefordshire's landscape.
- 6.33 The Council's Urban Fringe Sensitivity Analysis (UFSA) assesses a number of viewpoints, both distant and on the approaches to Bromyard and is one of the elements used to inform the Council's Strategic Housing Land Availability Assessment (SHLAA). Viewpoint 17 (below) is most pertinent here as is taken from the A465 at the access to the Hope Family Centre and looking in a northerly direction toward the site. The accompanying text to the photograph reads as follows:

"This approach to Bromyard is lacking in local distinctiveness due to the scale of the trunk road and lack of distinctive features. However, the field boundary hedgerows give the road a rural character"



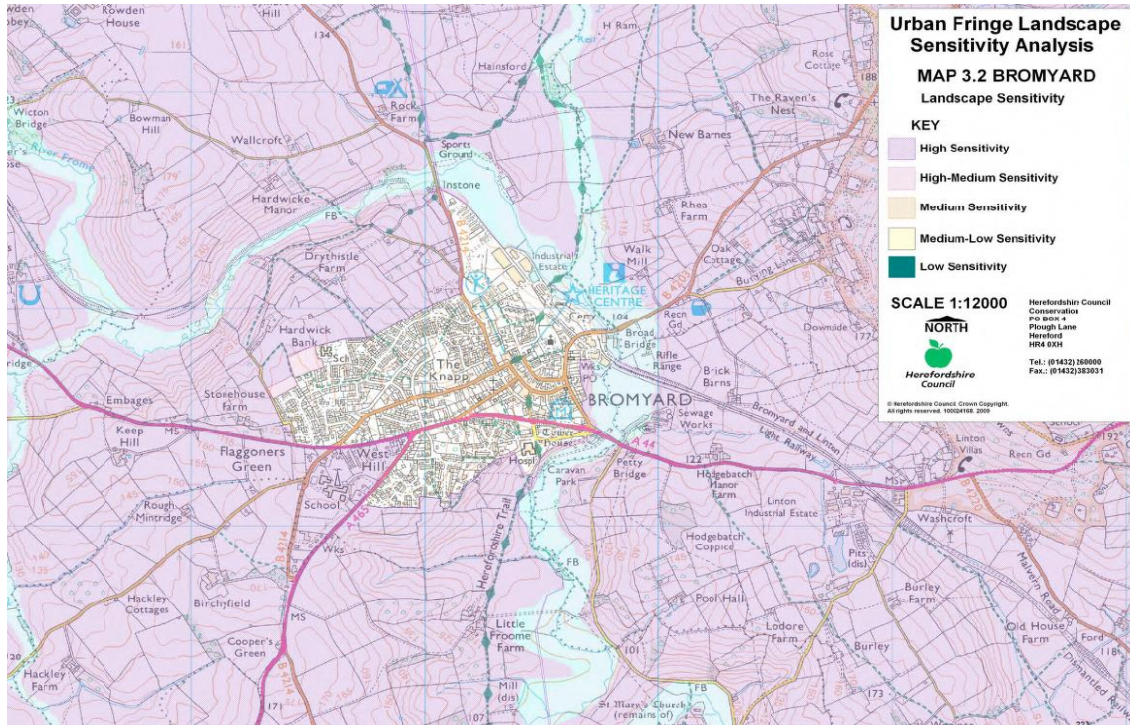
6.34 The aerial photograph below is an extract from SHLAA. It shows sites that were either identified by officers as potentially being appropriate for housing development, or were submitted by landowners for consideration as part of a call for sites by the Council's Forward Planning team.



6.35 The application site is marked by the red star and it can be seen from the key that it was not considered to have any development potential over the plan period. This is due to the fact that it was considered by the USFA is being of high landscape sensitivity.

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

However, Members attention is also drawn to the large swathe of land to the north of the town, marked by the blue star. It is also annotated as having no development potential; again due to its high landscape sensitivity, yet has come to be allocated as Bromyard's strategic housing site; referred to by Policy BY2 as 'Land at Hardwick Bank'. The plan below shows the full extent of land considered to be of high landscape sensitivity around the town:



6.36 The site marked by the yellow star has been referred to by many as 'the Gladmans site'. It is the subject of a current planning application, having previously been dismissed on appeal on highway safety grounds. Again it is annotated by the SHLAA plan as having no development potential due to high landscape sensitivity. In this particular instance it is worth noting the Inspector's comments with regard to landscape impact:

"In summary, there are positives in the arguments advanced by both the Appellants' and the Council's landscape experts. However, when looked at in the context of what is there now and approved strategy for development to the west of the Town, the adverse changes to landscape character and visual presentation would be modest and localised and not detract a great deal in the wider landscape panorama. Overall, the negative effects on landscape would be there and this should be taken forward to the planning balance. However, I concur with the Appellants that the adverse effects on landscape would not of themselves be judged as "significant and demonstrable" to the setting of Bromyard or in the wider rural landscape. In particular, the proposal would not breach any CS landscape protection Policies LD1 and LD3 or impinge on the relevant paragraphs of the Framework policy."

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

- 6.37 The evidence from the USFA demonstrates that all of the land surrounding Bromyard is of high landscape sensitivity and, whilst this is an important material planning consideration, the need to identify housing sites will in some instances override this. The fact that the land at Hardwick Bank has been allocated as a strategic housing site is a clear demonstration of this and the photograph below shows the visual prominence of that site when viewed from the Bromyard Downs.



- 6.38 Whilst the determination of this application should not be made on the basis of comparing it with others that are currently being considered by your officers, the analysis above serves to demonstrate in very clear terms the landscape sensitivity of all sites surrounding Bromyard.
- 6.39 Your officers view is that the application site is not the most visually sensitive in terms of middle and long distance views. The text from the UFSA confirms that this approach to the town “...lacks distinctiveness...” and that the roadside hedgerows give the area a rural character. The application site does not include these hedgerows and therefore they will be unaffected by the proposals and thus will help to retain the character that has been identified. The first of the two photographs below show the approach along the A465 towards the site in closer order. It can be seen that existing vegetation beyond the site boundaries serves to filter views to the extent that it is not immediately visible from the road. The second photograph is taken from a position parallel with the site. The roadside hedge has been removed (not recently) and replaced with a post and rail fence, and the site is clearly seen. However, this is very much in the context of the development at Ashfield Way.

Photograph 1: Southern approach to Bromyard along the A465



Photograph 2: From the A465 looking across the site



- 6.40 The application is supported by a Landscape Appraisal. It concludes that the site is not considered to be significantly prominent in the landscape as views from the south and on approach from Hereford are diminished by commercial and residential properties on the western side of the road, together with background views of the existing residential properties.
- 6.41 The wider rural landscape setting to the south and southeast of the site can be seen in the photograph below. The trees and remnants of a hedgerow form the site's southern boundary. With conservation and enhancement your officer's view is that they have the potential to provide the basis for a landscape buffer that would serve to filter views of any eventual development.
- 6.42 The landscape setting of the town is a valuable resource but it is considered that impacts of the proposed development could be mitigated without undue effect on the landscape character of the surrounding area and without significant visual intrusion from publicly accessible places. It is considered that the site sits well on the southern edge of Bromyard and the proposal would form a cohesive, logical extension and visual link to the existing residential area. It is therefore concluded that the proposal conforms to policy LD1 of the Core Strategy.
- 6.43 The comments made by the Council's Arboricultural Advisor regarding the proximity of retained trees to development are noted. However, the application is made in outline

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

with all matters apart from access reserved for future consideration. Matters relating to the precise layout of the development can be addressed at the reserved matters stage should planning permission be forthcoming. The trees that are covered by Tree Preservation Orders are located along the shared boundary with Ashfield Way. Some are out-with the application site. Appropriate survey work prior at the design stage must ensure that the layout of the scheme does not unacceptably impact upon them. This is an issue that can be appropriately addressed through a Reserved Matters submission.

- 6.44 While it is acknowledged that planning permission has been refused and dismissed on appeal on adjacent sites for the installation of solar PV panels and associated infrastructure, it should be understood that each application must be treated on its own merits and that the landscape impacts of these different types of development will be inherently different.

Ecology

- 6.45 The original public consultation revealed the possible presence of Great Crested Newts within the curtilage of a property bounding the application site. The original ecology survey had not considered their potential presence and therefore some further survey work was undertaken. It advises that there are no natural ponds within the vicinity of the application site and no GCNs were found during the visit. The report concludes that any GCNs that may have been present are likely to have been as a result of accidental transportation through eggs on plants when the pond was originally constructed.
- 6.46 The report does acknowledge that there may be potential for an isolated population of GCNs to be found within the vicinity of Ashfield Way and accordingly recommends mitigation to include:
- An attenuation pond as part of the SuDs along with land set aside with rough grassland and specifically designed hibernacula.
 - Access to the wider landscape and the attenuation pond would be beneath the road between the new and old housing estates via not less than two 250mm concrete pipes.
 - The attenuation pond will be designed to hold water most years up until high summer, when it would be expected to dry out, thereby removing any build up of predators such as fish, Dragonfly or Great Diving Beetle larvae etc.
- 6.47 If no evidence of Great Crested Newts is discovered, then the proposed mitigation would still be an important asset for local wildlife and would remain as part of the overall landscaping plan.
- 6.48 The site is presently rough grazing land. The field boundaries have become degraded through a lack of management and, while existing trees and hedge plants do provide a natural habitat for nesting birds and mammals, the overall biodiversity value could be improved. Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity. It is considered that the measures outlined above will improve the site's value as a potential habitat for Great Crested Newts and the reinforcement of existing site boundaries through additional planting will improve nesting and foraging habitat for birds, provide shelter for small mammals and encourage insects.

Subject to the imposition of appropriately worded landscaping and ecological mitigation conditions the proposal is considered to accord with Policy LD2 of the Core Strategy.

Impacts of the development on local infrastructure

- 6.49 Concerns raised by some local residents regarding the capacity of the sewage treatment works and the availability of water supply are not substantiated by the comments received from Welsh Water and on this basis it would be unreasonable to refuse the application on such grounds.
- 6.50 The lack of public transport facilities is also cited as a reason that means that further development would be unsustainable. Bromyard is served by a number of local bus routes between the town and Hereford, Leominster and Worcester. The frequency of services may be limited – most likely from a commercial perspective due to a lack of demand – and it might reasonably be contended that further development is more likely to see services maintained, or even improved.
- 6.51 Bromyard Town Council have pointed to the fact that the proposal does not provide a proportionate amount of employment land in relation to the number of new dwellings that have been proposed. Policy BY1 sets out the requirements for the town and reads as follows:
- “Bromyard will accommodate a minimum of 500 new homes together with around 5 hectares of new employment land during the plan period.”*
- 6.52 The policy sets out the requirements for the town both in terms of new housing and employment land over the plan period. What it does not do is to link the delivery of the two to each other. There is no policy requirement for applications for new housing sites to deliver a proportionate amount of employment land and therefore no grounds to refuse this, or any other scheme for housing in Bromyard, on such a basis.
- 6.53 Correspondence has been received from Nunwell Doctors Surgery regarding this and other development proposals in the town, and the likely increase in pressure on their service that would result if planning permission were to be granted for all of them. Members will recall that planning permission has been granted for 76 dwellings on the Porthouse Farm site. This development is currently underway. Further applications for the strategic housing site at Hardwick Bank (up to 500 dwellings) and land off Pencombe Lane (up to 120 dwellings) are valid but as yet to be determined.
- 6.54 The response from NHS Herefordshire CCG adds some detailed analysis to the concerns raised by the doctors surgery. It sets out the additional floor area required based on the likely population increase generated by a development of 80 dwellings. The proposed contribution of £21,494 is for infrastructure delivery, relates to the development proposed and is considered to be reasonable in scale. Members attention is drawn to an additional clause in the Draft Heads of Terms Agreement to reflect this request.

Other issues

- 6.55 Some local residents have expressed concerns about the impact of the proposed development on residential amenity. Some refer to potential loss of privacy whilst others are concerned about noise and air pollution. The issue of privacy is a matter to be determined at the reserved matters stage. The proposal simply seeks to agree the principle of development with precise layout and orientation of dwellings to be agreed should outline planning permission be granted. It will be at this stage that the relationship between existing and proposed dwellings will be assessed.
- 6.56 Matters relating to potential nuisance arising during the course of construction can be addressed through the imposition of a condition requiring the submission of a Construction Management Plan and this is reflected in the conditions recommended below.
- 6.57 In the absence of a Neighbourhood Development Plan Bromyard does not have a defined settlement boundary. As has been discussed earlier in this report, the site is immediately adjacent to the built environs of the town and is considered to be sustainable in terms of its location.
- 6.58 Policy H3 of the Core Strategy requires that development provides a range and mix of housing units. The Draft Heads of Terms requires the type and tenure of the affordable element of the scheme to be agreed and it is recommended that a condition is imposed to ensure that the open market housing mix reflects the Local Housing Market Assessment for Bromyard.
- 6.59 One letter of objection has referred to the presence of a historic road adjacent to the site. The implications of this are not clear and it is not considered that this represents a reason to refuse the application.

Summary and conclusions

- 6.60 Both Policy SS1 of the Core Strategy and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site is adjacent to the built area of Bromyard, is close to local services, employment opportunities and local bus stops. Policies for the supply of housing must be considered out of date absent a 5 year supply plus buffer; albeit the weight to be attributed such policies remains a judgement for the decision-maker.
- 6.61 The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the Core Strategy.
- 6.62 Whilst local residents concerns have been considered, the proposed development complies with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework. Matters of impact

upon biodiversity have been resolved satisfactorily and the council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met. The area does not have either national or local landscape designation and matters of landscape impact can also be addressed through the imposition of appropriately worded conditions.

- 6.63 In assessing the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. 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 and social roles. Likewise S106 contributions as outlined in the draft heads of terms agreement appended to this report should also be regarded as a material consideration when making any decision.
- 6.64 Officers are content that there are no other matters of such material weight that would justify withholding planning permission. On this basis the proposal is compliant with the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and the application is accordingly recommended for approval.

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

That planning permission be granted subject to the following conditions:

- 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. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. A noise management plan including a scheme for the monitoring of construction noise.**
 - d. Details of working hours and hours for deliveries**

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

- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

8. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

9. The recommendations for species mitigation and habitat enhancements set out in

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the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

10. G03 Retention of existing trees/hedgerows
11. G10 Landscaping scheme
12. G11 Landscaping scheme - implementation
13. H06 Vehicular access construction
14. I44 No burning of materials/substances during construction phase
15. I55 Site Waste Management
16. M17 Water Efficiency - Residential
17. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. Non Standard

The Local Planning Authority has acted positively and proactively in

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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. Non Standard
- 3. HN04 Private apparatus within highway
- 4. HN01 Mud on highway
- 5. HN28 Highways Design Guide and Specification
- 6. HN25 Travel Plans
- 7. HN05 Works within the highway
- 8. Non Standard
- 9. Non Standard

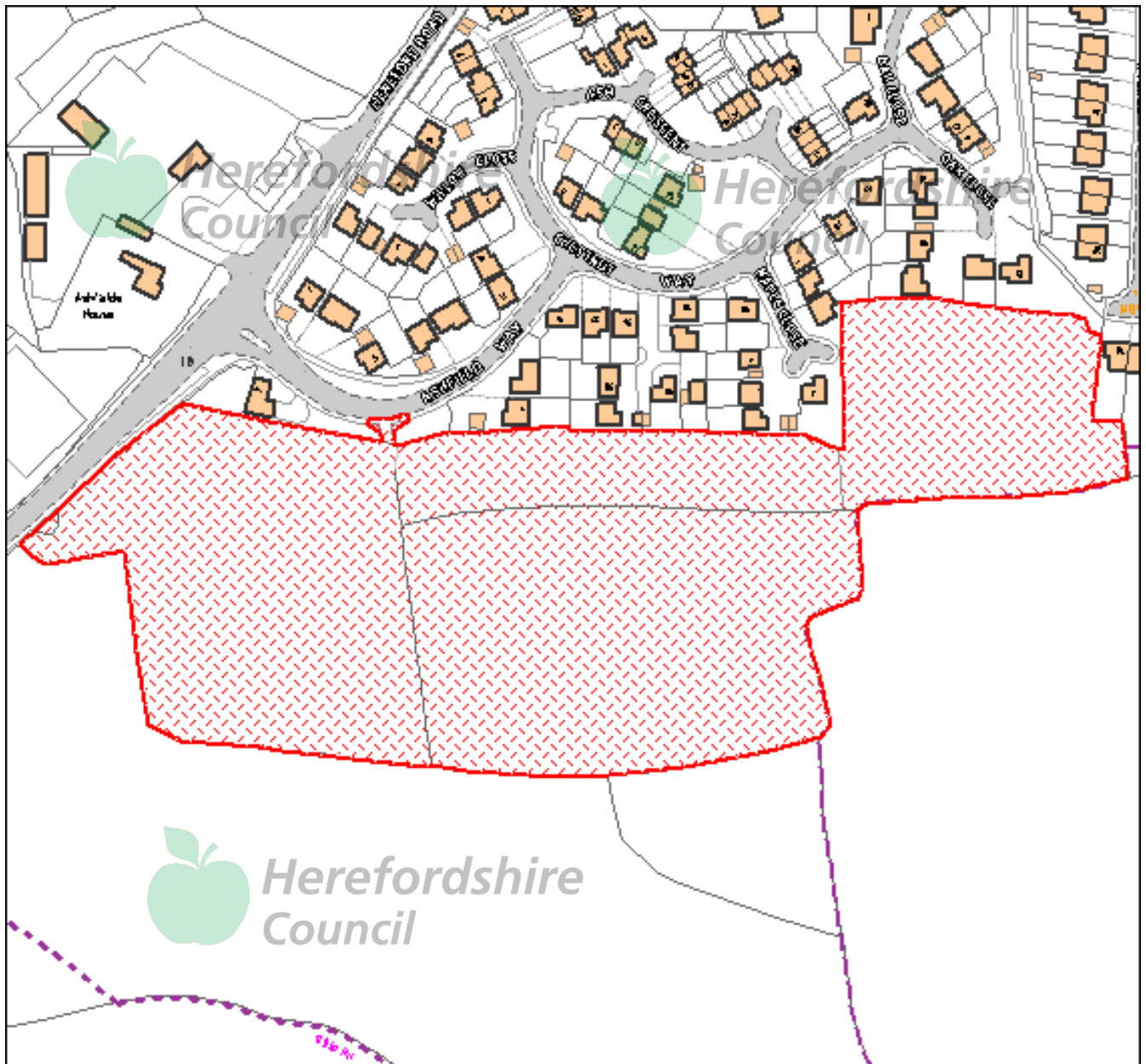
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 162261

SITE ADDRESS : LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

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PF2

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – P162261/O

Site address:

Land off Ashfield Way, Bromyard, Herefordshire, HR7 4BF

Planning application for:

Site for up to 80 no. dwellings, garages, parking and open space, access and roads

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

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

£ 1,290.00 (index linked) for a 2 bedroom apartment open market unit

£ 2,281.00 (index linked) for a 2/3 bedroom open market unit

£ 3,718.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Peters Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£ 1,966.00 (index linked) for a 2 bedroom open market unit

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

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

to provide sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

- a) Traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane

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

- b) Provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465
- c) Extension of footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre

NOTE: A Sec278 agreement may also be required depending on the advice of the local Highways Authority

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80.00 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,218.00 (index linked). The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan at the time of receiving the contribution and in consultation with the local parish council.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,494 (index linked). The contributions will be used for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard in consultation with the NHS Herefordshire CCG and Nunwell Doctors Surgery.

The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to provide a minimum green infrastructure provision of 0.21 hectares to include;
 - Public Open Space: 0.073ha (960sq m) and
 - Children's Play: 0.14ha (1900sq m) to include a kick-about area and formal play space catering for children of all ages: infants, juniors and teenagers.

