

Agenda

Planning and regulatory committee

Date: **Wednesday 1 November 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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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

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 (TO FOLLOW)</p> <p>To approve and sign the minutes of the meetings held on 4 October 2017.</p>	
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	9 - 12
7.	<p>164078 - LAND TO THE SOUTH OF LEADON WAY, LEDBURY, HEREFORDSHIRE</p> <p>Application for approval of reserved matters following outline approval p143116/o for 321 residential dwellings.</p>	13 - 36
8.	<p>172544 - NORTH FARM, BIRCHWOOD FARM ROAD, BOSBURY, HEREFORDSHIRE, HR8 1JY</p> <p>Demolition of steel frame buildings, conversion of existing brick and timber clad farm buildings and construction of new single storey units to provide accommodation for ex-service personnel with communal and visitor rooms.</p>	37 - 42
9.	<p>163948 - LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD</p> <p>Proposed construction of a two bedroom dormer bungalow.</p>	43 - 52
10.	<p>163946 - LITTLE MEADOWS, EARDISLEY, HEREFORD, HR3 6PP</p> <p>Proposed erection of storage building.</p>	53 - 58
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 14 November 2017</p> <p>Date of next meeting – 15 November 2017</p>	

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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.
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- 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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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	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - 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.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 NOVEMBER 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

Enforcement Notice 173686

- The appeal was received on 20 September 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 Ms B Eakins
- The site is located at Log Cabin At Redwood Orchard, St Michaels, Tenbury Wells, Herefordshire, WR15 8TL
- The breach of planning control alleged in this notice is:
 - Erection of dwelling, known as 'the log cabin', without the benefit of planning permission.
 - Change of use of land from agricultural to mixed use of residential and agricultural, without planning permission.
- The requirements of the notice are:
 - i. Remove the log cabin and all constituent parts from the site, including paving stones.
 - ii. Remove the associated Drainage system, gas tank and generator,
 - iii. Cease the use of the land for residential purposes
 - iv. Reinstate disturbed land for agricultural use.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Enforcement Notice 173550

- The appeal was received on 29 September 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice

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

- The appeal is brought by Mr S Whitby
- The site is located at Moon Monkey Meadows, Bringsty, Worcester, Herefordshire, WR6 5RE
- The breach of planning control alleged in this notice is:
Without planning permission, the material change of use of the land from that of agriculture to leisure and occupation and also the operational development of the land by the construction of buildings and provision of other structures on agricultural land.
- The requirements of the notice are:
Permanently remove the roadways, a hexagonal hay-store, two caravans, a barn, a greenhouse, a pergola, a pair of loose-boxes, an implement shed, and enclosed latrine, works to enlarge the watercourse and a jetty and to thereby secure the restoration of the land to its former use as agriculture.
- The appeal is to be heard by Hearing

Case Officer: Mr Steve Davies on 01432 260119

APPEALS DETERMINED

Application 170619

- The appeal was received on 27 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 Mr Steve Rendle
- The site is located at Site adjacent 102 Old Road, Bromyard, Herefordshire
- The development proposed was Erection of 4 houses with 8 car parking spaces.
- The main issue is the effect of the proposal on the setting of the Grade II listed building.

Decision:

- The application was Refused under Delegated Powers on 19 April 2017
- The appeal was Dismissed on 26 September 2017

Case Officer: Mr Andrew Prior on 01432 261932

Application 163693

- The appeal was received on 27 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Reserved Matters
- The appeal was brought by Harper Group Construction Ltd
- The site is located at Field adjoining A4112 and Chestnut Avenue, Kimbolton, Leominster, Herefordshire
- The development proposed was Application for approval of reserved matters following outline approval. (P151145/O)
- The main issues were:
 - The effect of the proposal on the character and appearance of the area, having particular regard to local landscape character, the layout and design of the proposed dwellings, and the provision for open space and soft landscaping;
 - Whether the proposal would provide a suitable mix of housing types;
 - Whether the proposal makes adequate provision for biodiversity enhancements; and
 - The effect of the proposal on the living conditions of the occupiers of the property known as Steps Cottage.