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

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

8. The developer covenants with Herefordshire Council that 40% of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

NOTE: the mix of tenure and unit size of the affordable units shall be agreed with Herefordshire Council:

NOTE: For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

9. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 10.2. satisfy the requirements of paragraphs 10 & 11 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 11.1. a local connection with the parish of Bromyard & Winslow
 - 11.2. in the event of there being no person with a local connection to Bromyard & Winslow any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
12. For the purposes of sub-paragraph 10.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 12.1. is or in the past was normally resident there; or
 - 12.2. is employed there; or
 - 12.3. has a family association there; or
 - 12.4. a proven need to give support to or receive support from family members; or
 - 12.5. because of special circumstances;
13. In the event that Herefordshire Council does not for any reason use the sums in

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paragraphs 1, 2, 3, and 4 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

14. The sums referred to in paragraphs 1, 2, 3, and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
15. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman
Planning Obligations Manager
12 April 2017



MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 September 2017
TITLE OF REPORT:	<p>164024 - RE-DEVELOPMENT OF FORMER COUNCIL OFFICES AT BATH STREET, HEREFORD INCLUDING CHANGE OF USE FROM B1 - BUSINESS TO C3 - DWELLINGHOUSES TO PROVIDE A TOTAL OF 75NO. APARTMENTS (COMPRISING 1 & 2 BED APARTMENTS). RE-DEVELOPMENT INCLUDES PARTIAL DEMOLITION OF EXISTING BUILDINGS (AS INDICATED ON SUBMITTED DRAWINGS), CONVERSION OF AT FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ</p> <p>For: Herefordshire Housing Ltd per Architype, Upper Twyford, Hereford, HR2 8AD</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164024&search=164024
Reason Application submitted to Committee – Council interest	

Date Received: 15 December 2016 Ward: Central Grid Ref: 351479,239865

Expiry Date: 30th October 2017

Local Members: Cllr L Tawn

1. Site Description and Proposal

- 1.1 The application is the Council's former Bath Street offices and associated car parking, located to the east of the ancient city walls and included within the eastern boundary of the Central Hereford Conservation Area; the conservation area boundary appears to cross Bath Street at this point with the deliberate intent of including the site. To the west of the site on the opposite side of Bath Street is the Scheduled Monument 'Hereford City Walls, Ramparts and Ditches.' The nearest listed buildings are to the west and south-west on St Owens Street. There are views across the cityscape from the site towards the upper parts of the Cathedral Tower and the spires of All Saints and St Peters.
- 1.2 The predominantly Victorian building on the site was originally constructed in several phases in the late 19th/ early 20th century as the Hereford Working Boys' Home and Industrial School. Before that the site was previously allotment land acquired specifically for the purpose from the Hereford Society for the Aid of the Industrious.
- 1.3 The site is served by two points of access; one allowing access to the front car park from Bath Street, the second accessing the rear parking area from Central Avenue. The site is bound by

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

Bath Street to the west, the public footpath with properties in Daw's Road to the south, Lloyd Street and Central Avenue to the east and office / community buildings to the north.

- 1.4 The application involves the partial demolition of the existing building, with conversion and extension to form a mixture of one and two-bed apartments. New residential development is proposed to the rear (east) of the retained/extended elements. These take the form of two apartment blocks set parallel to the boundary with dwellings in Lloyd Street but separated from this boundary by two rows of parking. The 'inner' apartment block is four-storeys (13.5m tall), the block closest to the Lloyd Street boundary is three storeys (10.5m). The figure below shows the proposed layout. The yellow indicates existing structure to be retained. The blue is the new build element. In broad terms, therefore, the approach is to retain the historic and most decorative elements of the existing building. Understandably these are present on the most public face of the building i.e. that looking onto Bath Street. It can be seen that the built element has four constituent parts; North Block, Central Block, South Block and East Block.



- 1.5 The application is accompanied by various supporting documents and drawings, including a Design and Access Statement (DAS), which describes the approach to development of the site. It states that:

“The design has been informed by undertaking an analysis of the surrounding area and context and the opportunities and constraints of the existing buildings and site conditions. The layout has been informed by retaining the street facing elements of the existing buildings on the site, and extending or proposing new buildings for the site that provide a balance of building, outdoor amenity space and parking.”

- 1.6 The statement explains that the existing buildings that are being proposed for retention have been chosen because they are a recognisable and valued landmark in the Hereford Street scene, they represent various stages in the development of the Working Boys' Home and are parts of the complex that are considered to be most suitable for conversion to residential. The scheme proposes retention of the most northerly wall (north block) as it is considered an attractive regular elevation with a regular rhythm that represents some of the stages in the

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

development of the buildings at Bath Street. It also means that all the elevations viewed from Bath Street are existing buildings creating a sense of enclosure of the site.

- 1.7 The application proposes 75 dwellings, with 28 of these dwellings to be affordable housing. The remaining 47 dwellings will be privately rented. The proposal is comprised of 31 no. 1 bedroom (2 person) apartments or maisonettes of typically between 50 - 57m², and 44 no. 2 bedroom (3 person) apartments or maisonettes between 61 - 71m².
- 1.8 The Central Block again sees the retention of the Bath Street facing element, with demolition to the rear and replacement with a two-storey extension. This, in effect truncated block, would consequently accommodate 8 apartments, including two in the roof-space.
- 1.9 The Southern Block sees a greater degree of retention. This element of the building was opened in 1895 and includes the Memorial Hall. This block would accommodate 4 apartments and 2 maisonettes. It is understood that the affordable housing will be located within these elements of the scheme.
- 1.10 The DAS describes how the location and layout of the Eastern Block has been informed by the need to provide units with either east or west facing accommodation to avoid units with only north facing rooms. It has been designed to *“efficiently sit on the site whilst trying to maximise the amount of units, parking and outdoor amenity space.”*
- 1.11 This block is formed of two separate buildings set apart with external access to each of the flats and has been set as far into the site as possible to increase the overlooking distances between the proposed building and the rear elevations of the properties on Lloyd Street. It has also been set at an angle that is approximately 45° to the closest property to the south with the windows kept to a minimum to avoid overlooking issues. This block makes up the balance of the 75 units and so houses a total of 47 apartments.
- 1.12 The Design and Access Statement states that unit layouts have been designed to meet the requirements of the Nationally Described Space Standards with all units designed as far as possible to have south, east or west facing habitable rooms. Units on the west side of the main block have balconies, the east side and the north block have Juliet balconies.
- 1.13 Parking is provided at a ratio of 1:1. Parking spaces are kept to the edges of the site, allowing the central parts of the site to be retained as landscaped grounds to be accessed by foot or cycle. Outdoor space is located principally within the central and circulation areas of the site, giving some defensible space to individual units but not separating them from the wider shared outdoor amenity spaces.
- 1.14 Where possible existing trees have been retained, most notably the recognisable Corsican Pine and Yew at the centre of the Bath Street boundary. The bin stores and services have been located adjacent to the vehicular entrances to the site for ease of access and to ensure minimal impacts on parked vehicles. Cycle storage is located across the site with secure storage close to units and visitor parking spaces.
- 1.15 Both of the existing vehicular access points to the site are to be retained, the access point off Bath Street is to be adjusted to accommodate access by a Refuse Collection Vehicle. There is no continuous motorised vehicular route connecting Bath Street to Central Avenue. The scheme is designed with pedestrian and cyclist permeability in mind and includes a proposal to incorporate and widen the existing public right of way to the south of the site to improve pedestrian and cycle access from Central Avenue to the City Centre.

1.16 As well as the scheme drawings and DAS, the scheme is accompanied by:-

- Arboricultural survey
- Bat survey
- Ground investigation
- Heritage assessment
- Landscaping proposals
- Drainage strategy
- Sustainability strategy

1.17 The Council has screened the proposal and determined it is not EIA development.

2. Planning Policies

2.1 Herefordshire Local Plan – Core Strategy

The Development Plan for the area is, in the main, the Herefordshire Local Plan – Core Strategy. The relevant policies are outlined and discussed briefly below:-

2.2 The CS pursues three themes and twelve objectives under the headings of Social Progress, Economic Prosperity and Environmental Quality. These are, in my view, equivalent to the three roles of sustainable development described in the National Planning Policy Framework (NPPF). CS Policy SS1 imports a similar decision-making test to that set out at Paragraph 14 of the NPPF. In effect, development that accords with the CS should be approved without delay. Where policies are absent, silent or out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in national policy taken as a whole or specific elements of national policy indicate that development should be restricted.

2.3 As per the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the CS. **Policy SS2** ‘Delivering new homes’ confirms that Hereford, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community.”

2.4 Equally it is clear that failure to maintain a robust NPPF compliant supply of housing land will render the housing supply policies of the CS and by extension adopted NDPs out-of-date. **Policy SS3** ‘Ensuring sufficient housing land delivery’ thus imposes requirements on the Council in the event that completions fall below the trajectory set out in Appendix 4.

2.5 **Policy SS4** is the strategic policy concerning movement and transportation, with developments designed and located to minimise the impacts on the transport network; ensuring that journey times and safe operation of the network are not detrimentally impacted. Where practicable, development should be accessible by and facilitate a genuine choice of modes of travel.

2.6 **Policy SS6** underpins the CS objectives surrounding environmental quality and local distinctiveness. The policy requires development proposals to be shaped through an integrated approach to planning the identified environmental components from the outset. Of relevance to this proposal are townscape and local distinctiveness, historic environment and heritage assets and local amenity. The final paragraph to SS6 refers to the advent of other development plan documents and their role, in time, in defining local distinctiveness. A Hereford Area Plan (HAP) will be produced to complement the CS and add detail at the Hereford City level, but the production of an Issues and Options Paper is unlikely to take place until the new year and it is

unlikely that the HAP will be in position to attract any weight for decision-making on planning applications for the foreseeable future.

- 2.7 **Policy SS7** outlines the measures that development proposals will be expected to take in helping address climate change.
- 2.8 Underpinning these policies are the ‘place-shaping’ policies relating to Hereford. HD1 underscores the apportionment of housing via strategic allocations, existing commitments and windfall opportunities. HD2 refers to Hereford city centre, which is defined by the ‘saved’ Unitary Development Plan map found in the CS Appendices (Appendix 1, P.8). HD3 ‘Hereford movement’ identifies measures to secure reduced reliance on the private motor-car.
- 2.9 MT1 is a criteria based policy outlining the aspirations around movement and echoes the objectives expressed in SS4 and HD3.
- 2.10 Of particular relevance to this proposal are the ‘Local distinctiveness’ policies LD1 Landscape and townscape, LD2 Biodiversity and geodiversity and LD4 Historic environment and heritage assets. LD1 requires that developments should demonstrate that character of the townscape has positively influenced the design, scale, nature of the proposal and site selection; whereas LD4 requires that developments should, where possible, enhance heritage assets and their settings in a manner appropriate to their significance. LD4 and the supporting narrative explain clearly that the policy is intended to apply equally to designated and non-designated heritage assets.
- 2.11 LD4 (2) asks that where opportunities exist, development proposals should contribute to the character and local distinctiveness of the townscape. Both LD1 and LD4 emphasise the importance of the approach taken within conservation areas.
- 2.12 SD1 ‘Sustainable design and energy efficiency’ is a criterion based policy covering a range of topics, including the requirement that residential amenity for existing and proposed residents is safeguarded. SD3 outlines water conservation measures, with specific water-consumption standards prescribed. SD4 deals with wastewater treatment and river water quality.

National Planning Policy Framework

- 2.13 The NPPF contains guidance on a number of issues. Relevant in this case is the approach to decision-making where the complete demolition of a non-designated heritage asset is proposed and how that should be factored into the planning balance.
- 2.14 Chapter 12 of the NPPF is entitled “Conserving and enhancing the historic environment.”

The Chapter discusses heritage assets, which are defined in the glossary as:-

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes, designated heritage assets and assets identified by the local planning authority (including local listing).”

- 2.15 Paragraph 126 requires LPA’s to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other risks. In doing so LPAs should recognise that heritage assets are “an irreplaceable resource” and should conserve them in a manner appropriate to their significance.
- 2.16 Paragraph 129 requires the LPA to identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise.

They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 2.17 Paragraph 131 defines 3 aspects that a local planning authority should take into account when determining planning applications:-
- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; &*
 - *The desirability of new development making a positive contribution to local character and distinctiveness.*
- 2.18 Paragraphs 132-135 then deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 132 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 133 directs refusal, and is a restrictive policy, where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where 4 exceptions criteria apply.
- 2.19 Paragraph 134 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighted against the public benefits of the proposal, including securing its optimum viable use. 134 is thus also a restrictive policy i.e. the harm is considered in an unweighted balance as per the second part of the limb 2 test at NPPF paragraph 14.
- 2.20 Paragraph 135 sets out the approach where a non-designated heritage asset, in this case the existing building on site, is affected. It states as follows:-
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 2.21 It can thus be seen, and as is recorded in the CS, that the impact of development proposals on non-designated heritage assets is a material consideration in the determination of planning applications. An important distinction arises, however, between designated and non-designated assets; it being the case that harm to designated assets should be considered in an unweighted balancing exercise via the limb 2 test at paragraph 14 i.e. it is not necessary to consider whether the harm or loss *significantly and demonstrably* outweighs the benefits.
- 2.22 135 directs, however, that a balanced judgement will be required. In such cases harm or loss will be a material consideration, but not of such weight (in most cases) in the planning balance as compared to where a designated heritage asset is involved. Scale of harm and significance of asset are the two critical factors.
- 2.23 Paragraph 137 requires local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that *“preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”*
- 2.24 Paragraph 138 recognises that not all elements of a conservation area will necessarily contribute to its significance, but also that the loss of a building (or other element) that makes a positive contribution to the significance of the conservation area should be treated either as

substantial or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution to significance as a whole.

2.25 The relevance of the foregoing is that CS Policy LD4, whilst attracting full weight, does not direct the decision-maker as to the 'next steps' when harm to an asset is identified. As recorded by Inspector Wildsmith in the Bartestree appeal (3051153) at paragraph 303 of his decision, it is necessary to refer to the NPPF for this guidance. This draw-back apart, the Inspector held that LD4 should attract full weight.

2.26 NPPG

2.27 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 142554/F - Proposed demolition of existing buildings and construction of a new fire station and training facility with associated access and landscaping works: Application Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Historic England: Qualified comments in response to the amended proposals:-

The amendments set out the discussion and review of the initial proposals in which Historic England has been engaged and which have centred around the height, mass, form and scale of the two elements of the east block. The contextual analysis set out in the supporting information helps assess the contribution of the site to the Hereford City Centre Conservation Area and the impact of the proposals upon it.

While the overall height and scale of the east block remain unchanged, different materials, the reduction in floor area of the top storey, the introduction of a stepped 'eaves' line, the reduction and reworking of the balconies, deep window reveals, brick bonding and decoration all help to add texture and reduce the perceived scale of the building. The chosen approach to use a restrained design to provide a complementary but uncompetitive backdrop to the historic buildings means that details like the colour of the zinc cladding, location and materials of rainwater and soil drainage, design of fenestration, cills, lintels and weatherings all become critical elements in the design. Should you be minded to approve the application, the approval of these elements should be the subject of conditions to ensure that the proposed quality of design is achieved.

Recommendation

Historic England remains concerned about the overall scale of the east block and its impact upon the conservation area. We consider that it could result in less than substantial harm, however, we understand that there is a public benefit in achieving the number of affordable housing units the proposed development will provide. On balance therefore, should you consider that the harm is outweighed by the public benefit of the proposal, Historic England would not object to the application.

4.2 Welsh Water: No objection subject to conditions

Internal Council Consultations

4.3 Conservation Manager (Principal Conservation Officer): No objection subject to conditions

1.0 RECOMMENDATIONS

Recommend approval subject to conditions: The proposals would accord with policies within the NPPF and adopted CS.

- LBC 17 - Contract for redevelopment before demolition.
- LBC 21 - Recording of demolished structures to EH level ½
- LBC 25 - Roof materials and colour.
- LBC 33 - Masonry details, samples and sample panel on site.
- LBC 38 - Details of heads and cills.
- LBC 40 - External Joinery details including colour.
- LBC 41 - Roof windows.
- LBC 45 - Rainwater goods.
- LBC 57 - External M&E services.

2.0 BACKGROUND TO RECOMMENDATIONS

Limitations

These comments relate only to listed buildings and historic areas, for advice on buried Archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

Policy background

The Planning (LB&CA) Act 1990 states that it is a statutorily desirable object to preserve the character of appearance of an area. This is achieved either by a positive contribution or by development which leaves character or appearance unharmed, that is to say preserved.

Sections 137 & 131 of the NPPF seek positive improvement in Conservation Areas: LPAs should take into account "the desirability of new development making a positive contribution to local character and distinctiveness". and "sustainable development involves seeking positive improvements in the quality of the...historic environment...". and (section 64) that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..."

3.0 COMMENTS

For any development the detail and materials will be key to its potential success, as such conditions for such aspects such as the edges of parapets, window openings etc will be fundamental. As such conditions for details of these elements and a brick sample panel will be required if the application is approved.

For the existing buildings the treatment and colour of windows will aid in revealing the interest and composition of the buildings. The use of colour is to be encouraged, particularly greens and blues which would be complimentary to the orange brick and would be typical of the period.

4.4 Environmental Health Manager: No objection from a noise and nuisance perspective subject to conditions, including the submission and agreement of a Construction and Demolition Management Plan.

4.5 Traffic Manager: No objection subject to conditions requiring agreement of the cycle parking arrangements and measures to ensure that the inter-visibility where the hedgerow and vehicular

access and public right of way are not obscured by the hedgerow proposed to the Bath Street frontage.

- 4.6 Conservation Manager (Archaeology): In relation to the previous proposal on this site [142554], I did not object, although I advised an archaeological recording condition. The site is not in the AAI, but the city wall is present to the west, over the inner ring road.

Whilst in no way understating the importance of the city wall, it is here largely a subterranean feature, to some extent less visual and appreciated than in other locations on the defended medieval circuit of Hereford. It also needs to be emphasised that hereabouts, as in many locations, the wall line is fossilised within an evolving urban context and needs to be seen in that light.

I note that a number of large modern structures have over the last decade or so been constructed outside of but within the broad setting of the city wall as it runs from Edgar Street to St Owens Street. I refer particularly to Hereford Magistrates Court, and the 'Debenhams' and 'Odeon' buildings on the livestock market site, all of which were close to prominent wall remains but involved no objection of substance.

In this sense, there is already sound precedent for this kind of construction work, and the bulk of the new build at Bath Street would of course be at the back of the plot (ie set even further back from the wall - line and partly masked by other structures). On balance, although the considerable height of the proposed "east block" is potentially a concern, I am not of the view that harm of substance would be occasioned to setting of the city wall here.

No objections, suggest standard condition E01/C47 as mitigation, were the proposal to be approved.

- 4.7 Conservation Manager (Trees):

The development proposals will require the removal of 6 individual trees, 1 group and 1 hedgerow. All of these were identified as low quality Category C. The impact of their removal has been stated as minimal due to the majority of these trees being located behind the existing buildings with limited public views.

The planting strategy plan (Illman-Young_21619/04_RevA_Nov 16) shows that a total of 22 trees will be planted to mitigate the loss of the existing trees on site. Despite this, there are some other considerations.

It was noted that moderate quality (Category B) Eucalyptus T2, will be retained and incorporated in to the design. Despite being identified as moderate quality, It is considered that this tree is out of character for the local area and it may be inappropriate to retain it. Therefore, there maybe an opportunity to remove and replace with a good specimen tree.

This is also the case with Sycamore (T3). This tree has been subject to a recent 'pollard' with only minor regrowth. The form and position of this tree offers no amenity value. It is considered that this pruning operation would have almost certainly impacted the trees overall health. There is potential for cavity formation at the pruning wounds (which are reasonably large) and the egress of fungal pathogens. When you consider the overall longevity of the tree and its contribution to a potential development, it may be better to replace the tree as part of the wider landscaping scheme for the site.

G1 (Pine/Yew) were identified as high quality (Category A). These trees are prominent within the local street scene and have good public amenity. However, I consider that the useful life expectancy of the understorey yew trees is compromised by the larger Pine trees. I consider

that there are opportunities to potentially removal of these smaller trees to allow the larger more prominent trees space to mature.

The linear lines of trees within the eastern region of the site (G5, T6-8) were identified as low quality (Category C) within the tree survey. It is considered that as a collective of trees these are better and do offer some amenity value. It is considered that there may be opportunities to incorporate these in to the design as they are early-mature in age and could contribute to the site for up to 20 years.

- 4.8 Children and Young People: No objection subject to S106 contribution towards St Thomas Cantilupe Primary School:-

St Thomas Cantilupe Primary School has a planned admission number of 30. As at the schools summer census 2017 three year groups are at or over capacity and a contribution is thus required.

Aylestone Secondary School has a planned admission number of 150. As at the schools summer census 2017 all Year groups have spare capacity and no contribution is required.

- 4.9 Housing Officer: The above application meets the affordable housing requirement as set out in the core strategy. The mix and tenure of 1 and 2 beds for social rent, private rent and affordable rent meets a need for the area giving a range of rental options in the town centre.

5. Representations

- 5.1 Hereford City Council: In response to the original proposals:

Although we have no objection, we wish consideration to be given to reduce parking capacity on this city centre site to improve landscaping. We also wish a condition to be included to use mature bushes and trees in the landscaping to achieve immediate screening of part of the site, rather than waiting for new planting to grow. We wish to see existing footpaths preserved and maintained, and for this to be covered by a planning condition. Finally, we feel the planning officer should check and verify the waste management site proposals, contained within the design of access statement are adequate.

Further comments:-

Hereford City Council Planning Committee has no strong objections to this planning application on the condition that the 12 parking spaces at the front of the proposed design (along the road facing Bath Street) are altered to trees or greenery, to protect the atmosphere of the area. There were also concerns over an increase of traffic.

- 5.2 Letters of objection have been received from eight correspondents – some of whom have written more than once. The content of the objections is summarised as follows:-

- The new build element is over-powering and out of keeping with the character of the local neighbourhood;
- The local area is characterised by predominantly two-storey inter-war housing. The four storey building proposed will be wholly out of place and result in loss of light and privacy to dwellings on Lloyd Street in particular; where gardens back onto the site;
- The new development will compromise views from existing dwellings to the rear of the site; some of whom enjoy views towards the Cathedral. These views will be lost and replaced by an ugly out-of-keeping building with flat roofs;
- Although accepting the site has been vacant, it was anticipated that it would be re-used as office accommodation. This use would be more suitable owing to the presence of on-site

parking and less invasive to adjoining residential property, which will now be subject to the potential for greater noise disturbance;

- The proximity of parking to residential property is a cause for concern. Noise and dust emissions are particularly worrying for those with pre-existing health conditions;
- The site is developed to too high a density. The existing infrastructure will not cope;
- Where will children go to school? Is there capacity locally?
- The flat roofs have a severe appearance, but could potentially be utilised for PV arrays?
- The form of the three-storey block overlooking Lloyd Street is unappealing aesthetically and will result in loss of sunlight due to its orientation relative to the rear gardens.

5.3 Hereford Civic Society – Comments in relation to the original proposals:-

Overall HCS is impressed with the approach taken and the retention of historic buildings being part of Hereford's history; and HCS is pleased to see that our proposals promoted in our magazine (PLACE -Winter 2014, Spring 2014, Spring 2016) have been adopted. It is with hesitation that we criticise a well respected firm of architects but have these reservations:

- Whilst there is an indication of scale on the drawings there is no scale bar from which to scale off. (This is common on most applications to HC and applicants should meet this requirement)
- It is difficult to see from the drawings which are new and which are existing walls, with similar coloured shading. The drawings are beautiful but it would be good to see the information more clearly.
- At the consultation meetings much was made of the contrast between new and old construction materials and the need to get that relationship right. Here we appear to have new buildings with similar bricks and details failing to mark the difference between new and old; especially the east block (which has Eastern Bloc undertones) complete with outside metal staircases. Contrasting brick colours between old and new might be an alternative.
- We fear there will be much opposition to the flat roofs and, whilst our committee has differing views, we wonder if a low curved metal roof might not be a suitable alternative, and probably at lesser cost.
- As this is a city centre development there is no need to have so much car-parking. Refer to (161545) (former burnt out buildings) which has consent for 19 flats but only five car parking spaces.
- If the above was taken into account then further tree planting, possibly with semi-mature specimens could be utilized.

Overall this project will be a positive development for the City showing that preserving the best of the past with new styles can work and continue our eclectic history. Congratulations to Herefordshire Housing for taking this approach, which won't have been the cheapest way forward, but it will contribute to the overall improvement of Hereford's built environment; which, in turn, benefits us all.

Comments in relation to the amended proposal:

The Hereford Civic Society supports this application including the latest amendments. It builds on the best of our history with contemporary new build, providing City centre living. This approach should be replicated throughout the City retaining our unique character yet looking forward.

- ### 5.4
- The consultation responses can be viewed on the Council's website by using the following link: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164024&search=164024nk:-

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>

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

6. Officer's Appraisal

6.1 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."

6.2 The decision-maker should also be aware of the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states as follows:-

"In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Case law has established that preservation is equivalent to doing no harm.

6.3 The development plan is, for the purpose of this application, the Herefordshire Local Plan Core Strategy 2011-2031 (CS). The pursuit of sustainable development is a central tenet of the CS. In the language of the CS this means the pursuit of a series of objectives arranged under the headings 'social progress', 'economic prosperity' and 'environmental quality'. The parallel with the NPPF is clear. Indeed, Policy SS1 reflects the positive presumption in favour of sustainable development and the NPPF paragraph 14 decision-making process insofar as development according with the CS should be approved unless material considerations indicate otherwise. Where policies are silent or otherwise out of date, SS1 imports the two-limb approach set out in NPPF paragraph 14.

6.4 In this case, a designated heritage asset is affected – the Hereford Central Conservation Area. In the event that harm to heritage assets is identified, CS Policy LD4 is silent as to how to approach decision-making. In such cases recourse is had to paragraph 134 of the NPPF and the unweighted planning balance. The correct approach to decision-making is to consider the second limb of Paragraph 14 first, in an unweighted balancing exercise. This is returned to below.

6.5 It is also the case that the Council cannot demonstrate a 5 year housing land supply with requisite buffer. This year's Annual Monitoring Report confirms a supply of 4.54 years. This is relevant insofar as the CS and NPPF both seek to boost significantly the supply of housing and confirm that housing applications should be considered in the context of the positive presumption. Although not particularly relevant to this case, policies relevant for the supply of housing should also be regarded as out-of-date. Officers consider the weight to be attributed to housing policies is less relevant in this case as there is no obvious conflict with adopted housing policies i.e. the scheme involves the redevelopment of a brownfield site in the centre of the largest settlement in the County. Accordingly, it may reasonably be concluded that the principle of development is supported by the terms of the CS and NPPF. The contribution that the scheme would make to the delivery of general needs and affordable housing is a significant material consideration telling in favour of the scheme.

6.6 Officers consider the main issues are as follows:-

- 1) The impact of the development upon the character and appearance of the Central Conservation Area in the context of the housing land supply shortfall.
- 2) The impact of the development upon the living conditions experienced by occupants of adjoining residential property.

The impact on the character and appearance of the Central Conservation Area

- 6.7 The statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is set out above. Planning policies relating to development within Conservation Areas underpin the position in statute. CS Policy LD1 requires, *inter alia*, that development conserves and enhances the natural, historic and scenic beauty of important landscapes and features... including conservation areas. Policy LD4 (2) confirms that where opportunities exist, development should “contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.”
- 6.8 NPPF paragraph 137 says that local authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Paragraph 138 recognises that not all elements of a Conservation Area will necessarily contribute to its significance. However, loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 6.9 The NPPF also confirms that good design is a key aspect of sustainable development and indivisible from good planning. Paragraph 60 confirms that whilst planning should not “attempt to impose architectural styles or particular tastes... it is proper to seek to promote or reinforce local distinctiveness.” Paragraph 64 confirms that 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.
- 6.10 The Central Conservation Area is large, encompassing the historic city core and extending up Commercial Road and Widemarsh Street. In the vicinity of the application site it extends across Bath Street to include the application site and the adjoining properties, but not the inter-war residential development to the rear. Accordingly the characteristics of the Conservation Area are diverse. There are certainly elements of the built environment local to the application site that do not contribute to its significance.
- 6.11 The application site itself does contribute to the significance of the Conservation Area. The existing building is regarded as exhibiting sufficient social, historical and architectural interest such that it should be regarded as a building of local interest and non-designated heritage asset. However, it is vacant and in poor repair with boarded up windows, whilst modern elements (albeit well concealed from the main public vantage points on Bath Street), detract from the host. Moreover, the setting of the building is presently poor, being located within a public car park.
- 6.12 The scheme has been subject to negotiation both pre and post submission of the application. This has resulted in amendments to the detailed design and appearance, although the overall tenor of the proposal, insofar as retention and demolition and approach to the extensions and new build, has remained broadly consistent. Following the withdrawn application for a fire station (which would have necessitated wholesale demolition of the existing buildings); officers stressed the preference for a scheme that could utilise the more significant (in historic and architectural terms) elements of the existing building. Constructed in three phases, analysis confirms that those elements of the building that have the greatest value in historic, architectural and aesthetic terms are those fronting onto Bath Street. Accordingly, the scheme has been drawn up to retain these elements, but with extensions and new build designed to complement the retained and refurbished buildings. No objection has been expressed in relation to the demolition proposed.

- 6.13 The extensions to the retained elements of the north and central blocks are intended to be contemporary in design, with a simple form and restrained detailing. Indeed this approach is taken more generally to the new build elements; so as to avoid competition with the more intricately detailed elements of the original building.
- 6.14 The south and east elevations of the extension to the northern block are predominantly red brick on the ground and first floors of a type that is sympathetic to the existing brick colouring and has bands of blue dashed brickwork which is referenced from details of the existing buildings. The second floor is proposed to be of a grey zinc; intended to give the impression of a reduced scale relative to a building faced entirely in brick and tie in with the strategy developed for the new build elements. Areas of dashed patterned brickwork join the bands of dashed brickwork.
- 6.15 The north elevation of the northern block is predominantly comprised of the existing retained wall, with a new zinc clad element above and wrapping down the east end of the elevation with new brick element at ground floor level. The majority of the existing windows are to be retained, some will be blocked in with modern brickwork but clearly showing that there was once a window in that elevation.
- 6.16 The extension to the central block has a simple form and restrained detailing, and proportions of fenestration to match those of the adjoining existing building as elements of existing and proposed elevations will be read together. The walling materials are red brick (the same as the proposed north block) with dashed bands of blue brickwork to tie in with the bands of blue brick in the existing building. The roof covering will again be standing seam zinc roof of a colour that is similar to the colour of the existing adjacent slate roof.
- 6.17 The Design and Access Statement further confirms the location and layout of the largest new build element i.e. the free-standing 3 and 4 storey eastern block, has been informed by the need to provide units with either east or west facing accommodation to avoid units with only north facing rooms.
- 6.18 This block is formed of two separate buildings set apart with external access to each of the flats; the external access has been designed in order to allow as much natural daylighting as possible to penetrate between the blocks. It is set as far into the site as possible to increase the distance between the proposed building and the rear elevations of the properties on Lloyd Street. It has also been set at an angle that is approximately 45° to the closest property to the south with the windows kept to a minimum to avoid overlooking issues.
- 6.19 The top 2 storeys are maisonettes with a step back at the upper level to negate the need for upper level circulation and reduce the scale; this in response to Historic England's concerns in relation to the original composition. The block closest to the Lloyd Street and Central Avenue properties is three storey. Both blocks have flat roofs which have been chosen to keep the heights of the buildings as low as possible. This has been informed by a sectional study that explores the distance and view angles between the existing residential buildings and proposed building.
- 6.20 The red brick on the lower levels is of a type that is sympathetic to the colour of the existing buildings. Again, the elevations exhibit bands of blue dashed brickwork which is referenced from details of the existing buildings. The top floor of both elements is proposed to be of a grey zinc. This is intended such that the upper storey is read as an element of the roof-scape. There are areas of dashed patterned (red and blue, red and grey) brickwork at different areas on the elevation to add interest.
- 6.21 The windows have been given proportions that reference those of the existing building, but also are a size for good daylighting, and reducing the potential overheating because of the predominantly east and west facing rooms. Juliet balconies have been included on the east

elevation with balconies and roof terraces on the west elevation to improve amenity and to add relief to the elevation. The stepping back at the upper level creates a reduction in scale by setting back the top floor.

6.22 The image below describes the 300mm window reveal for instance; a feature referred to by Historic England as an important component of the scheme. A condition will be imposed requiring the prior approval of all window sections to ensure that the visual benefits accruing from such a detail (by way of shadow lines and greater depth to the elevation for instance) are realised.



6.23 The image below is taken from the Design and Access Statement and gives an indication of the relationship between the retained elements and the new. On the left-hand side is the end of the southern block. On the right-hand side is the Bath Street facing elevation of the eastern block, with patterned brickwork, depth of window reveal and setting back of the fourth floor evident. In the distance is the extension to the north block.



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

6.24 Historic England's comments in response to the amended proposals reflect the positive impacts that the design review has brought about:-

"While the overall height and scale of the east block remain unchanged, different materials, the reduction in floor area of the top storey, the introduction of a stepped 'eaves' line, the reduction and reworking of the balconies, deep window reveals, brick bonding and decoration all help to add texture and reduce the perceived scale of the building. The chosen approach to use a restrained design to provide a complementary but uncompetitive backdrop to the historic buildings means that details like the colour of the zinc cladding, location and materials of rainwater and soil drainage, design of fenestration, cills, lintels and weatherings all become critical elements in the design. Should you be minded to approve the application, the approval of these elements should be the subject of conditions to ensure that the proposed quality of design is achieved."

6.25 Historic England continues to express the opinion that the overall composition will result in less than substantial harm to the significance of the Conservation Area. Accordingly this harm, should the decision-maker agree with the Historic England perspective, goes into the unweighted planning balance prescribed by NPPF 134.

6.26 Against the Historic England opinion, the Council's own Principal Building Conservation Officer detects no harm to the significance of the Conservation Area. Subject to the imposition of a condition this view is shared by the Council's Archaeological Advisor. He does, however, reflect on the critical importance of detailed design should the project fulfil its potential and thus recommends a series of related planning conditions.

6.27 Hereford Civic Society expresses support for the scheme in the belief that it builds on the best of our history with contemporary new build, providing city centre living; an approach they believe should be replicated throughout the City, "retaining our unique character yet looking forward."

6.28 The design has, however, drawn criticism from a number of local residents. It has been described as out of character and scale with the surrounding area. However, as described above, the Conservation Area is large and diffuse and character analysis reveals a very broad spectrum, as one would expect, in terms of the characteristics of the built environment. There are large-scale civic buildings, offices and more tightly drawn, densely constructed traditional housing stock. There are also a number of 4 storey buildings within the Conservation Area, such that the four-storey block cannot be said to be without precedent.

6.29 In overall terms, officers are satisfied that the proposals have a clear design rationale; that is to complement the existing retained elements on Bath Street with a simple contemporary approach that does not compete with or detract from the more ornate architectural detailing of those elements. Very careful consideration has been given to the overall composition, including the choice of materials and it is evident that whilst detecting less than substantial harm, Historic England accept that the changes in relation to the eastern block in particular, have brought about significant improvements to the scheme.

6.30 To this extent, there is some modest disagreement between the heritage experts insofar as whether the proposal would cause harm to the significance of the Conservation Area is concerned. It is the Council's expert's view that the proposal would at least preserve the character and appearance of the Conservation Area i.e. causes no harm to significance. Officers are inclined to this view on the basis they consider the proposal to represent good, contextual design that has the ability to enhance the character and appearance of the Conservation Area in a manner consistent with CS Policies LD1 and LD4. On this issue, officers have attributed some weight to the benefits that will accrue in terms of the buildings' setting as a consequence of the carefully conceived landscape strategy.

- 6.31 In any event, even if Historic England's advice on this point is preferred, it confirms that such harm is less than substantial and needs to be put into the unweighted balance against the public benefits of the scheme. This is returned to in the planning balance below.

Impact on living conditions

- 6.32 The second main issue relates to the impact of the proposals upon the living condition upon the occupants of nearby residential property. Principally these are the dwellings backing onto the application site in Lloyd Street to the east and those to the south on Daws Road.
- 6.33 It is a core planning principle of the NPPF that developments should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building (paragraph 17). The Core Strategy emphasises this point at Policy SD1, which requires that development should safeguard residential amenity for existing and proposed residents.
- 6.34 Taking the proposed residents first, officers are content that the scheme, although high-density, delivers a satisfactory living environment. Nationally prescribed space standards are met, living accommodation is well lit and ventilated. There is adequate parking for cycles and cars and storage within each unit. Public open space is well conceived and permeability through the site is enhanced such that good access is afforded to other local public open space.
- 6.35 Concerns expressed by neighbours, principally in Lloyd Street, revolve around disturbance during the construction phase (noise and dust) and issues arising post-completion i.e. loss of privacy and sunlight as a consequence of the scale and massing of the eastern block. Further concerns are raised in relation to the positioning of the car parking around the periphery of the site, with attendant noise issues and loss of amenity arising from the blocking of existing views towards the Cathedral.

Issues arising during construction

- 6.36 It is acknowledged that a large-scale construction project will cause noise disturbance and also that there will be potential for dust. Officers understand this is a cause for concern for those living locally with pre-existing health conditions. Officers have sympathy with these views. However, it is not considered that such issues would warrant rejection of the scheme. Rather, it is recommended that planning conditions be imposed in relation to working hours and measures taken to mitigate construction noise and suppression of dust; as per the Environmental Health Officer's comments above. Accordingly, officers are satisfied that impact arising during the construction phase are capable of mitigation to a satisfactory extent.

Issues arising post-construction

- 6.37 Some residents have expressed concern at the loss of view towards the Cathedral. However, loss of such private views is not a material planning consideration. In any event, given the intervening built form, such views are unlikely to be continuous or unfettered.
- 6.38 Concern has also been expressed in relation to loss of privacy and sunlight; the eastern block being orientated to the west of Lloyd Street, with the consequent concerns in respect of the loss of afternoon and evening sunlight.
- 6.39 The drawing below is taken from a cross-section drawing submitted with the application at the request of officers. It demonstrates the separation distance between the eastern block and dwellings on Lloyd Street. These dwellings have rear gardens that measure in the region of 23 metres (75 feet). The distance between the buildings (east-facing elevation of the eastern block and rear (west-facing) elevation of the dwellings on Lloyd Street is 42.2 metres (138 feet).



Section AA
1:200

6.40 The east-facing elevation of the eastern block is below. There are 16 openings on each floor; including 7 full-height openings serving living and dining areas, 2 windows serving kitchens and 7 serving bedrooms. This pattern is consistent across the three floors.



Elevation C-C'

- 6.41 In terms of privacy impacts, officers are satisfied that the separation distances, which are far in excess of the recommended 21 metres, will safeguard residential amenity. At 10.5 metres tall the three storey element of the eastern block is not, in the view of officers, disproportionate in the context and the four-storey element is set further into the site directly behind the three-storey block and thus largely shielded from the view of residents on Lloyd Street.
- 6.42 In terms of loss of light, the proposal would not breach the 25 degree 'rule' i.e. a line taken from the cill of ground floor windows in the potentially affected properties at 25 degrees of elevation towards the development proposal.
- 6.43 Concerns in respect of the proximity of parking to the common boundary are noted, but regard should be had for the fact that the majority of the undeveloped parts of the site are or have been in constant use as office and/or public car parking. Officers accept that a residential use may result in more frequent movements and movements throughout the day and into the evening. However, this is not considered a robust basis upon which to resist the application in the context of the edge of city centre location. Moreover, parking is kept to the minimum practicable at one space per property and a restriction imposed to prevent future occupiers from being eligible for Zone 1 parking permits for adjoining residential streets.
- 6.44 Officers also consider the relationship between the development and other neighbours acceptable. The south-facing end elevation of the east block has comparatively few windows and those serve bedrooms as opposed to principal habitable accommodation.

6.45 Overall, officers are satisfied that the development will not give rise to unacceptable impacts but will, in accordance with SD1, safeguard residential amenity for existing residents.
Other matters

Ecological impacts

6.46 The application is accompanied by a Bat Report, conducted by suitable qualified professionals. The report is based upon dawn and dusk activity surveys. No bats were recorded entering or leaving the buildings on site, and it is concluded that no further survey work is required in support of the application. However, it is recommended that the stripping of the existing building be undertaken under the supervision of an ecological clerk of works.

6.47 The Council's Ecologist is content that the appropriate survey work has been undertaken but has requested that more provision is made for bat and bird (swifts) nest boxes. This can be secured via an appropriately worded ecological mitigation and enhancement planning condition. With this condition in place, officers are content that the scheme fulfils the requirements of LD2.