Decision:

- The application was refused under delegated powers on 7 April 2017
- The appeal was dismissed on 29 September 2017
- An application for the award of costs, made by the Council against the Appellant was dismissed.

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

- An application for the award of costs, made by the Appellant against the Council, was dismissed

Case Officer: Mr A Banks on 01432 383085

Application 170036

- The appeal was received on 27 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was brought by Mr Elwyn Brooke
- The site is located at The Rectory Field as known as Land at The Green, Kings Caple, Herefordshire
The development proposed was Erection of two pairs of semi-detached houses together with a single dwelling, scale layout, access, parking and manoeuvring. Landscaping and Materials
- The main issues were:-
 - Whether the appeal site is an appropriate location for housing with regard to the development plan and the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the character and appearance of the area, having regard to its location within an Area of Outstanding Natural Beauty; and
 - The effect of the proposal on the significance of designated heritage assets

Decision:

- The application was Refused under Delegated Powers on 15 May 2017
- The appeal was Dismissed on 2 October 2017
- An Application for the award of Costs, made by the Council against the Appellant, was Dismissed

Case Officer: Mr C Brace on 01432 261947

Enforcement Notice 172682

- 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 Gregory Powell
- The site is located at Land at Berrington Bower, Litmarsh, Marden, Hereford, Herefordshire, HR1 3EY
- The breach of planning control alleged in this notice is:
Without planning permission the barn has been converted to provide residential accommodation.
- The requirements of the notice are:
Reinstate building to former use and remove all aspects of residential accommodation. Remove balcony. Remove all newly installed doors, windows and skylights. Remove wood burning stove and flue. Remove newly fitted kitchen and washroom facilities. All the above must be removed completely from site and taken to a registered waste disposal site.

Decision:

- On 20 October 2017, the Enforcement Notice was found to be a nullity, therefore, no further action will be taken in connection with this appeal.

Case Officer: Ms Joanne Last on 01432 260243

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 November 2017
TITLE OF REPORT:	164078 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL P143116/O FOR 321 RESIDENTIAL DWELLINGS. AT LAND TO THE SOUTH OF LEADON WAY, LEDBURY, HEREFORDSHIRE. For: Mr Mark Elliot, 60 Whitehall Road, Halesowen, B63 3JS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164078&search=164078
Reason Application submitted to Committee – Re-direction	

Date Received: 20 December 2016 Ward: Ledbury South Grid Ref: 370718,236535

Expiry Date: 30 June 2017

Local Member: Councillor EL Holton

1. Site Description and Proposal

- 1.1 The site to which this application relates occupies an area of 13.33 hectares and is located to the south of Ledbury and to the immediate south of the A417 (Leadon Way). The road acts as a bypass for the town and confines residential development to the north. The site is therefore at the urban fringe of Ledbury and currently represents its transition from the built up area of the town to countryside. However, this is tempered to some degree by the presence of development further to the west where it is bounded by the B4216, along which are located a number of buildings including Hazel Farm; a Grade II listed property whose associated buildings have been converted from their former agricultural use to residential, and an area of commercial development which includes the premises of Meadow Cheese and Countrywide Stores. The character of the land further to the south and east is very much agricultural with irregularly shaped fields generally defined by hedgerows and small areas of woodland.
- 1.2 The land is currently in agricultural/pastoral use and is divided into two fields with an established hedgerow defining the two areas. Hedgerows also define the roadside boundaries to the north and west, and the eastern boundary with an adjoining field, whilst the southern boundary is open and defined by a post and wire fence.
- 1.3 The site is located within an undulating landscape. Within the western field levels rise across it from west to east and south to north to a high point at its centre, with levels continuing to rise across the eastern field steadily to a high point at its south eastern corner.
- 1.4 Outline planning permission was granted on appeal on 4th April 2016 following a Public Inquiry, for the erection of up to 321 no. residential dwellings. The details of access to the site were

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

agreed as part of the outline proposal with all other matters reserved for future consideration. Accordingly the appeal decision includes a suite of conditions which relate to matters including the provision of 40% affordable housing, habitat enhancement, landscaping, construction management, phasing of development, noise mitigation and the provision of sustainable drainage.