Landscaping

6.48 The application is accompanied by detailed proposals for the landscaping of the site. The drawing below is the illustrative masterplan. It denotes the retention of the pine on Bath Street and establishment of hedgerow around the site periphery and various shared and private areas within the site itself.



6.49 On the Bath Street frontage it is proposed that ornamental hedge and tree planting give a defined and greener road boundary, obscuring car parking but allowing views of the retained elements of the existing building. Within the car park, improved paving and access, along with colourful and seasonal ornamental shrub and herbaceous planting is intended to provide an appropriate entrance and arrival space for residents and visitors.

- 6.50 On the southern boundary planting will provide a screen to the boundary to enhance the setting of the new building and provide separation from the public footpath. The central area is served by a footway moving through the communal garden area from which side paths spur to provide access to and from private terraces. Overall, officers consider that the landscaping scheme is well conceived and complementary to the setting of the buildings and so accords with CS Policies LD1, LD2 and LD3.

Highways and Transportation

- 6.51 The scheme has met with no objection from the Transportation Manager. Existing access points are utilised, with requisite parking and cycle parking. The scheme responds to CS Policy MT1 by also taking the opportunity to improve the existing public right of way running parallel to the site's southern boundary. The scheme complies with CS Policy MT1.

S106

- 6.52 Draft Heads of Terms have been agreed with the developer in terms that are compliant with the CIL Regulations. These terms include a contribution of £32,250 (index linked) towards the catchment primary school St Thomas Cantilupe, a contribution of £6,000.00 (index linked) to provide waste and recycling bins for the dwellings and £46,530 (index linked) towards outdoor sports facilities.
- 6.53 In order to prevent undue pressure on existing arrangements, the developer will also covenant with Herefordshire Council to restrict occupiers of the units from applying for parking permits in Zone 1 of Hereford City. The S106 will also regulate eligibility for occupation of the affordable units and management of the on-site public open space.
- 6.54 On this basis the scheme is considered to accord with CS Policy ID1 – Infrastructure Delivery.

7. The Planning Balance

- 7.1 The scheme is for residential redevelopment of brownfield land in a sustainable urban location in the context that the Council cannot demonstrate the requisite supply of housing land. The presumption in favour of sustainable development is thus engaged. However, the site is located within the Central Conservation Area and regard must be had to the statutory duty as regards preservation and enhancement of the character and appearance of the Conservation Area.
- 7.2 Sustainable development is sought across three dimensions; the environmental, economic and social. In this case, the economic benefits of the scheme are those arising from the construction phase and the underpinning of construction and related jobs. Thereafter benefits will potentially accrue from an increase in the resident population and associated expenditure on local goods and services, thus underpinning the vitality and viability of the city centre.
- 7.3 In social terms the scheme would deliver affordable and market housing for which there is a demonstrable need. The evidence base suggests that the need for affordable and market 1 and 2 bed units in the Hereford City area is large and unmet. This is a significant material consideration telling in favour of the scheme, particularly in the context of the Government's requirement that local authorities should act to boost the supply of housing where there is unmet need.
- 7.4 The main points of contention in this case relate to the environmental role. The Government's advisors in respect of the historic environment recognise the positive elements of the redesigned scheme, but nonetheless consider that the scale of the eastern block – the four-storey element in particular – means that less than substantial harm to the significance of the Conservation Area will accrue. This, however, is countered by the expert advice from the

Council's own heritage experts and the view of the Civic Society; both of whom find no such harm to significance.

- 7.5 For decision-making contradictory advice from experts in the same field is potentially problematic. However, if Historic England's advice is preferred i.e. one agrees that less than substantial harm will arise, then this harm needs to be weighed against the public benefits arising from the scheme in an unweighted balancing exercise. It is not necessary for the harm to significance to demonstrably and significantly outweigh benefits for refusal to ensue – this is the application of a restrictive policy – which NPPF 134 is.
- 7.6 Taking all of the above into account, officers consider that even if the Historic England advice is preferred, the public benefits arising from the scheme outweigh the less than substantial harm to the significance of the Conservation Area. This conclusion is based on the following reasons:-
- The proposal will redevelop a sustainably located brownfield site which in its current format is a detractor from the character and appearance of this part of the Central Conservation Area;
 - The proposal will result in the beneficial re-use and refurbishment of elements of the existing building (a non-designated heritage asset in its own right), which make a positive contribution to the significance of the Conservation Area. The scheme therefore retains, in accordance with LD4 and SD1, those existing elements of the building that contribute to significance;
 - The proposal will boost the supply of affordable and market dwellings, in a sustainable edge of city centre location, for which there is evident unmet demand;
 - Economic benefits arising from the sustainable redevelopment of the site will contribute to the vitality and viability of the city centre;
 - There is no harm arising in relation to other matters as discussed above. The scheme provides financial contributions in compliance with the CIL Regulations that will offset its impact in respect of education, formal sports and waste provision and has due regard to the living conditions of adjoining residential property.
- 7.7 Accordingly, officers are content to recommend the scheme for approval on the basis that the application of the unweighted planning balance indicates that the public benefits arising from the scheme outweigh the less than substantial harm to significance. This can only mean that undertaking the pre-weighted limb 1 planning balance results, in the absence of other harm, in the same outcome i.e. that planning permission should be granted.

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

1. **A01 - Time limit for commencement (full permission)**
2. **C08 - Amended plans**
3. **C13 - Sample of external materials**
4. **LBC 17 - Contract for redevelopment before demolition.**

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

5. **LBC 21 - Recording of demolished structures to EH level ½**
6. **LBC 25 - Roof materials and colour.**
7. **LBC 33 - Masonry details, samples and sample panel on site.**
8. **LBC 38 - Details of heads and cills.**
9. **LBC 40 - External Joinery details including colour.**
10. **LBC 41 - Roof windows.**
11. **LBC 45 - Rainwater goods.**
12. **LBC 57 - External M&E services.**
13. **E01 - Site investigation archaeology**
14. **C90 - Protection of trees/hedgerows that are to be retained**
15. **C95 - Details of boundary treatments**
16. **C96 - Landscaping scheme**
17. **C97 - Landscaping scheme - implementation**
18. **CAL - Access, turning area and parking**
19. **CB2 - Secure /covered cycle parking provision**
20. **CAC - Visibility over frontage**
21. **CAZ - Parking for site operatives**
22. **CBK - Restriction of hours during construction**
23. **CCB - Scheme for refuse storage**
24. **CD2 - Habitat enhancement scheme**
25. **CD4 - No surface water/land drainage to connect to public system**
26. **CE6 - Efficient use of water**
27. **Construction environmental management plan**

INFORMATIVES:

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.

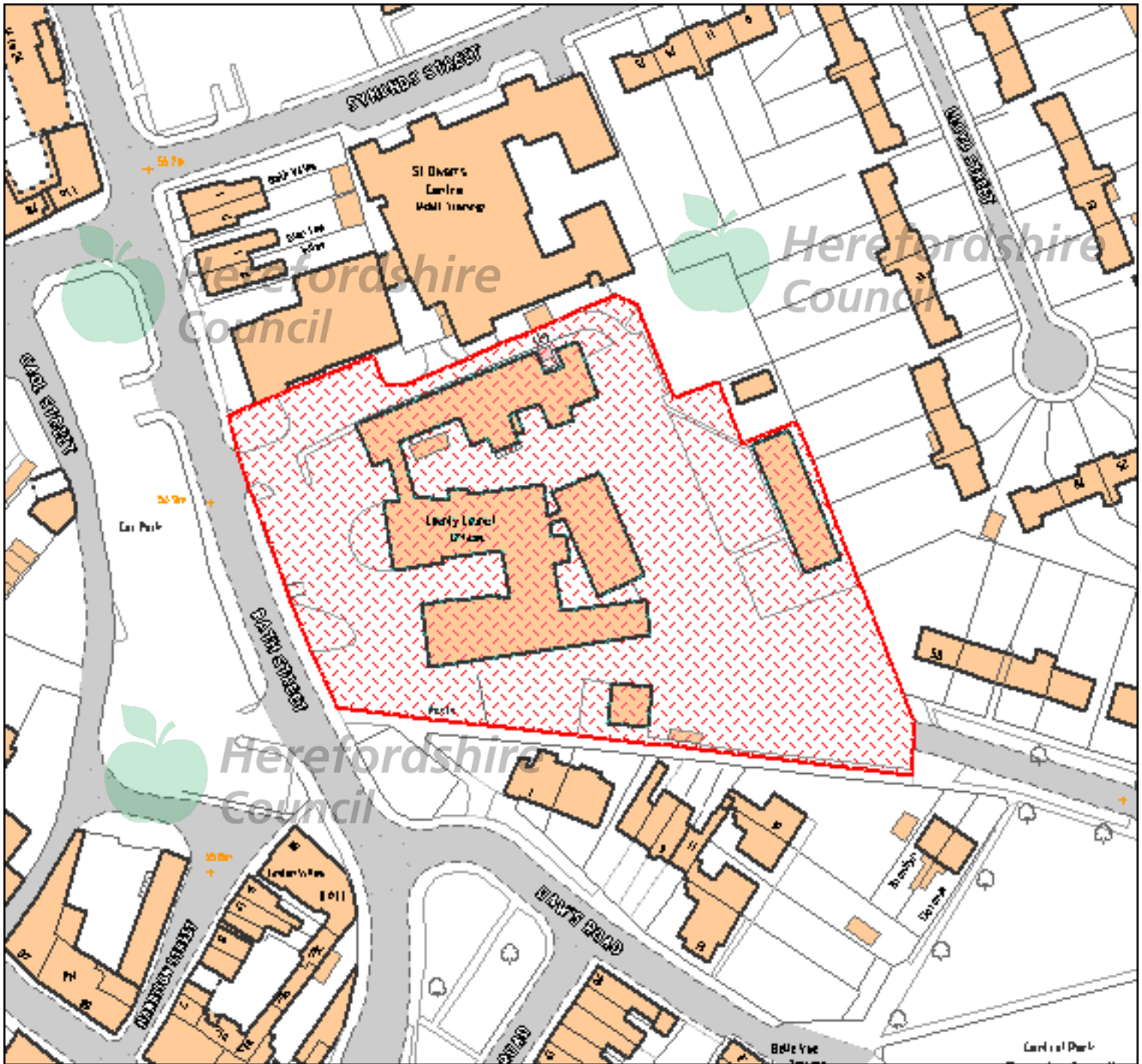
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 164024

SITE ADDRESS : FORMER COUNCIL OFFICES, 39 BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2HQ

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

DRAFT HEADS OF TERMS

**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990**

Planning Application P164024/F

Site address:

Former Council offices, Bath Street, Hereford.

Planning application for:

Proposed part conversion of existing building and erection of new build to provide 75 dwellings comprising;

Social Rent	1 Bed Flat	7
Social Rent	2 Bed Flats	7
Affordable Rent	1 Bed Flat	1
Affordable Rent	2 Bed Flat	13
Private Rent	1 Bed Flat	22
Private Rent	2 Bed Flat	25

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 2 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £32,250.00 (index linked) to provide enhanced educational infrastructure at St Thomas Cantilupe Primary School. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,000.00 (index linked). The contribution will be used to provide waste and recycling bins for the dwellings. The sum shall be paid on or before the commencement of the development.
3. The developer covenants with Herefordshire Council to restrict occupiers of the units from applying for parking permits in Zone 1 of Hereford City.
4. The developer covenants with Herefordshire Council to provide on site green infrastructure to a minimum of 0.047ha (470sq m) of public open space/community gardens.
5. The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £46,530.00 (index linked) for outdoor sports facilities for hockey, rugby, football and cricket provision as identified in the Councils Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan 2016. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council that up to 16 of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Hereford
 - 10.2. in the event of there being no person with a local connection to Hereford any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
11. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2 and 5 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
13. The sums referred to in paragraphs 1, 2 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be

adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

14. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
15. 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
21 August 2017

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 September 2017
TITLE OF REPORT:	163327 - ERECTION OF A BARN EGG UNIT FOR FERTILE EGG PRODUCTION AT WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HR3 5TB For: Mr Morgan per Mr Hugh Morgan, White House Farm, Watery Lane, Archenfield Hay-on-Wye, Hereford, Herefordshire HR3 5TB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163327&search=163327
Reason Application submitted to Committee – Re-directed	

Date Received: 17 October 2016 **Ward: Golden Valley** **Grid Ref: 326020,242345**
North

Expiry Date: 30 January 2017

Local Members: Cllr PD Price

1. Site Description and Proposal

- 1.1 The application site lies to the south-west of the C1208 at the small hamlet of 'Archenfield' within the Parish of Clifford. The applicant is a tenant farmer upon the Penoyre Estate. He and his family reside in the farmhouse to the south-east of the application site. Immediately to the south-east is the existing range of farm buildings. The proposal is the erection of a barn egg unit for fertile egg production.
- 1.2 White House Farm is a holding that consists of 105.38 hectares (260.4 acres). This is currently made up of 86.98 hectares of grass, 4.79 hectares of fodder beet and 13.61 hectares of combinable crops. It is understood that the holding runs a flock of 397 ewes with approximately 100 lambs which are kept on the holding up to 9 months of age, 2 horses and a pony.
- 1.3 The landscape is undulating and there are a series of woodland blocks in the landscape including along watercourses. In terms of Landscape Character the site lies within 'Principal Timbered Farmlands' described as *"rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale wooded agricultural appearance."*
- 1.4 The application site itself is located to the north-west of the existing range of agricultural buildings at 'White House Farm' within a separate field. The building would have a length of 105.4 metres and span depth of 18.9 metres. The building would be sited to the north-west of the existing range at 'White House Farm' within a separate field. The building would be sited parallel to the existing range of buildings but would extend some 87 metres deeper to the south-west. At the north-eastern end of the building there would be a turning / manoeuvring area

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

(Approx. 41 m x 23 m) for motor vehicles and at the south-western end of the building a concrete apron (Approx. 18.9 m x 8 m). Two feed bins would be sited adjacent to the south-eastern flank elevation parallel to the north-western elevation of the existing agricultural buildings. These feed bins would have a height of some 7.4 metres.

- 1.5 The proposed development would be the subject of a “cut and fill” exercise, such that the building would predominantly be set into the site such that the finished floor level would be 186.25m above ordnance datum (AOD), the eaves level would be 189.20m AOD and the ridge level 191.77m AOD. The feed bins would have a height of 193.63m AOD.
- 1.6 The surplus material (as more is to be cut then filled), would be spread on the adjoining field to the north-west. The land would not be raised by more than 380mm.
- 1.7 Whilst this is a proposal to erect a building to accommodate poultry the precise activity proposed to take place is somewhat different to the majority of “poultry applications” that we receive. The majority of applications that we receive are either for broilers or for free range egg production for human consumption. The proposed building would accommodate 14,000 laying hens together with 980 cockerels. Once the eggs are collected they would be transported to be hatched in a hatchery. This is likely to be the Hy-Line Hatchery in Redditch, Worcestershire.
- 1.8 Such a facility works on a 48 week production cycle. At the end of each production cycle there would be a 4 week period for cleaning and preparation of the unit in readiness for the following production cycle. Washing out of a fertile production unit during this turn-round period takes 2 – 3 days due to the level of cleaning required.
- 1.9 It is understood that the proposed development would generate the following vehicle movements:-
 - Delivery of birds – 16.5m Articulated HGV – Every 48 weeks – 2 Trips – 4 Movements;
 - Delivery of feed – Rigid 4 Axle Lorry – Once a week – 1 Trip – 2 Movements;
 - Collection of eggs – Rigid 3 Axle Lorry – Once a week – 1 Trip – 2 Movements;
 - Collection of manure – Tractor and Trailer – Every 48 weeks – 40 Trips – 80 Movements;
 - Collection of end of lay birds – 16.5 m Articulated HGV – every 48 weeks – 2 Trips – 4 Movements; and
 - Collection of dirty water from sealed tank at the end of each flock cycle - 6-wheel rigid tanker – 1 Trip – 2 Movements.
- 1.10 So during the normal week the site operation would generate 2 lorry trips (4 movements – 2 in and 2 out).
- 1.11 It is understood that the proposed routing to and from the hatchery would be along the B4348, B4352 onto the A438 then the A4103 through Hereford and onto the M5.
- 1.12 It is understood that the feed would be supplied by Humphrey Feeds in Winchester. The routing strategy would be along the M50, A49, A465, B4352 and the B4348.
- 1.13 The existing vehicular entrance to the farmyard would be utilised with the entrance increased in width by some 5 metres to the north-west. Visibility splays proposed are 2.4 metres x 37 metres to the south-east and 2.4 metres x 38 metres to the north-west.
- 1.14 The applicant is willing to accept a planning condition which restricts the delivery of feed and removal of eggs to daytime hours 07:00 to 20:00 hours Mondays to Saturdays with no deliveries of feed or egg removals to take place on Sundays and Bank Holidays.

- 1.15 The surface water is proposed to be directed to an attenuation pond and then released at an attenuated rate (no greater than the Greenfield run off rate) into the Hardwicke Brook. The attenuation pond would be to the south-east of the building between the rear of the building and Hardwicke Brook. It would be set at a level of 185.74m AOD. It is understood that given the building would be set at 186.25 AOD it would allow for a fall on the pipe feeding the attenuation pond.
- 1.16 The development would include a sealed dirty water system for containment of washout water. This tank would be emptied once at the end of each flock cycle by specialist contractors, using a 6-wheel rigid tanker.
- 1.17 The application is accompanied by a comprehensive and detailed landscaping scheme plan that involves:-
- Hedgerow tree planting along the north-eastern (front) and south-western boundaries (rear);
 - A woodland block between the south-eastern elevation of the building and Hardwicke Brook;
 - A woodland block between the south-west end gable elevation and the south-western field boundary;
 - The provision of a new native hedgerow with hedgerow trees across the entire width of the field parallel to the north-western side elevation of the proposed building; and
 - The provision of a new native hedgerow with hedgerow trees at the north-west corner of the site, effectively closing a gap between an existing woodland block and the south-western field boundary. A 2 metre gap would be left to ensure that the public footpath (CL74) hereabouts is not obstructed.
- 1.18 The building would essentially be an enclosed metal sheeted building. The colour finishes would be:-
- Elevations / walls – Olive Green (matt finish); and
 - Roof, feed bins and roof vents – Merlin Grey (matt finish).
- 1.19 Originally it was proposed to use the existing estate water supply. However, it is now proposed to sink a new private borehole to supply water to the proposed development.

2. Policies

2.1 The Herefordshire Local Plan - Core Strategy

The policies that are considered to be of relevance to the consideration of this application are:

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement & Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Bio-diversity and Geo-diversity
LD3	-	Green Infrastructure
SD3	-	Sustainable Water management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality
RA6	-	Rural Economy

2.2 National Planning Policy Framework (NPPF)

Paragraphs 1-14 (inclusive) are considered to be of relevance.

Paragraph 17 is considered to be of relevance.

Section 1 entitled 'Building a strong, competitive economy' is considered to be of relevance.

Paragraph 32 is considered to be of relevance.

Section 11 entitled 'Conserving and enhancing the natural environment' is considered to be of relevance.

2.3 Clifford designated a neighbourhood area in March 2013. However, there has been little progress to date. It is understood that recently the group have started to look at producing an NDP, primarily in response to a number of applications in the Priory Wood area, however, there is no indication at this point of when a draft plan will be available.

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/adopted-core-strategy>

3. Planning History

3.1 161600 – Erection of a barn egg unit for fertile egg production – Withdrawn

3.2 Also of relevance is planning application:-

170836 – Translocation of a 49 metre section of hedgerow to improve easterly visibility splay from the C1208 onto the B4348 – Planning permission granted subject to conditions – Not implemented to date.

4. Consultation Summary

Statutory Consultations

4.1 Natural England state:-

"Thank you for your consultation on the above dated 02 November 2016.

4.1.1 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NO OBJECTION

4.1.2 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

European sites – River Wye Special Area of Conservation

4.1.3 Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

4.1.4 To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- *The odour assessment provided by the applicant includes details of ammonia screening and concludes that the process contribution is below the relevant thresholds*
- *The Manure management plan which shows no spreading will be carried out near water courses.*

River Wye Site of Special Scientific Interest

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

Green Infrastructure for free range poultry

4.1.6 There is an opportunity to incorporate tree planting into the layout of the site which could be beneficial to the welfare of the egg-laying hens by providing tree cover, this could also help reduce nutrient load, parasitic contamination and also help prevent poaching. More information can be found in the Woodland Trusts guide to “Tree planting for free range poultry”.

Other advice

4.1.7 Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.”

and further state:-

4.1.8 “The advice provided in our previous response applies equally to amended plans and additional information submitted.

4.1.9 We do note the letter from the Applicants’ landlord, the Penoyre Trust, (dated the 14th March 2017) that states that they are content to provide a water supply to the new proposed building and that the supply will come from a spring source (for which the Penoyre Trust has a water abstraction license).

4.1.10 Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.”

Internal Council Consultations

4.2 Transportation Manager – No objections subject to conditions & informatives.

4.3 Conservation Manager (Ecology) states:-

4.3.1 “In reviewing this application I note that: -

1. Total chicken numbers (14K hens and <1000 Cockerels) are less than the 40K bird threshold for requiring Environmental Permitting.

2. The Environment Agency does not regard emissions of ammonia/nitrogenous deposition as harming watercourses or their ecology.
 3. Detailed comments on potential ongoing particulates have been made by the Council's Air Quality team as part of their consultation.
 4. Natural England's comments dated 8th December stating "No Objection" and advising that "likely significant effect can be ruled out" regarding the River Wye Special Area of Conservation and that they also had "no objection" as regards the interest features of the River Wye Site of Special Scientific Interest.
 5. The Phase 1 ecological report by Craig Emms (dated March 2016) indicates that there is a very low likelihood of any relevant protected species being present and that there are no significant habitats present within the development site. There are no 'expiry dates' for ecological surveys and even where significant protected species have been identified and species licencing is required it is accepted by DEFRA/Natural England that surveys are valid for 18-24 Months.
 6. There are currently no significant biodiversity records within 2km of the site lodged with the Herefordshire Biodiversity Records Centre.
 7. Detailed comments on surface water management have been made by the Council's Land Drainage consultees.
 8. All foul water is to be contained on site and taken off site for disposal by a licensed waste disposal firm and so does not need to be considered as part of this application.
- 4.3.2 The supplied ecological survey by Craig Emms (dated March 2016) appears to be undertaken to relevant best practice and is appropriate and relevant to the location. The recommendations in the report should be included within a more detailed Construction Environmental Management Plan (CEMP) that I would request is included as a Condition should planning permission be granted.
- 4.3.3 The Hardwicke Brook corridor (approximately 6km hydrologically from the River Wye) running to the south of the proposed development should be protected from any disturbance, disruption or accidental pollution during construction – this should be detailed in the Construction Environmental Management Plan (CEMP).
- 4.3.4 Habitat Regulations Assessment – in order to achieve a "no likely significant effect" outcome as indicated by Natural England the potential effects of the immediate construction phase (air particulates, noise, pollution potential/water quality and ecological concerns/species) all need to be fully mitigated. I would request that this is achieved by requiring a detailed CEMP for all aspects of the development phase as a condition should planning permission be granted. This should include the required detailed methodologies to cover the possible presence of bats, nesting birds and other wildlife as relevant at the time of the construction as well as habitat protection.
- 4.3.5 It should be confirmed that the new building is at least 50m from the Brook (Local Wildlife Site) to avoid immediate ecological disturbance.
- 4.3.6 If any excavated construction soil is to be 'bunded' or spread between the construction site and the Hardwicke Brook then full details of how this will be fully stabilised to ensure that at no point any erosion or movement of material into the Brook can take place should be supplied either separately or as part of the CEMP.

4.3.7 The Natural England's comments; requirement of a detailed CEMP; foul water being processed professionally offsite, a manure spreading plan – avoiding any spreading near sensitive features or watercourses; the supplied odour assessment; and the stocking being below EPP thresholds have all been considered when reaching the conclusion through a Habitat Regulations Assessment screening that this development will have No 'likely significant effects' on the River Wye SAC/SSSI.

4.3.8 Biodiversity Enhancements – There appears to be no biodiversity enhancements currently associated with this proposed development. There is also a need to provide appropriate mitigation for the short length of 'poor' hedgerow that needs to be removed to create the new access to the proposed development. **I would request that under a relevant condition a detailed landscaping plan is drawn up** for approval that includes new hedge and tree planting, gapping up and strengthening of existing linear features and a series of wider biodiversity enhancements eg: new and enhanced bat roosting; new and enhanced bird nesting opportunities including consideration of site landscaping and management to encourage ground nesting species; amphibian and reptile hibernacula, home for hedgehogs and enhanced habitat and artificial 'homes' for pollinators and other invertebrates.

4.3.9 I note from the comments and objections already made that there may be a highway visibility need to move a length of hedge at 'Harewood Turn' junction on the B4352 to facilitate the transport access to the proposed development. If the hedgerow at this location is subject to change then a detailed ecological survey, including full details of the exact length and location of hedge implicated should be supplied to the planning authority for consideration and approval. This submission should include a detailed construction plan, planting details, establishment scheme and subsequent 10 year management plan for any translocation and/or replacement mitigation planting of hedgerow and the planting of "enhancement" new standard hedgerow trees."

and further states:-

4.3.10 "I have read and noted the revised plans and ecological information. I have no further comments other than the addition of the proposed silt trap can only additionally secure and mitigate any already negligible chance of the development ever impacting the ecological integrity of the Hardwicke Brook."

4.4 Conservation Manager (Landscape) originally (30.01.2017) stated:-

4.4.1 "The proposed development is for the construction of a poultry unit, the dimensions of which are as follows; 105.4m x 18.9m x with a ridge of height of 5.52m. A steel framed construction coated with profile sheeted on walls and roof the colouration to be agreed with the local planning authority.

- A proposal of this form and scale will inevitably result in adverse effects upon the landscape and visual amenity, determining the degree of landscape impact is therefore the determining factor as to whether a landscape objection will be raised.
- I have visited the site and walked the surrounding landscape on a number of occasions in relation to both this application and the earlier application (P161600/F) withdrawn in 2016. I have read the supporting documentation including the landscape appraisal dated (10/3/16) and have the following comments to make:

Landscape

4.4.2 There are no landscape designations upon or surrounding the site. The PROW CL74 crosses the field in which the proposal lies. The proposal lies within the landscape character type; Principal Timbered Farmlands described as *rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale wooded agricultural appearance and*

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

within the National Character Area Profile 99 Black Mountains and Golden Valley; *a border landscape with a strong sense of transition from the remote, wild, moorland mountaintops with a distinctly Welsh flavour in the west to the wide, fertile agricultural lands of the Golden Valley in the east, which evoke the cultivated intimacy of lowland England.*

4.4.3 The submitted landscape report does not assess the impact upon the landscape character of the site and its surroundings however the proposal will result in a number of effects as outlined below:

- Given the length of the building at 105 metres, its construction will necessitate cutting into the landform to provide a level platform, this will impact upon the undulations of the landscape and in turn will result in substantial amount of spoil which will need to be regraded across the land.
- Whilst it is noted that the proposal will be sited adjacent to existing farm units running parallel with them - which is the recommended approach - the size of the unit is significantly greater than the existing farm buildings, as shown in the drawing number HM/04 and will therefore protrude westwards a further 87m into the landscape. The introduction of built form of this industrial scale into the surrounding natural landscape will impact upon the rural character.
- In order to provide adequate access to the site a short section of hedgerow to the west of the existing entrance will require removal in order to facilitate the required visibility splay.
- Along the B4348 the visibility is currently obscured at the junction with the C1208 by both bank and hedgerow – whilst I am aware that a section of hedgerow has been coppiced in an attempt to improve the visibility, I understand from the highways engineer this in itself will not provide the required splay. It is understood that to achieve the requisite splay the removal of a section of bank and the translocation of a section of hedgerow approximately 60 metres in length would be required.

Visual Effects

4.4.4 The proposal sits on land at approximately 185m AOD. As stated within the landscape character description this landscape has a rolling form with occasional steep sided hills to the south which form an arc around the site. Crossing this elevated landscape are a number of public rights of way which link to popular trails including The Herefordshire Trail and the Wye Valley Walk and Offa's Dyke. Although the submitted landscape appraisal has not assessed all potential viewpoints from the public rights of way, having walked the majority of the footpaths and bridleways within a 1.5km radius of the site I am satisfied that I have established the extent of the main effects of the proposal:

4.4.5 Viewing the site of the proposal from the north there will be short relatively open views from both the minor road; C12 08 as the road descends to the site entrance, with further open views from the PROW CL74 which crosses the site of the proposal and the PROW CU27 which continues in the direction of the ancient monument; Mouse Castle.

4.4.6 From the arc of elevated land running south west to south east there are a number of views of the existing units from the numerous public rights of way including; CU16, CU25, CL18, 31, 35, and 38 as well as the minor road; Watery Lane.

4.4.7 As previously stated the site lies within the NCA 99 for the Black Mountains and Golden Valley and the transitional nature of this landscape from the mountainous to its neighbouring lowlands renders it sensitive to visual change and allows for parallels to be drawn with the application P161909/F at The Bage. However the key element to this landscape lies in its typology; Principal Timbered Farmlands, which is defined by its strong presence of tree cover in the guise

of woodlands, hedgerow trees and linear tree cover associated with the water courses. This wooded character serves to both limit and filter views within the wider landscape and leads me to conclude that (aside from the near view from the PROW CL74) when seen in the context of the existing units the visual effects alone are unlikely to be substantially adverse.

Conclusion

4.4.8 Having assessed both the impact upon the landscape character and visual amenity, it is my view that these combined impacts **will result in a potentially substantial adverse effect upon the landscape thereby conflicting with LD1 of the Core Strategy.**

4.4.9 Currently the potential for mitigation has not been explored and the applicant may wish to engage a landscape architect to explore this possibility. In my view there is scope to improve upon the proposed deposition of the soil – by spreading thinly across the site, as well as the introduction of a woodland block to the south and hedgerow trees. However I do have reservations as to whether the proposed removal of a section of bank and hedgerow could be mitigated to any real degree.”

4.4.10 Then commented (6/4/17) as follow on the amended / further documentation received in late March 2017 (including Landscape Proposals drawing number 1486.01):-

“I have seen the amended information requested by the planning officer following a site meeting with the applicant. I am satisfied with the landscaping proposed shown in drawing number 1486.01. Having now assessed the application in full, I am of the view that the combined landscape impacts of the proposal could have the potential to be substantial. However the landscaping plans do illustrate a substantial amount of planting which in my view goes some way to mitigate the impact. On balance I have concluded that the impact following the implementation of planting will not be of such a degree that it conflicts with policy LD1 of the Core Strategy. **The landscape objection is therefore withdrawn.**

4.4.11 In the light of the appeal decision APP/W1850/W/16/3162464, it may be helpful to point out at this juncture that whilst parallels may be drawn between the two proposals both lying within the Golden Valley and Black Mountains national character area, the sites and their immediate surroundings are fundamentally different in both character and degree of visibility and this is reflected within the differing landscape character types.”

4.4.12 Then, following a review of the representations submitted by a Landscape Consultant engaged by the Archenfield Campaign, a further visit to the surroundings and a review of previous comments stated (09.05.17):-

“I refer to the above planning application (P163327/F) and my earlier responses dated 30 January 2017 and my response dated 5th April 2017 in respect of the aforementioned application.

4.4.13 Following on from the submission of the document; A Review of the Landscape and Visual Issues on behalf of the Archenfield Campaign and in the light of the recent appeal decision in relation to Bage Court (APP/W1850/W/16/3162454) received on 29th March 2017. I have reconsidered my earlier comments in relation to this application. The submitted Landscape report (dated April 2017) has identified a number of isolated viewpoints. As a consequence I have carried out a further site visit on the 3rd May, revisiting footpaths and Common Land within the vicinity and reviewing my earlier assessment of the potential impact of the proposal. As stated in my earlier comments, both the particular character of this landscape in conjunction with the wide ranging nature of impacts has resulted in a development with a potentially complex set of landscape and visual effects, my findings are set out below:

Landscape Character

4.4.14 In terms of character the site of the proposal lies within Natural England's National Character Area (NCA 99) The Black Mountains and Golden Valley. The NCA summary states:-

The Black Mountains and Golden Valley National Character Area lies within the south west corner of Herefordshire. It is one of the most tranquil areas of England, with few settlements and relatively little new development or transport infrastructure.... A border landscape, it is bounded by the Welsh half of the Black Mountains and the Brecon Beacons to the west, the Wye Valley and Herefordshire lowlands to the north and east and River Monnow to the south. There is a strong sense of transition from the wild and remote beauty of the upland plateau to the cultivated intimacy of lowland England.

4.4.15 As the NCA area profile sets out; *managing increased pressure for new development in open exposed landscapes to ensure that landscape character is protected and enhanced is one of the key drivers within this landscape.*

4.4.16 It is possible at this character area level to draw parallels with the appeal site at Bage Court; both sites lie within the same NCA area profile and whilst undesignated landscapes the profile description of NCA99 clearly identifies the sensitive nature of the landscape and its vulnerability to change.

4.4.17 At a local level Whitehouse Farm sits within the landscape character type Principal Timbered Farmlands, these are defined as complex, intimate landscapes made up of small to medium sized fields, irregularly shaped woodlands with winding lanes and a dispersed pattern of roadside cottages and farmsteads.

4.4.18 *The key element of these landscapes is the strong unifying presence of tree cover in the guise of woodlands, hedgerow trees and linear tree cover associated with streams and watercourses.* (HC Landscape Character Assessment updated 2009)

4.4.19 Local footpaths situated on higher ground provide ample opportunity to take in this landscape pattern which has remained sparsely developed, with modest farmsteads surrounded by an organic field pattern and blocks of woodland.

4.4.20 It is perhaps helpful to point out that at this local level the landscape character of this site is fundamentally different to that of the aforementioned Bage Court; which lies within the local landscape character type; Principal Settled Farmlands. The appeal site is situated at the bottom of an open unwooded basin within the head of the valley, enclosed on either side by sharply rising landform.

4.4.21 In terms of the proposal, the unit will be sited parallel with a number of existing agricultural units of approximately 20m in length. 105m in length. The proposed building will therefore protrude some 87m beyond what is in existence. There is little in the way of context of this scale within the local landscape. There is therefore a clear discrepancy between what is in existence and what is proposed which has the potential to emphasise the significance in the scale of what is proposed. There is little in the way of context for this scale of building within the vicinity of the site, the only building in close proximity is the agricultural unit at Upper Broadmeadow Farm which is approximately 67m, partially open sided/ timber clad and still substantially smaller in scale than what is proposed.

4.4.22 In my view the scale of the proposal does not sit comfortably within this undulating landscape and this in conjunction with the uniformity of its design typical of a proposal of this nature in conjunction with its associated engineering works, will result in a proposal which will appear incongruous within the local landscape.

4.4.23 I appreciate that the submitted landscaping scheme attempts to reinforce the local landscape character by proposing additional tree planting in the land between Hardwicke Brook and the proposed building and I accept that this would reflect and to a degree enhance the landscape character. However, on balance and on further reflection I do not consider that this would outweigh the identified harm to the landscape character.

Visual impact

4.4.24 In respect of the potential visual effects of the proposal, there is an arc of higher ground extending along the southern edge of the proposal. Due to the wooded character of the area it has been necessary to undertake a number of site visits in order to establish conclusively the extent of the potential visual impact of the proposal. Upon reading the submitted Landscape report (April 2017) a further site visit conducted on the 3rd May, when weather conditions were clear, revealed a number of additional viewpoints.

4.4.25 My understanding of the visual effects are summarised below:

- In terms of the local road network views of the proposal will be possible for short sections of both the C1208 (the lane to the north of the site) as well as two short sections of Watery Lane (to the south). These are, in line with GLVIA 3rd edition, generally considered to be low to medium sensitivity receptors and I therefore accord less weight to the adverse effects from these locations.
- Users of Public Rights of Way are considered to be high sensitivity receptors and accordingly more weight would be given to adverse visual effects from these locations. There is an extensive network of footpaths within the area linking to popular trails such as Offa's Dyke, set within this high quality landscape.
- The PROW CL74 passes within a short distance of the proposal linking to the scheduled monument Mouse Castle. As the footpath descends past a small copse of trees there will be uninterrupted views of the full length of the proposal which I would consider to be substantially adverse, as shown in the photograph below.
- **PROW CL74 Whitehouse Farm**



- To the south of the site where the land rises forming an arc around the site. There are a number of middle distance views for short sections of a number of PROWs. These include; CU25 and CU16. The viewpoint from CU16 close to Upper Broadmeadow Farm is shown below.
- PROW CU16 Upper Broadmeadow Farm



- Moving in an easterly direction, further medium distance views are available along short sections of PROW CU28, CU29, CU35 and CU38. These views are considered highly sensitive but need to be balanced against the length of section of the footpath the proposal will be visible and the degree to which the proposal can be mitigated.
- Views of the proposal site from parts of Common Land at both Bullens Bank and Alt Common will be possible, as shown below. The visual effects in both of these have the potential to be substantially adverse. Whilst they are confined to smaller areas within the common land, the quality of the landscape is evident, the area is essentially untouched by development and I do not consider that mitigation would be fully successful in this instance.

- **Common Land CL_075 Bullen's Bank**



- **Common Land CL-074 Alt Common**



Mitigation

4.4.26 The applicant has submitted a landscape plan with woodland planting in the gap between the proposed unit and Hardwicke Brook as well as hedgerow tree planting and I have given this due consideration. Unlike the appeal site at Bage Court the landscape is distinctly wooded and views from certain locations are interrupted by vegetation. However having now visited all potential viewpoints I am not satisfied that the proposed planting can fully mitigate all visual effects.

Conclusion

4.4.27 As a consequence I conclude that on balance the combined landscape and visual effects of the proposal have the potential to be substantially adverse and therefore contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core strategy 2011-2031.

4.4.28 The evaluation of any potential impact of a proposal is a process which can in certain instances be a complex one. Any further information submitted must be given appropriate consideration and factored into the evaluation.

4.4.29 On weighing up the balance I have concluded that the combined landscape impacts and visual effects are now potentially of an unacceptable level, however I am aware that the planning officer must now weigh up the planning balance and make his recommendation accordingly. “

4.4.30 Then (30.06.17) following receipt of the amended landscaping proposals that form part of the scheme under consideration stated:-

“Thank you for consulting me on the amended landscape proposals (dated 15/6/17).

4.4.31 The additional planting proposed is welcomed. The native hedgerow and hedgerow trees (oak and field maple) will close the existing gap, reinstating this historic field boundary and thereby strengthening the landscape character.

4.4.32 The additional native hedgerow planting immediately north of the proposal, will also serve to reduce any adverse visual effects along the PROW CL74.

4.4.33 The amended landscape plans demonstrate that extensive effort has been made to mitigate the effects of the proposal, through additional planting of native hedgerow and hedgerow trees, as well as the introduction of woodland blocks.

4.4.34 Notwithstanding the above, even with the deployment of these mitigation techniques, **the overall likely significance of effects remains as 'major adverse', albeit reduced from the upper end of this band to the lower end.**”

4.5 The Public Rights of Way Manager makes the following comment:-

4.5.1 “Public footpath CL74 has been shown on plans, and will not be obstructed by the proposed building. The attenuation pond is closer to the path - it must be of sufficient capacity to ensure that the path never floods.”

4.5.2 And further state upon the amended documentation:-

“The excavated soil now appears to be spread over a greater area, possibly encroaching upon public footpath CL74. This is not a problem, providing the surface is reinstated to a suitable condition for walking. The path must otherwise remain unobstructed, and unaffected by any work that is carried out.”

4.6 The Environmental Health Manager states:-

4.6.1 "My comments with regard to this proposal are in relation to the potential noise or nuisance issues that might arise.

4.6.2 I have looked at the documents submitted by the applicants and the representations made. In my opinion it would be difficult to defend an appeal against refusal on grounds relating to odour, noise and nuisance.

Odour

4.6.3 The applicant has undertaken an odour dispersion modelling study and refers to the guidance specified in the 'Guidance on the assessment of odour for planning published by the Institute of Air Quality Management' as well as Environment Agency guidance H4 Odour Management.

4.6.4 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criteria of 3.0 ouE/m³. (European Odour Units per metre cubed) The modelling, which takes into account meteorological modelling finds that at the closest sensitive receptor that the maximum 98th percentile hourly mean odour concentration of odour would be 1.27 ouE/m³ and for the remainder of the receptors it would be 0.75 ouE/m³.