- 1.5 The application now to be considered is one for Reserved Matters. The scheme comprises a residential development of 321 dwellings, comprising 125 affordable units and 196 units for the open market. Approval is sought for the details of a) appearance, b) landscaping, c) layout, and d) scale, i.e. the reserved matters, in order to satisfy the requirements of Condition 1 of the outline permission. The access was approved as part of the outline permission in the form of a roundabout access.
- 1.6 The application has been amended since its original submission to take account of comments submitted during the initial consultation phase. This has related particularly to a desire to improve permeability through the site itself and connectivity between the site and the rest of Ledbury. The applicant has also undertaken further work in respect of concerns raised by the Council's Environmental Health Officer in respect of potential nuisance caused by noise from nearby industrial premises to prospective residents.
- 1.7 The application is accompanied by a detailed package of supporting documents and plans that are summarised as follows:

Supporting Documents

- Design & Access Statement
- Statement of Community Involvement
- Flood Risk Assessment
- Noise Report
- Transport Statement and Travel Plan
- Ground Investigation Plan
- Scheme of Investigation for Archaeological Recording
- Arboricultural Method Statement

Plans

- Plans and Elevations of Dwellings
- Site Layout Plan
- Street Scenes
- Materials Schedule and Schedule of Boundary Treatments
- Tenure Layouts
- Landscape Proposals
- Drainage Strategy
- Public Open Space Layout

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to the determination of this application:

SS1 - Presumption in Favour of Sustainable Development

SS2 - Delivering New Homes

SS4 - Movement and Transportation

SS6 - Addressing Climate Change

LB1 – Development in Ledbury

H1 - Affordable Housing – Thresholds and Targets

H3 - Ensuring an Appropriate Range and Mix of Housing

OS1 - Requirement for Open Space, Sports and Recreation Facilities
OS2 - Meeting Open Space, Sports and Recreation Needs
MT1 - Traffic Management, Highway Safety and Promoting Active Travel
LD1 – Landscape and Townscape
LD2 - Biodiversity and Geodiversity
LD3 – Green Infrastructure
LD4 – Historic Environment and Heritage Assets
SD1 - Sustainable Design and Energy Efficiency

2.2 National Planning Policy Framework

The following sections of the NPPF are considered to be relevant to the determination of this application:

Introduction – Achieving sustainable development
Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities

2.3 Ledbury Neighbourhood Development Plan

The Ledbury NDP was subject to a regulation 14 consultation between 1 August to 25 September 2017.

Paragraph 216 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In line with paragraph 216 and planning case law, material weight can only be given to plans which have completed their regulation 16 stage when the above criteria can be adjudged. Therefore at this stage no material weight can be given to the policies of the Ledbury NDP.

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/info/200185/local_plan/137/adopted_core_strategy/2

3. **Planning History**

3.1 143116/0 - Proposed outline planning permission for the erection of up to 321 residential dwellings (including up to 35% affordable housing, structural planting and landscaping, informal public open space, children's play area, surface water attenuation, vehicular access point from Leadon Way and associated ancillary works. All matters reserved with the exception of the main site access – Allowed on appeal 4th April 2016. A copy of the Schedule of Conditions imposed by Inspector Vyse is appended to this report.