4.6.5 Effectively the most odour producing part of the application will be the once a year cleaning out of the poultry sheds. This is of limited duration and its occurrence on an annual basis would not be classified as a statutory nuisance under the Environmental Protection Act 1990.

4.6.6 On these grounds our department has no objections to this application on grounds of odour.

Noise

4.6.7 The noise report submitted assesses the impact of noise emanating from the 7 roof mounted duct ventilation fans and uses the prescribed methodology contained in BS4142 to assess the impact of the noise of the fans during daytime and night at the three closest sensitive receptors. The assessment measures the cumulative impact of all the fans in table B1. It would be helpful if:-

1) Clarification could be sought from the noise consultants that the anticipated specific sound levels during the day, evening and night time are the sum of the cumulative impact of the sound pressure levels of anticipated number of fans operating.

2) Details could be supplied on the proposed arrangements for siting and method of heating the barn in order for any noise implications to be assessed.

4.6.8 Assuming point 1) can be answered satisfactorily, the resulting assessment levels using the methodology prescribed will be less than the typical background sound levels indicating that the sound levels from the fans are unlikely to have an adverse impact.

4.6.9 No assessment has been made of the noise of vehicular movements to and from the site. However, the transport report indicates that during normal operation of the site 48 weeks a year, there would be one feed delivery and one egg removal a week; in other words 4 HGV movements a week which is not significant from a noise perspective.

4.6.10 To minimise the impact on neighbouring premises, I recommend a condition which restricts the delivery of feed and the removal of eggs to daytime hours 07:00 to 20:00 Monday to Saturday with no deliveries of feed or egg removal to take place on Sundays and Bank Holidays.

4.6.11 Lastly, I recommend that the feed bins on the proposed site be relocated to the other side of the proposal so that as to minimise the impact of feed noise entering the feed silos at Archenfield Cottage.

Air Quality

4.6.12 It is recognised that dust from poultry houses may contain small particulate matter (PM10's and PM2.5) and that in certain circumstances this can have an unacceptable effect on local air quality including for dwellings inhabited by persons directly involved with the poultry farming operation.

4.6.13 DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has recently published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance receptors to the poultry units and the background PM10/PM2.5 concentrations.

4.6.14 I would therefore expect that a screening exercise should be undertaken in the first instance for PM10's. The screening assessment should have regard to the advice provided in the DEFRA, LAQM Technical Guidance 2016, Chapter 7, box 7.3. Where the screening criteria are exceeded then the calculation in Chapter 7 box 7.2 should be undertaken. Consideration should be given to assessing PM2.5 at this stage also.

4.6.15 It is not clear from the information supplied whether biomass boilers are going to form part of this development. If biomass boilers are to be installed then emissions from the biomass plant and the poultry houses should be considered together. Information on the details of the biomass plant should be submitted on the attached biomass form.

Contaminated Land

4.6.16 On the basis of the information submitted given the previous agricultural use of the land it would seem unreasonable to recommend a site investigation be carried out. As such I have no adverse comments to make.

Comments received in relation to the amended/further documents:-

4.6.17 "We have had sight of the additional documentation supplied by the applicant and objectors to this application and respond with regard to noise, odour, dust and nuisance issues only.

4.6.18 Manure management plan – no comments or observations.

4.6.19 Letter confirming the use of an existing spring water source supplied by the Penoyre Trust – the estimated use of water by the proposed development is to be 2 cubic metres of water a day which is not regarded as excessive and would not require an abstraction licence from the Environment Agency so we have no further comments to make with this regard.

4.6.20 Noise – we understand that our recommendation that the feed bins be re-sited has not been supported for landscape reasons and that the applicant has agreed to restrictions recommended for the delivery of feed and removal of eggs from the site. Although the filling of the feed bins can be noisy, the activity itself is of very limited duration and our department would not therefore consider this to be a statutory nuisance if undertaken within the time periods specified. With regard to the issue of cockerels crowing which is not addressed in the report, we can advise that an officer from our department has visited a very similar establishment at dawn to witness noise from cockerels crowing and did not find any discernible noise from this activity save for immediately adjacent and next to the building in question and not elsewhere in the vicinity due in part to the construction and insulation properties of the egg laying shed.

4.6.21 Air quality PM10 – The assessment provided has undertaken a calculation using the screening methodology used by DEFRA in its advice for Local Air Quality Management which indicates that there would be no significant risk of exceeding the national; 24 hr mean PM10, objective as a consequence of this proposal. Therefore this does not raise concern as regards local air quality.

4.6.22 I can confirm that I do not wish to raise any objection to this proposal on the above grounds.”

4.6.23 And further state on the proposal for a new borehole:-

“The water usage proposed is the broad equivalent of an extra 9-10 ordinary domestic properties. We cannot comment on the drain on the groundwater or aquifers that this would pose nor even be sure that the borehole would be drawing from the same aquifer or source. My concern with the applicant 's earlier submission was that when we looked at the water supply proposed the landlords appeared to be already over abstracting rather than having capacity within the maximum proposed by the abstraction licence hence the suggestion for a report. “

4.6.24 And further state:-

“ We are in receipt of the hydrogeological report supplied by the applicant in relation to the above application. I understand that the report was requested following concerns raised by persons in the immediate locality that a new borehole sunk by the applicant to serve the proposed egg fertilisation unit with a call on the water of just over 4000 litres a day (and once year 27,000 litres for clear-out) could impact on other water supplies in the area, particularly those supplied by local springs.

4.6.25 The report summarises local water resources currently used by the Penyore Trust and other data supplied by the local authority and discusses the local geological and hydrogeological setting.

4.6.26 The report advises that the Hill Supply springs belonging to the Penyore Trust are likely to be supplied by groundwater emerging from sandstone banks, the lowest spring is approximately 100m higher than the proposed borehole so that the borehole is unlikely to impact on these springs. Similarly the report identifies that the springs serving Broadmeadow or Cot Wood spring are also 100m above the proposed borehole.

4.6.27 The report advises that to sustain a borehole abstracting 4000 litres a day it would be reasonable to expect a zone of influence of only a few 10s of metres from the actual borehole. The Hill Supply and Broadwood or Cot sources are both at a considerable distance from the proposed borehole. The assessment advises that the spring flows are not considered to have a hydraulic connection with the proposed borehole.

4.6.28 Finally examining data supplied in relation to annual rainfall figures together with the likely catchment area around the borehole and estimated extent of annual recharge of rainwater received by the aquifer serving the borehole the report identifies that in an average year only a very small volume of aquifer is required to sustain the proposed abstraction rate from the borehole and this is not likely to impact on the borehole water supply at Harewood Farm.

4.6.29 Fundamentally the report concludes that the sinking of a new borehole at Whitehouse Farm is not considered to have adverse impacts to the Hill Supply springs nor Broadmeadow spring (Cot Wood supply) nor the Harewood Farm borehole supply used to supply the Penyore Estate properties.”

4.7 The Environment Agency state:-

“Thank you for sending through consultation on the Whitehouse Farm application (Ref: 163327) and, specifically, the Groundwater Abstraction Technical Note (JH Groundwater Ltd). We have not previously offered comment on the application as the proposed bird numbers fall under the threshold for requiring an Environmental Permit (EP). Looking through the submitted details, and representations, I note that the Technical Note has been provided following concerns raised around the proposed borehole in relation to an increase in water consumption in the surrounding area. As correctly stated in the submitted note, the proposed abstraction of 4m³/d falls below the threshold for requiring a licence from ourselves. A licence is not required for abstractions of 20 cubic metres or less a day, provided the abstraction is part of a single operation. Cumulative impact is considered when the same operator abstracts from the same source at multiple points. In excess of 20m³/d a licence application to abstract will consider the amount of water available in the catchment after the needs of the environment and existing abstractors are met.

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

4.7.1 Whilst the report concludes that the proposed abstraction will not have an adverse impact upon the adjacent water supplies I would refer you to your Environmental Health team for further comment on the proposals and submitted Technical Note.”

4.8 The County Land Agent makes the following comments:-

“1/ The turning area is proposed to be crushed stone, this often proves to be inadequate in the long term, it is not easy to keep clean, possibly causing a bio security problem. It is easily cut up by lorries turning; of particular concern would be the feed lorry. I have yet to see a stoned area that did not rut and need tarmacking in the long term, therefore allowance needs to be made for the grey water from the probability that the area will need concreting in due course.

2/ Flies can be a major problem where the building is only cleaned out once a year, we need a copy of the protocol, so that if there are any complaints in the future the proposed control plan is clear and can be referred to if a problem arises in the future.

3/ The manure plan shows the slopes, the risk areas and the suitable areas for spreading, however there is no mention of the amounts it is proposed to spread on the various areas, what other stocking there is, is it just sheep or are there cattle too, are they housed and how does the grazing area comply with the spreading area in terms of the nitrogen and phosphate limits?

4/ What is the cropping policy on the farm, and how do the proposals fit in with the present farming system. How will the extra manure affect the policy and will some of the muck have to be exported to other farms, particularly bearing in mind the problem of phosphate levels in the Wye?”

4.8.1 and further states:-

“The point I make concerning the water requirements is that the hens and cocks need 270litres per 1000 birds per day, therefore the average will be approx. 4,050 litres per day (approx 4.05 cum) when they are in lay.(Source Poultry CRC) For clearing out it will be a minimum of 27 cu m. It does not come near the 20cu m / day needed for a licence.

4.8.2 I would strongly suggest that a water specialist is requested to report on the capability of the aquifer that the water is to be taken from to produce the required amount for all the users in that area in a dry time, and that the report is carefully checked and verified by a non-partisan source.”

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

4.9 Land Drainage Consultants in summary advise:-

“In principle we do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is included within suitably worded planning conditions:-

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- A detailed dirty water drainage strategy showing how dirty water from the development will be disposed of.
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- Details of any proposed outfall structures.
- Details of how surface water runoff from surrounding land will be conveyed around the development without increasing flood risk to people or property.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.”

5. Representations

5.1 Clifford Parish Council supports the application.

5.2 The National Farmers Union have written in support of the application as in their view it would safeguard rural jobs, diversify the local economy and contribute towards national goals for sustainable food production.

5.3 Eighteen representations of support have been received on the following summarised grounds:-

- the proposal would create employment (including over the construction period);
- the proposal represents farm diversification;
- the proposal ensures locally produced, traceable food that would also assist in reducing food miles;

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- the impact upon the landscape and highways would be minimal;
- the extra manure produced is far from a waste product but will produce a valuable sustainable resource which would reduce the need for manure to be purchased in to meet the nutrient requirements of the applicant's other agricultural activities; and
- the matter of odour is exaggerated and a single unit of the scale proposed is unlikely to create a problem.

5.4 Twenty three representations of objection have been received on the following summarised grounds:-

- The proposal would harm the character and appearance of the landscape due to the scale of the proposal and industrial design;
- The proposal would be visible from several residences, public rights of way and the Scheduled Ancient Monument of 'Mouse Castle';
- The proposal would harm ecology including Hardwicke Brook and the River Wye SAC;
- The proposal would create odour impacts especially to occupiers of dwellinghouses in the immediate vicinity;
- There would be a negative impact upon air quality and hence human health (lung capacity);
- The C1208 is of insufficient width;
- The local highway network, especially through Dorstone, is sub-standard;
- The proposal would harm tourism;
- Concerns re: property values;
- Concerns re: animal welfare;
- Concerns re: supply of water;
- Proposal would inevitably pollute Hardwicke Brook which is protected as part of the River Wye SAC;
- This is a particularly sensitive landscape and comparisons are drawn with the Bage appeal decisions; and
- The emerging Clifford NDP should address such matters

5.5 The objections referred to above have been amplified upon within representations made by the Marches Planning Consultancy which can be viewed in full upon the Council's website. In addition, a landscape objection has been submitted on behalf of the 'Archenfield Campaign' by a qualified Landscape Consultant.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163327&search=163327

5.7 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 Principle of Development

The application is for the provision of an agricultural development. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:-

"Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or

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for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."

- 6.2 It is generally accepted that rural areas / the countryside are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality is not adversely affected to an unacceptable degree.
- 6.3 There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued support of the more traditional employment sectors such as farming and food manufacture (Policy S5), support the diversification of existing agricultural businesses (Policy RA6) and provide employment (Policy E1).

Landscape Impact

- 6.4 In my view, invariably the main issue in consideration of such applications tends to be landscape impact. When referring to landscape impact I am referring to both impact upon landscape character and visual impact.
- 6.5 The landscape hereabouts is gently rolling farmland that forms the setting to the Brecon Beacons National Park. It is a highly valued landscape.

Character

- 6.6 Herefordshire is a County which is not densely populated and can be described as a largely rural County with beautiful countryside. However, inevitably the value of the landscape within the County varies and in simple terms one inevitably grades the landscape in terms of their value. Herefordshire has two nationally designated landscapes within its administrative boundary (although they straddle other administrative areas); the Wye Valley Area of Outstanding Natural Beauty and the Malvern Hills Area of Outstanding Natural Beauty.
- 6.7 It is my view that the next most valued landscape is the Golden Valley and that area towards the Black Mountains. Within Natural England's National Character Area (NCA) 99 – the Black Mountains and Golden Valley is described as one of the most tranquil areas of England, with few settlements and relatively little new development or transport infrastructure. The NCA describes this area as follows:-

“ The Black Mountains and Golden Valley National Character Area (NCA) lies at the western edge of Herefordshire, at the boundary of the Brecon Beacons National Park. The Black Mountains extend into the NCA from the west, and this remote, wild upland edge country creates a sharp contrast with the neighbouring Herefordshire Lowlands to the east and the South Herefordshire Over Severn NCA to the south. It is a border landscape with a strong sense of transition from the remote, wild, mountaintops with a distinctly Welsh flavour in the west to the wide, fertile agricultural lands of the Golden Valley in the east, which evoke the cultivated intimacy of lowland England. The Black Mountains' rugged hill-top plateau can be seen from the Malvern Hills to the east and beyond, offering inspiration, a sense of space, peace and quiet enjoyment of nature.”

“Transition from agricultural lowlands in the east to high moorland ridge of the Black Mountains in the west, reflecting the underlying geodiversity. Arable fields and pastures in the valley, bounded by low hedgerows with few hedgerow trees, give way to irregular pastures with overgrown hedgerows and abundant hedgerow trees on the valley sides. Fields become larger and more regular, with lower hedgerows further up the slopes before boundaries stop at the open moorland.”

“One of the most undisturbed parts of England, with little transport infrastructure and no major roads. High levels of tranquillity can be experienced, particularly in the western uplands. Recreational opportunities including a section of the Offa’s Dyke Path National trail enables people to enjoy this landscape”.

- 6.8 The landscape hereabouts is of a high value.
- 6.9 The area in the vicinity of the application site comprises undulating farmland with a hedgerow network and blocks of woodland normally following water corridors. What is evident is that it is a sparsely developed area and when one views the surrounding landscape the built form tends to comprise of modest farmsteads with modest farm buildings centred or tightly knit around a modest farmhouse. There is one building in the area that clearly is of a larger scale and, in my view, out of character. That is a building at ‘Upper Broadmeadow Farm’ where there is a building with a length of some 67 metres in length. In mitigation it is at least partially open sided on its principal northern (front) elevation has timber within its elevational treatment.
- 6.10 The farmhouse at White House Farm is set in a depression in the landscape but the existing group of farm buildings are set on higher ground to the north-west. The land continues to rise to the north-west towards ‘Archer Cottage’. There is some vegetation provided by trees beside Hardwicke Brook but when one views the application site from higher ground to the south and east the site is exposed to view.
- 6.11 It is my view that the landscape character has high character and visual sensitivity.
- 6.12 It is my view that the proposed development by virtue of a combination of:-
- a) The degree to which the building, stone track and hard-surface protrude further south-west than the existing farm buildings (i.e. 95 metres – the building itself protruding by 87 metres);
 - b) The associated engineering works; and
 - c) The fact that the enclosed and utilitarian design, and facing materials, inevitably has an austere industrial appearance.

would, in combination, harm the prevailing character of the landscape hereabouts contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 6.13 I appreciate that the submitted landscaping scheme attempts to re-inforce landscape character by proposing additional planting, including in the gap between the Hardwicke Brook and the proposed building and that this would reflect and, to a degree enhance, landscape character. However, in my view this would not outweigh the harm to landscape character identified above.

Visual impact

- 6.14 Whilst the above analysis states that the harm is caused by a combination of factors, I think it is worth stressing that I consider the critical factor to be the degree to which the building protrudes further to the south-west than the existing neighbouring range of agricultural buildings.
- 6.15 This would be particularly stark and apparent from a number of viewpoints, especially:-
- Public Footpath CL34 north-east of ‘Upper Broadmeadow Farm’;
 - Public footpath CU16 south and south-west of ‘Upper Broadmeadow Farm’ (including west of ‘Coy Cae Wood’ where it meets the C1205);
 - Public footpath CU25 west of ‘Upper Broadmeadow Farm’ immediately to the north of the large modern agricultural building;
 - Public footpath CL28 immediately north of the C1208;
 - **Common Land** CL_075 known as ‘Bullen’s Bank’ west of ‘Bullen’s Bank Cottage’;
 - **Common Land** CL-074 ‘Alt Common’ including public bridleway CL35; and

Further information on the subject of this report is available from Mr Roland Close on 01432 261803

- Public footpath CL38 immediately west of 'Alt Common'.

- 6.16 From all of these public vantage points the proposed development would be readily visible and, in my opinion, visually harmful. Whilst the proposed landscaping is recognised it would take a substantial time to mature and given that the majority of the views listed above are from materially higher land would fail to provide genuine screening from those vantage points. Furthermore it is my view that a development should be acceptable in its own right and that whilst landscaping may help to soften impact or provide enhancement, when one is reliant on landscaping to screen an otherwise unacceptable development, it is essentially inappropriate and such developments should be resisted.
- 6.17 As a consequence I also conclude that the proposal would be visually harmful contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.
- 6.18 The above objection regarding an adverse visual impact arises from medium-distance (0.5km – 3km) views from higher land to the south and east.
- 6.19 Notwithstanding the above, it is considered that the applicant has done everything possible to mitigate the visual impact of the scheme with a comprehensive landscaping scheme and careful choice of material colours. Whilst there would be a degree of visual harm from short distance vantage points, it is my view that these would be sufficiently mitigated by the proposed landscaping scheme. However, unfortunately it is considered that the adverse impact from the aforementioned medium distance vantage points cannot be sufficiently mitigated due to their elevated nature.
- 6.20 The agent for the applicant has suggested that due to the expanse of the panoramic view that such the building would not be that noticeable within such a landscape, unless one was consciously looking for it. Whilst I understand that argument the landscape hereabouts is essentially natural / green and the buildings set within it are invariably modest. It does not appear as a largely "settled landscape". In my opinion, a building of the scale proposed would be so out of character that invariably one's eye would be drawn to it.

Change of landscape view

- 6.21 Members will note that during the processing of this application there was a change in the view expressed by the Conservation Manager (Landscape) from objection (30/01/17) to no objection (6/4/17), only for an objection to again be expressed in the further views received on 09/05/17. The applicant has expressed his concern and disappointment with respect to this matter. An apology and full explanation has been provided to the applicant that I shall briefly summarise for Members benefit.
- 6.22 The planning application was accompanied by a 'Landscape Appraisal' prepared by ACD Environmental on behalf of the applicant. The Senior Landscape Officer undertook a visit to the area and, to a degree, relied on the Landscape Appraisal' prepared by ACD Environmental' that identified viewpoints. However, on receipt (20/04/17) of an objection from a Landscape Consultant engaged by the 'Archenfield Group' that identified other significant viewpoints not previously identified by ACD Environmental and provided a thorough analysis of landscape character the Senior Landscape Officer considered that objection (including re-visiting the surroundings) and formed a further view.
- 6.23 Planning is to a degree an iterative process and representations from third parties (often with significant local knowledge) and consultants acting on their behalf can provide a useful input to the process. Whilst I understand the frustration of the applicant, I support Officers who are willing to re-visit and re-consider previously expressed views in the light of further information/representations (whoever those submissions are from).

- 6.24 It is critical that in determining this application Members consider the merits of the case as opposed to the matters relating to its administration. The decision-maker must concentrate on the Planning merits of the case.

Highways/Transportation

- 6.25 The description above details the number and type of vehicle movements that the proposed development would generate.
- 6.26 I consider that it is worth noting that on a “normal week” the proposal would generate 2 lorry trips (4 movements – 2 in and 2 out). From my perspective this is a very low number of movements. It is acknowledged that the C1208 is limited in width with few places that a lorry and car may pass. However, it is a lightly trafficked road, there is no evidence of high speeds and the propensity for vehicles to meet is low. I am also conscious that almost any modern day agricultural practice generates movements by large vehicles / equipment. It is appreciated that once a year at the end of the 48 week cycle there would be larger movements associated with the collection and delivery of birds but this would be limited to 2 trips (4 movements) of birds being collected and 2 trips (4 movements) of birds being delivered. However, during this four week turn around time there would not be any egg delivery and feed delivery movements. It is considered that the additional and type of traffic generated along the C1208 would not have a severe impact prejudicing highway safety.
- 6.27 Where the C1208 meet the B4348 visibility to the north-east is currently sub-standard. Whilst visibility for vehicles is acceptable at certain times of the year, when the hedgerow is heavily vegetated visibility is obstructed to a degree. Visibility for cars is certainly obstructed. However, the landowners who control that land have obtained planning permission to translocate the offending part of the hedgerow to ensure that the requisite splay is provided. If Members were minded to grant planning permission a “Grampian condition” could be attached securing this visibility splay. Visibility to the south-west is acceptable.
- 6.28 The wider highway network is considered to be adequate to cater with the additional and type of traffic generated. Proportionally upon the wider network the number of vehicle movements generated by this development would be very low. It is worth noting that in relation to a single poultry related development at ‘Bage Court’ the Council were unsuccessful in their argument that the highway network was inadequate and that highway safety would be unduly prejudiced (with specific reference to “*the Dorstone bends*” along the B4348), although the Council successfully argued the landscape case.
- 6.29 It is therefore considered that the proposed development would not have a severe impact prejudicing highway safety and that the proposal does not conflict with policies SS4, RA6 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

Ecology/Bio-Diversity

- 6.30 A Phase 1 ecological assessment has been carried out that indicates that there is a very low likelihood of any protected species being present. There is currently no significant bio-diversity records within 2km of the site lodged with the Herefordshire Bio-diversity Records Centre.
- 6.31 For the avoidance of doubt as previously explained all dirty water would be contained on site and taken off-site by a licensed waste disposal firm.
- 6.32 For the avoidance of doubt the Environment Agency does not regard emission of ammonia/nitrogenous deposition as harming water courses.

- 6.33 Natural England do not object and state that “likely significant effect can be ruled out” regarding the River Wye Special Area of Conservation and that they also have “no objection” as regards the interest features of the River Wye Site of Special Scientific Interest.
- 6.34 If there is any risk to ecology / bio-diversity it would be to the Hardwicke Brook corridor during the construction phase. Hardwicke Brook is a Special Wildlife site. Normally one would seek a 50 metre buffer to any development. In this instance the gap is some 42.5 metres. The issue is what risks are presented? In my view there are two risks:-
- a) Dirty Water arising from the building during the operational phase; and
 - b) The creation of silt-laden run-off during the construction phase of the project.
- 6.35 With respect dirty water, appropriate fail-safes would be in place to prevent contamination of the brook from the operational phase by virtue of the fact that the building would effectively be sealed to prevent leakage and the building will be drained to a dirty water tank which is certified under the SSAFO Regulations Water Resources (Control of Pollution) (Silage, Slurry and agricultural Fuel Oil) (England) Regulations 2010.
- 6.36 In my mind the potential for silt-laden run-off during the construction phase is the only issue that causes potential impact on the Hardwicke Brook Local Wildlife Site (LWS). The LWS lies down slope of the proposed development and hence, the potential for silt-laden run-off exists (whether the building was in its current location or indeed beyond the recommended 50 metre buffer). The ecologist for the applicant is recommending that to ensure the integrity of the Hardwicke Brook LWS a silt-trap is provided during the construction phase.
- 6.37 It is for that reason that if I were minded to recommend the granting of permission, I would recommend attaching a condition securing a Construction Environmental Management Plan (CEMP). This would need to include the provision of the aforementioned silt trap.
- 6.38 Objectors and their agent(s) to such poultry related applications consistently raise the issue as to manure management and the potential impacts. However, in the appeal decision regarding Bage Court (APP/W1850/W/16/3162464) the Inspector stated in paragraph 28 that:- “It should also be noted that manure management is subject to separate legislative control.” My own view on the matter is that all the Planning system should be concerned about is whether the host farm has sufficient capacity to accommodate all of the manure generated by the proposed development (in-shed manure and manure within the external range area (*if there is one*)) together with that generated by the existing agricultural activities on the farm such that there would be no requirement to export manure from the site, whilst complying with all the Government Regulations and advice with respect agricultural land management (e.g. *Nitrate Pollution Prevention Regulations 2015, Water resources (Control of Pollution) (Silage, Slurry and agricultural Fuel oil) (England) Regulations 2010 (SSAFO), Cross Compliance (The Guide to Cross Compliance 2017), The Government’s Statutory Code of Good Agricultural Practice Protecting our Water, Soil and air, The industry good practice guidance entitled ‘Think manures’ and ‘Tried & Tested Nutrient Management Plan’*).
- 6.39 It appears to me that if the land does not have sufficient capacity there would essentially be two possible outcomes:-
- a) There would be a need for more vehicular movements on the wider network by transporting manure off-farm; and / or
 - b) The land would be “overloaded” with manure thus creating undue environmental risks that the aforementioned Government Regulations and advice seeks to avoid.
- 6.40 In this case a Manure Management Plan has been submitted that demonstrates that there is sufficient capacity at ‘Whitehouse Farm’ and no evidence to the contrary has been submitted by the objectors.

- 6.41 I therefore conclude that the proposal would not harm ecology / bio-diversity and as such is not in conflict with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.
- 6.42 I would add that I am concerned as to the increasing propensity of those objecting to poultry units to consider that if a matter is not seemingly covered by other legislation that it somehow automatically becomes a Planning matter. Firstly, the Government does not choose to legislate / control everything. They may issue guidance or voluntary codes and assume compliance. One example is concern relating to agricultural activities resulting in diffuse pollution of water, with a focus on phosphorus. As I see it at present, the Government has no legislation in that respect (although there is guidance to farmers). They clearly are considering legislation as in September 2015 the Government via the Department for Environment Food & Rural Affairs (DEFRA) published a document entitled 'Consultation on new basic rules for farmers to tackle diffuse pollution from agriculture in England'. To date there has not, to the best of my knowledge, been any further movement to legislation. It is noteworthy that this guidance arose from DEFRA as opposed to the Department for Communities and Local Government (that issues documents relating to Planning); suggesting that the Government does not regard this as a Planning matter.

Odour

- 6.43 The application is accompanied by an odour dispersion modelling study and refers to the 'Guidance on the assessment of odour for planning' published by the Institute of Air Quality Management as well as the Environment Agency guidance H4 Odour Management.
- 6.44 The Environment Agency H4 Odour Management guidance classifies odours from intensive livestock as moderately offensive and sets a benchmark odour criteria of 3.0 ouE/m³ (European Odour Units per metre cubed). The modelling, which takes into account meteorological modelling finds that the closest receptor ('Archenfield Cottage') would only experience a maximum 98th percentile hourly mean odour concentration of 1.27 ou/Em³. Other receptors would experience a significantly lower level.
- 6.45 Therefore I am satisfied that the occupiers of Archenfield Cottage together with other occupiers of other dwellinghouses in the vicinity would not suffer an undue loss of amenity by way of odour. As a consequence I conclude that there would not be conflict with policies SS6 and SD1 as far as they relate to the impact of odour upon residential amenity.

Noise

- 6.46 The Environmental Health Officers have carefully considered the matter of noise and have visited another similar facility to experience cockerels crowing. They are satisfied that this would not cause an undue loss of amenity to occupiers of residential properties in the vicinity. They have stated that the filling of feed bins, an occasional and brief activity, can create a degree of noise but do not consider that this would cause an undue loss of amenity. At one stage during the processing of the application they did suggest that one may consider re-siting the feed bin to the north-western side of the building but, in my opinion, this would have had a greater landscape impact. In the event of Members being minded to grant planning permission the applicant has expressed a willingness to accept a planning condition stating:-

"The delivery of feed and the removal of eggs shall not take place outside the hours of 07:00 hours to 20:00 hours Mondays to Saturdays (inclusive) with no deliveries or egg removal to take place on Sundays and Bank Holidays"

- 6.47 The application was accompanied by a 'Plant Noise Assessment'. The Environmental Health section is satisfied that no undue loss of amenity would arise from noise arising from plant (the ventilation fans).

- 6.48 As a consequence I conclude that there would not be conflict with policies SS6 and SD1 as far as they relate to the impact of noise upon residential amenity.

Air Quality

- 6.49 A calculation has been undertaken using the screening methodology used by DEFRA in its advice for Local Air Quality Management which indicates that there would be no significant risk of exceeding the national 24 hr mean PM10 objective as a consequence of this proposal. As a consequence the proposal does not conflict with policy SS6 of the Herefordshire Local Plan Core Strategy 2011-2031 as regards the issue of Air Quality.

Archaeology/Historic Environment

- 6.50 It is considered by the County Archaeologist that there would not be any adverse impact upon the setting of Mouse Castle which is over 1 km from the site. Inter-visibility is minimal. In fact, on my visit to the surroundings I could not see the application site from 'Mouse Castle'.

Flood Risk/Land Drainage

- 6.51 There is no objection to the proposed development on flood risk or drainage grounds. If Members were minded to grant planning permission an appropriate condition would be required to ensure appropriate detail.

Water Supply

- 6.52 Originally it was proposed to use the existing estate water supply. This created considerable concern amongst owner(s) / occupier(s) of other properties within the estate concerned as to whether this would unduly prejudice the supply of water. This led to detailed consideration of this matter resulting in the proposal being changed to the provision of a new private borehole. A Hydrogeological Consultant was engaged by the applicant who produced a report concluding that:-

"The proposed water supply for White House Farm is therefore not considered to result in adverse impacts to Hill Supply springs, Broadmeadow spring (Cot Wood supply) or the Harewood Farm borehole"

- 6.53 That report has been reviewed by Officers who agree with its findings.

Other Matters

- 6.54 The County Land Agent raised concern as to the crushed stone area at the north-eastern end of the building where vehicles would manoeuvre becoming rutted. The agent for the applicant, however, states that:-

"We are unaware of any poultry unit that utilises a concrete apron for the entirety of its turning area; this would be an unnecessary added expense. We have never had any reported issues with any of the sites we have been involved with, all of which use a similar design for the turning area."

- 6.55 From my perspective I do not regard this as a critical issue as if a problem does arise the applicant could approach the Local Planning Authority with proposals for different surfacing this area together with arrangements for the disposal of surface water.

Economic/Social

- 6.56 The proposed development would assist in food production and security, which is important socially and economically in Herefordshire and the country as a whole. There would also be some benefit to the applicants, assisting with maintaining the farm as a business in the future. However, I am aware that in essence such a development only provides the equivalent of one job on-site. For such a large building the employment density is very low indeed.
- 6.57 I am aware that the proposal would support construction and other supply chain industries. However, there is nothing of substance before me to the effect that the same social and economic benefits could not be reaped from a similar facility erected elsewhere in the County (in a less sensitive landscape) where it would not cause such a degree of harm.

Planning Balance

- 6.58 Given the above, whilst I recognise the economic benefits of the proposal, they do not outweigh the harm to the character and appearance of the landscape that I have identified.
- 6.59 I accept that the National Planning Policy Framework promotes economic development indicating that significant weight should be placed on the need to support economic growth through the planning system. However, it sets this within the presumption in favour of sustainable development seeking economic, social and environmental gains, and indicating that they are mutually dependent. As explained earlier I have concluded that there would be economic and social gains but these would be at the expense of the environment as the proposal would harm the character and appearance of the landscape. In terms of the balance I am conscious that the Conservation Manager (Landscape) considers the significance of effects to be “major adverse” (albeit at the lower end of this band). The proposal would not, therefore, comply with the overarching aims of the Framework and it would not constitute sustainable development.

RECOMMENDATION

That planning permission be refused for the following reason:-

1. The proposed development by virtue of a combination of:-
 - a) The degree to which the building, stone track and hardsurface protrude further south-west than the existing farm buildings (i.e. 95 metres – the building itself protruding by 87 metres);
 - b) The associated engineering works; and
 - c) The austere industrial appearance arising from the enclosed and utilitarian design, and facing materials;

would, *in combination*, harm the prevailing character of the landscape hereabouts and cause visual harm contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031. The economic and social benefits are recognised, however, it is considered that these would be significantly and demonstrably outweighed by the environmental harm. As a consequence it is considered that the proposal would not represent sustainable development thus failing to comply with the overarching aims of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework.

INFORMATIVES

1. For the avoidance of doubt the plans to which this decision relate are:-

- Amended Topographical Plan (Scale 1:500) received 20.03.2017;
- Amended Site Plan (Scale 1:500) received 20.03.2017;
- Amended Location Plan – Drawing number HM/01A (Scale 1:2500) received 20.03.2017;
- Elevations & Plan (Scale 1:200);
- Amended Sections (Scales 1:500 & 1:200) received 20.03.2017; and
- Amended Landscaping Proposals – Drawing number 1486.01 Rev. B (scale 1:500) @ A1 received 15.06.2017.

2. 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

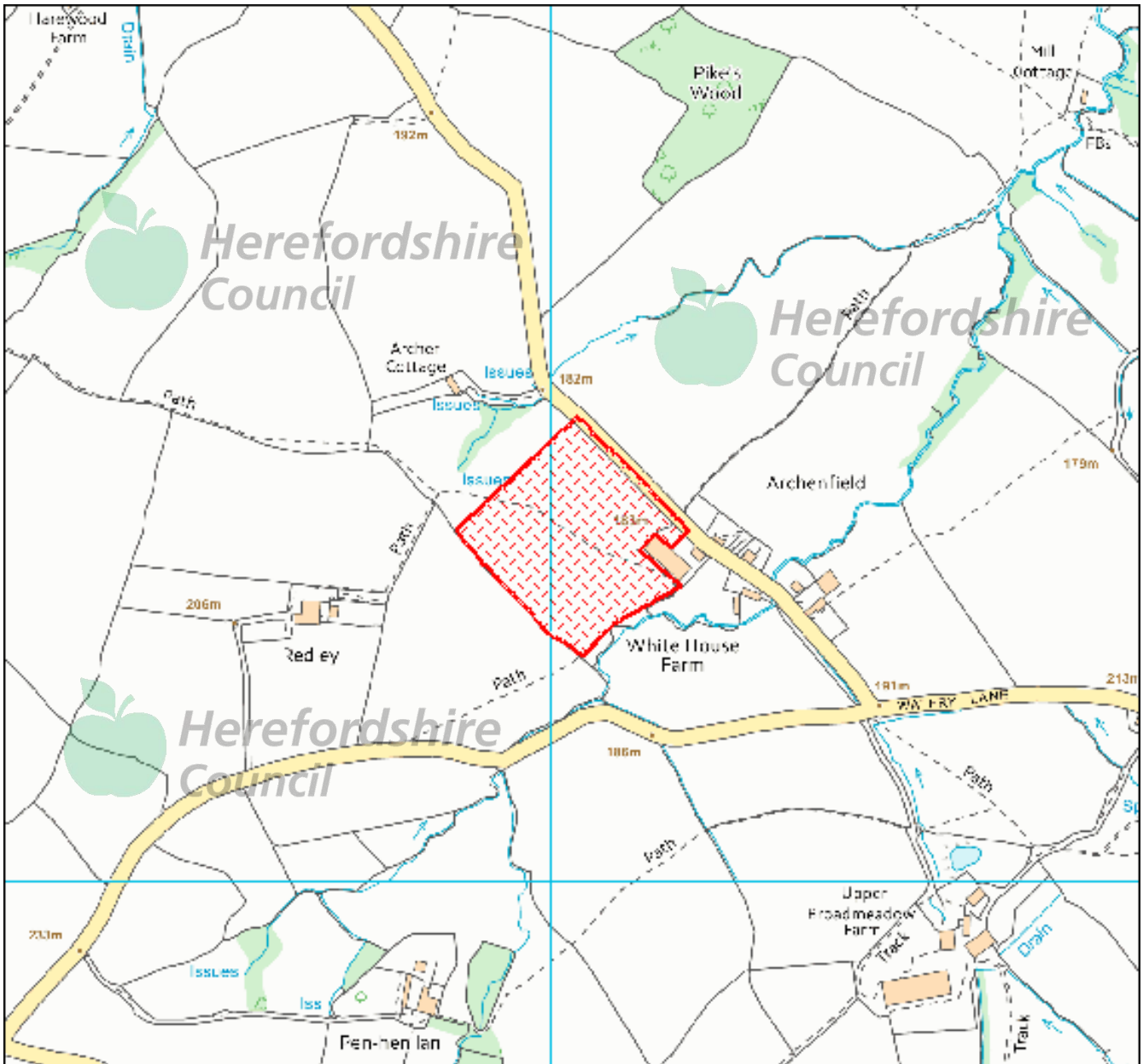
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163327

SITE ADDRESS : WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 5TB

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Further information on the subject of this report is available from Mr Roland Close on 01432 261803



MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 SEPTEMBER 2017
TITLE OF REPORT:	171411 - PROPOSED DWELLING AT LAND ADJACENT TO SUNNYBANK COTTAGE, LITTLE BIRCH, HEREFORDSHIRE For: Mr & Mrs Jones per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171411&search=171411
Reason Application submitted to Committee – Re-direction	

Date Received: 13 April 2017

Ward: Birch

Grid Ref: 350899,231396

Expiry Date: 23 June 2017

Local Member: Cllr D Harlow.

1. Site Description and Proposal

- 1.1 The site comprises a narrow rectangular plot to the west of Sunnybank Cottage, adjacent to an unclassified road in the parish of Little Birch some 5.5 km south of Hereford city, and roughly 0.9 km due east of the A49 (Hereford to Ross road). The site is located some 600 metres south of what is considered to be the identifiable edge of the hamlet of Little Birch, a settlement identified for proportionate housing growth by policy RA2 of the Herefordshire Local Plan Core Strategy.
- 1.2 The proposal is an outline application for the erection of a dwelling with all matters reserved (namely layout, scale, appearance, access and landscaping).
- 1.3 The planning application is a resubmission of a previously refused proposal (P160575/O refers). The previous refusal reasons were as follows:

The proposal represents unjustified unsustainable residential development in an open countryside location contrary to Herefordshire Core Strategy policies SS1, SS6, RA2 and RA3 and the relevant aims and objectives of the National Planning Policy Framework.

The proposal through a lack of appropriate detail and assessment fails to demonstrate appropriate safe vehicular access can be achieved. As such the proposal represents an unacceptable risk to highway safety contrary to Herefordshire Core Strategy policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

The proposal would result in an unacceptable harmful landscape impact, undermining the character and appearance of the open countryside location. Furthermore the loss and impact on existing green infrastructure has not been assessed. As such the proposal is contrary to Herefordshire Core Strategy policies SS6, LD1 and LD3 and the relevant aims and objectives of the National Planning Policy Framework.

The proposal has not assessed ecological impacts and the potential presence of protected species and habitats. It is essential and required by law that the potential presence and resultant impact on the protected species and their habitats must be assessed and mitigation, compensation, and/ or enhancement provided as necessary. As such the proposal is contrary to the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006, Conservation of Habitats and Species Regulations 2010 (and 2012 amendment), Herefordshire Core Strategy Policies SS6 and LD2 and the relevant aims and objectives of the National Planning Policy Framework.

- 1.4 The revised application is accompanied by an Ecology Survey, Traffic Speed Survey and a Topographical Survey. There is also a planning statement from the applicant (as a rebuttal to the earlier refusal), along with enclosed letters of support.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
SD1	-	Sustainable Design and Energy Efficiency
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
RA3	-	Herefordshire's Countryside
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
ID1	-	Infrastructure Delivery

- 2.2 The emerging Little Birch and Aconbury Neighbourhood Development Plan is at Regulation 14 stage and has no material weight in decision making.

2.3 National Planning Policy Framework (NPPF)

Chapter 6:	Delivering a Wide Choice of High Quality Homes;
Chapter 7:	Requiring Good Design;
Paragraph 14:	Presumption in Favour of Sustainable Development;
Paragraph 49:	5 Year Housing Land Supply (presently 4.39 years);

- 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 170575/O: Proposed dwelling. Refused 18 April 2016

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: We advise that there are no public sewers within the vicinity of the proposed site

Internal Council Consultations

4.2 Transportation Manager: No objection.

Proposal acceptable, subject to the following conditions and/or informatives:-

Please condition the following:

CAB - 2.4 x 40m

CAD - 5m

CAH

CAL

CAZ

CB2

I11, I09, I45 - Vehicle Crossing licence, I05, I47, I35

4.3 Conservation Manager (Ecology): No objection.

The site falls within a SSSI/SAC Impact Risk Zone "All discharge of water including to mains sewer" and so this application should be subject to statutory consultation with Natural England – but only after the proposed foul and surface water plan is available to review. This IRZ designation also means that we will need to assess the application through a Habitat Regulations Assessment screening to ensure there are no unmitigated 'likely significant effects'- this includes ensuring that any final outfall from proposed foul water management system (as it has been confirmed there is no opportunity to connect to a mains sewer system) such as the preferred system of a Package Treatment Plant is managed through a spreader soakaway system to ensure that no residual phosphates, nitrogen or suspended particulates directly enter in to any local watercourse. Any relevant percolation tests should also be undertaken and supplied.

4.4 This confirmation of foul water management system and outfall is required prior to determination of this outline application. Actual specification and final location details can be held over to Reserved Matters.

4.5 Subject to confirmation of PTP final outfall to soakaway/spreader I am happy that I can conclude through HRA review that this development should offer NO unmitigated 'likely significant effects' on the SAC/SSSI IRZ.

- 4.6 The ecological report notes and supplied images show that there are some significant trees and hedgerows bounding the site and it is important that these are properly protected during the development process. This can be achieved through the erection of some firmly fixed barrier fencing (eg mesh style orange safety netting on firm posts) at appropriate distances from the features to be protected. The relevant distances can be found in BS5837:2012. I would request that a Condition requiring this fencing to be in place before and throughout the construction process is included, should planning consent be granted.

Ecological mitigation and enhancement will be required by way of a planning condition.

5. Representations

- 5.1 Little Birch Parish Council: Support.

To date some 4 letters of support have been received.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171411&search=171411

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 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."

- 6.2 The Herefordshire Local Plan (HLP) is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.
- 6.3 Strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the NPPF and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. Failure to demonstrate an NPPF compliant housing land supply will render the housing supply policies of the CS. At present, the Council cannot demonstrate a 5-year supply of housing land.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are exhaustively listed at figures 4.14 and 4.15, also supported.

- 6.5 In terms of rural settlements, CS Policy RA2 firstly requires that proposals accord with the relevant Neighbourhood Development Plan (NDP) or where there is no NDP with the Council prepared Rural Areas Site Allocation Development Plan Document, both of which will prescribe a settlement boundary. The application site is within the Parish of Little Birch where the emerging NDP currently has no weight in decision making. Little Birch is a settlement listed under Policy RA2 where proportionate growth is envisaged. There is no defined settlement boundary for Little Birch.
- 6.6 At the time of writing this report this Council does not have a 5 year housing land supply (presently 4.54 years) and paragraph 49 of the NPPF is engaged. Consequently less weight is given to Policies SS2, SS3 and RA2 of the Local Plan in respect of new housing supply. This approach follows the recent Supreme Court judgement in the Richborough Estates case. This confirmed that 'out of date' policies because of the housing land supply being under 5 years do not become irrelevant, it is simply for the decision maker to apportion weight. The decision is therefore one of planning judgment and balance, which includes the weight properly attributable to the NPPF and the shortfall and all other relevant policies and facts.

Sustainability/Policy RA2 Compliance

- 6.7 The initial consideration of a proposal for residential development is the sustainability of the location. Core strategy policy RA2 directs new residential development to appropriate sites within or adjacent to settlements identified under that policy. In this case the proposal lies 600 metres to the main cluster of dwellings that could reasonably be considered to be adjacent to Little Birch. This site is not in or adjacent to that cluster and therefore is considered to be in the open countryside as per Policy RA3. This proposal does not meet any of the criteria in Policy RA3.
- 6.8 The NPPF fundamentally requires development to be sustainably located.
- 6.9 Paragraph 17 describes the 12 core planning principles of sustainable development providing a concise definition of a 'sustainable location' as one where opportunity exists to maintain or improve the vitality of that area and where good opportunity exists for walking, cycling and using public transport. The application site is in open countryside within the vicinity of Kingsthorne, Little Birch and Much Birch. The closest facilities to the site are:
- A community centre, doctors surgery, church in Much Birch approximately c 1.8km via the road network or c 1.4km utilising public footpaths;
 - The School at Much Birch c 2.2 km via the road network or 1.6km utilising public footpaths;
 - The shop at Wormelow c. 3.5km via the road network or 3km utilising public footpaths; and
 - The bus stop at Kingsthorne which offers 4 journeys to and from Hereford c. 1.4km via the road network (no quicker route via public footpaths).
- 6.10 For one to access the above amenities it would be necessary to travel along a combination of unlit, winding roads with no dedicated pavements and unmade footpaths across fields. I find the nature of the route in conjunction with the distance between the site and the above mentioned amenities to be particularly restrictive to regular pedestrian movement. Furthermore, it would be unsafe to encourage pedestrian movement along some parts of the route. Although applications are judged on their own merits, there is significant appeal history supporting the position that it is highly unlikely that one would undertake everyday activities in a sustainable manner and one would be overly reliant on the private motor vehicle. As such the proposal represents unsustainable unjustified new residential development in the open countryside contrary to Core Strategy policies SS1, SS7, RA2 and RA3 and the relevant aims and objectives of the NPPF.

Accessibility/Highway Safety

- 6.11 The Transportation Manager raises no objection to the proposed access into the site subject to safeguarding planning conditions. This previous refusal reason has therefore been successfully addressed and secures compliance with Core Strategy Policy MT1.

Landscape Impact

- 6.12 While there was a landscape objection in the previous refusal, it is considered that this proposal relates sufficiently well to the small cluster of roadside of outlying dwellings at this isolated location. Subject to careful consideration of design, scale and layout at the reserved matters stag, it is considered that the development of this site would have limited wider landscape implications and is therefore capable of compliance with Core Strategy policies LD1 and SD1.

Ecology

- 6.13 In the light of the submission of an Ecological Survey with this revised application, no adverse ecological implications arise from the proposal. This is evidenced in the supporting information, with no objection raised by this Council's Ecologist on this point. Accordingly this proposal is considered to accord with Core Strategy policy LD2.

Other Matters

- 6.14 It is considered that matters in respect of foul and surface water can be addressed by condition.

Conclusion

- 6.15 It is concluded that whilst this proposal has addressed the technical reasons for refusal of the original submission, it represents unsustainable development in the open countryside when considered against the Herefordshire Local Plan Core Strategy and NPPF and as such the refusal of permission is recommended.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposal represents unjustified unsustainable residential development in an open countryside location contrary to Herefordshire Core Strategy policies SS1, SS6, RA2 and RA3 and the relevant aims and objectives of the National Planning Policy Framework.**

INFORMATIVES

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations 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 for the refusal, approval has not been possible.**

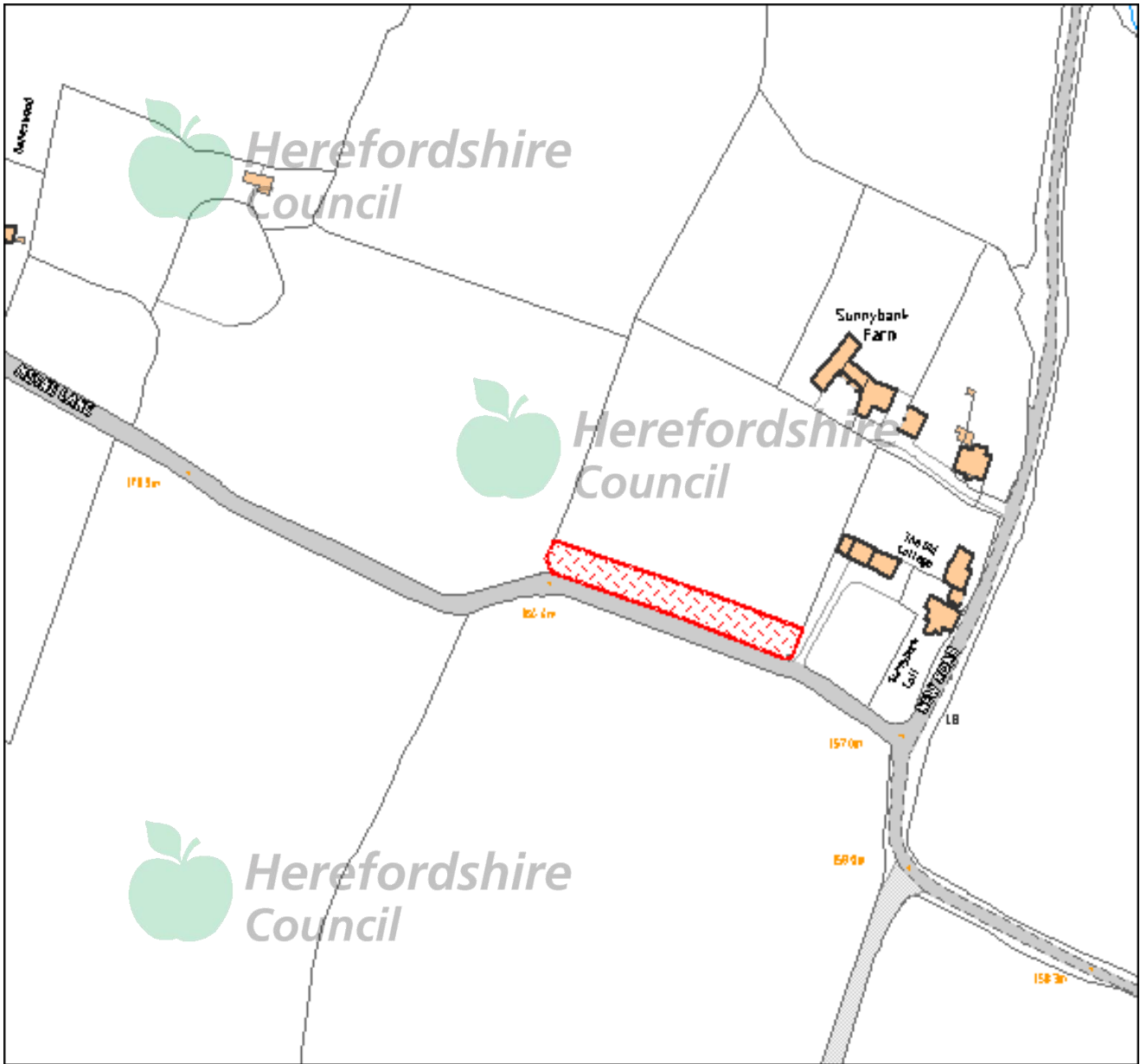
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171411

SITE ADDRESS : LAND ADJACENT TO SUNNYBANK COTTAGE, LITTLE BIRCH, HEREFORDSHIRE

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	13 September 2017
TITLE OF REPORT:	<p>171931 - GROUND FLOOR: REMOVE INFILL STONE TO EXPOSE INGLENOOK FIREPLACE TO ORIGINAL EXTENT. REPLACE BROKEN CONCRETE FLOOR OF FIREPLACE. INSTALL CHIMNEY LINER. FIRST FLOOR: REMOVE BLANKING PLASTERBOARD TO FIREPLACE AND RENOVATE FIREPLACE AS FOUND. CAP CHIMNEY POT AT COP CASTLE, BRINGSTY COMMON, BRINGSTY, WORCESTER, WR6 5UN</p> <p>For: Mr & Mrs Shaw per Mr & Mrs Nigel Shaw, Cop Castle, Bringsty Common, Bringsty, Worcester, Herefordshire WR6 5UN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171931&search=171931
Reason Application submitted to Committee – Member application	

Date Received: 26 May 2017

Ward: Bromyard
Bringsty

Grid Ref: 370954,255458

Expiry Date: 14 August 2017

Local Members: Cllr N Shaw

1. Site Description and Proposal

1.1 Cop Castle is a Grade 2 listed timber framed cottage dating back to the 17th century. It is one of a number of detached buildings dispersed within Bringsty Common.

1.2 The proposal involves internal work to the property, namely:

- (i) The removal of infill stone to expose the original extent of an inglenook fireplace;
- (ii) The replacement of a concrete floor to the fireplace;
- (iii) Installation of a chimney liner;
- (iv) Removal of plasterboard to a fireplace on the first floor;
- (v) Renovation of fireplace area;
- (vi) Capping of chimney pot.

2. Policies

2.1 Herefordshire Local Plan Core Strategy

SS1 - Presumption in Favour of Sustainable Development

Further information on the subject of this report is available from Hazel Nash on 01432 261903

- SS6 - Environmental Quality and Local Distinctiveness
- LD4 - Historic Environment and Heritage Assets

2.2 NPPF

Chapter 12: Conserving and enhancing the historic environment

2.3 NPPG

Design (ID26): Form, Scale, Details, Materials

2.4 Neighbourhood Plans

The Neighbourhood Plan for Whitbourne was adopted in December 2016 and therefore accords significant weight in the determination of the applications.

https://myaccount.herefordshire.gov.uk/media/5026194/whitbourne_ndp.pdf.

Policy LU3 – Conservation Area

2.6 Planning (Listed Building and Conservation Areas) Act 1990, s66.

2.5 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 Decision Notice 051685 – Installation of a satellite dish, sun pipe and associated skylight – approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Conservation Manager (Historic Buildings): Support

Removing stone infill

The removal of this stone will better reveal the form of the original fireplace. It should be removed with care not to damage the timber lintel and surrounds.

4.3 *New tiles*

There is no restriction on type of tiles to replace the broken concrete floor. Stone or sympathetic tiles as suggested in the application would be permitted.

4.4 *New chimney liner*

A new chimney liner would not adversely affect the character of the building and would allow the beneficial use of the fireplace enabling the future survival of the building through appropriate heating.

4.5 *Removal of plasterboard panel in first floor bedroom*

This would be permitted as there is good evidence this is the location of an existing fireplace which has been blocked in. Revealing any original fireplace would help in the understanding of the original use of the building and reveal an interesting historical feature. The panel should be removed with care to avoid damage to the building's timber frame.

4.6 *Fitting a chimney cowl*

This would have minimal visual impact on the listed building and allow better use of the chimney and so would be permitted.

5. Representations

5.1 Whitbourne Parish Council - no comments received.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171931&search=171931

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 Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that: "in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: "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." This means that there is a presumption in favour of the development plan unless material considerations can be considered to outweigh it.

6.3 The Herefordshire Local Plan ('HLP') is the development plan. The Core Strategy (CS) is a fundamental part of the HLP and sets the overall strategic planning framework for the county, shaping future development.

6.4 Of particular relevance is Policy LD4 of the HLP which sets out that development proposals affecting heritage assets and the wider historic environment should, amongst other things "protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible."

6.5 Similarly, Chapter 12 of the NPPF, in particular paragraph 131, provides that in determining planning applications, local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets".

6.6 The proposed works are considered to be sympathetic to the building, taking into account the Grade 2 listing of the asset. The removal of stone to reveal more completely the fireplace is considered to be not only protect and conserve the heritage asset but enhance it, thereby complying with Policy LD4 of the HCS. Similarly, the careful removal of plasterboard in the first

floor bedroom has the potential to result in the discovery of more of the history of the building, reflecting Policy LD4 of the HCS.

- 6.7 The installation of the chimney liner and cowl are considered to enhance the Grade 2 listed building through enabling the original reuse of the chimney in a safe manner thereby protecting the building in compliance with policy LD4.

Conclusion

- 6.8 This is a modest and sympathetic proposal for the Grade 2 listed building, Cop Castle, which complies with section 16 and 66 of the Planning (Listed Building and Conservation Area) Act 1990 and accordingly, Chapter 12 of the NPPF, Policy LD4 of the HLP and policies contained in the WNDP. Consequently, the proposals are recommended for approval.

RECOMMENDATION

That listed building consent be granted subject to the following conditions:

- 1. D01 – Time limit for Commencement (Listed Building Consent)
- 2. B02 – Development in Accordance with Approved Plans and Materials

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.

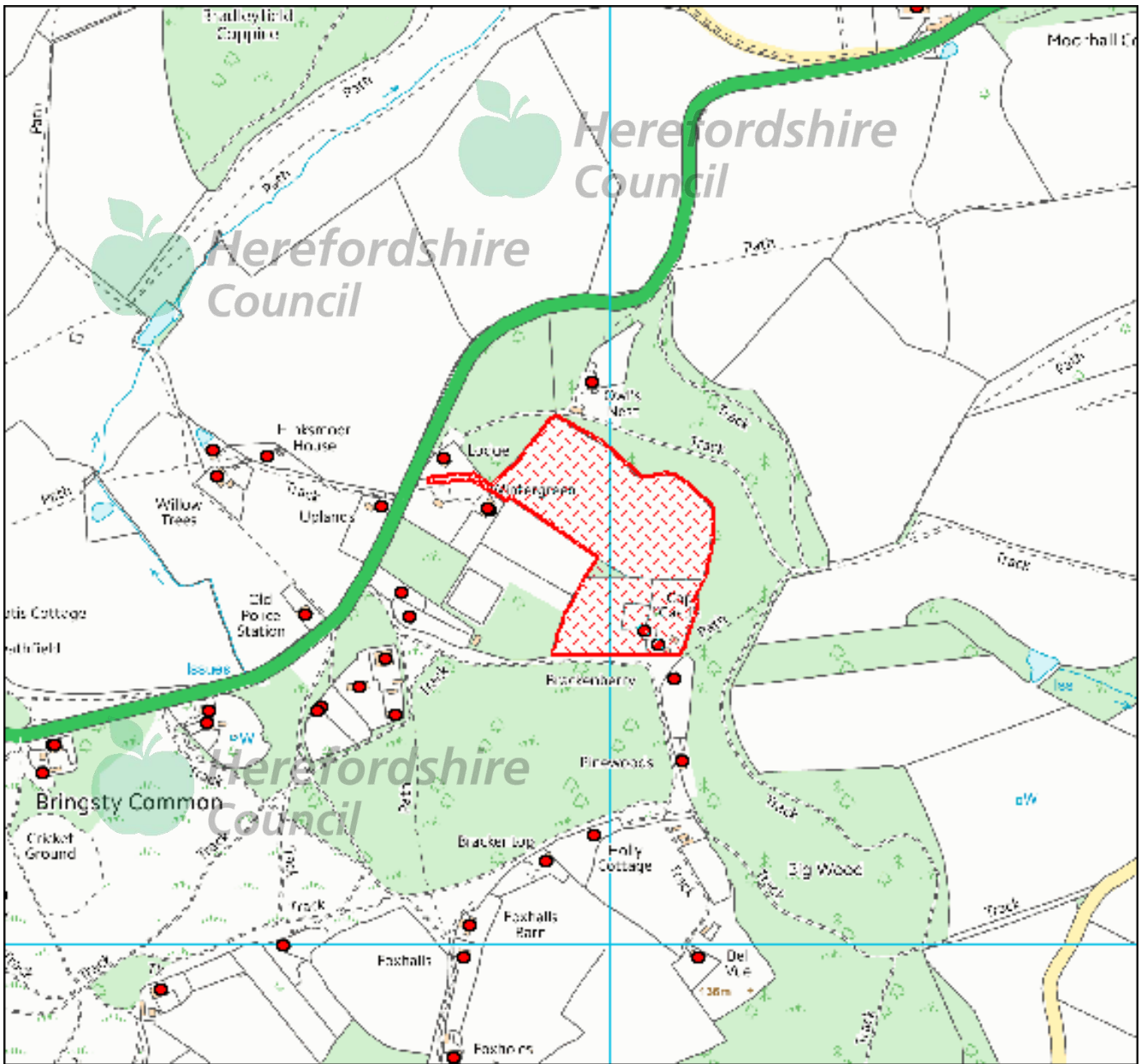
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 171931

SITE ADDRESS : COP CASTLE, BRINGSTY COMMON, BRINGSTY, WORCESTER, HEREFORDSHIRE, WR6 5UN

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Further information on the subject of this report is available from Hazel Nash on 01432 261903