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

- 3.2 164107 – Application for variation of conditions 14 and 17 of planning permission P143116/O – This application is to be dealt with as a delegated matter and officers are minded to recommend approval, subject to a requirement to complete a Deed of Variation to the Section 106 Agreement.
- 3.3 170075 - Application for approval of details reserved by conditions 6, 7, 8 & 23 of planning permission 143116 – Submission of a Habitat Enhancement Plan (condition 6), Arboricultural Method Statement (condition 7), a Method Statement for Nesting Birds (condition 8) and a Scheme for an Archaeological Watching Brief (condition 23). Following consultation, all were considered to be acceptable and the requirements of the conditions are met.
- 3.4 173302 - Application for approval of details reserved by conditions 4, 11, 13 & 22 attached to planning permission 143116 – This application is currently being considered by officers. The conditions to be discharged relate to the phasing of development (4), details of site levels (11), the submission and approval of a construction management plan (13) and the submission and approval of details of a surface water drainage scheme (22). All are pre-commencement conditions and require details to be agreed before development commences.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

Following approval of the Outline planning consent (ref: P143116/O) the applicant commissioned the undertaking of a Hydraulic Modelling Assessment (HMA) to assess the potable water supply network. This was required to ensure that the proposed development site can be adequately served by the existing infrastructure. The HMA has been completed, the results shared with the applicant and we now seek adequate control to ensure the connection points identified in the report are secured through planning.

We therefore 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.

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

Internal Council Consultations

4.2 Conservation Manager

Landscapes

Before approving the Landscape Reserved Matters the applicant should forward the following information on the Landscape Proposal Plans P16-0793_04, P16-0793_05, P16-0793_06 and P16-0793_07:

1. With reference to the IMPLEMENTATION AND MAINTENANCE GUIDELINES, Item 2.3 Maintenance, this should say: *'The landscape contractor shall maintain all areas of new planting for a period of 5 years after Practical Completion'*.
2. On all four Landscape Proposal Plans the proposed perimeter footpath should be a *'Rolled gravel/hoggin footpath surface'*. At present on the Landscape Proposal Plans it appears to be an Informal grass mown footpath route.

4.3 Historic Buildings

From a heritage perspective the concerns will be the impact on the proposed development on the listed buildings which exist close-by and on the more extensive historic built environment.

It is Hazel Farm which is closest to the site where the impact of development would be most felt and I consider that the surrounding farm buildings already provide a degree of screening of the site so that the impact would be less than substantial. In a wider context, it is the transition from the rural landscape to the town where improvement could be made – typically there is a gradual build up in the massing and density of development which characterises this transition between countryside and town but here there is quite dense development along the road edge so it would be an improvement if there was greater open space between the dwellings here. Also no attempt has been made to respect the local distinctiveness of the area. I note that one house type is called Folkestone, but in fact it could be called ' Anywhere' - there is nothing here that would reflect the very distinct and significant quality of the town and since this is effectively a gateway to it there is definitely an opportunity to improve on the current proposal.

4.4 Housing Officer

I refer to the above application and confirm that the mix, tenure and layout meet the affordable housing requirements. As a result I am happy to support the application.

4.5 Environmental Health & Trading Standards Manager

Contaminated Land – no objection

Noise

Initial comments from Environmental Health colleagues raised queries in respect of the following points:

a) The original noise report of March 2015 identifies that the orientation of the dwellings closest to Meadow Cheese should be such that outdoor living areas are screened by the dwellings themselves. The proposal contains 2 dwellings where this is not the case. Para 1.1.4 specifically advises that noise barriers in the form of fencing will only provide limited attenuation due to the location of the noise source at Meadow Cheese being on the roof.

Para 1.1.4 identifies that noise mitigation at the source could provide a further option for noise mitigation should the owner of the premises be willing to co-operate. This form of mitigation is omitted from the subsequent reports of 25th January and 28th April although it is clearly identified as still an option in the revised Design and Access statement. See para 2.10 Noise Assessment which specifies that 'if further noise mitigation is required then it may be applied to the noise sources themselves'

Currently there is no proposed mitigation at the noise source supplied by the applicant although it is still referred to in the Design and Access statement. Please can the applicant supply further details on this issue.

b) The noise source at Meadow Cheese located at roof height is a 24 hour operation. Our concern is that the closest residents may be adversely impacted in their bedrooms at night time when much lower background noise levels exist. Please can the applicant supply further noise contours for the closest dwellings at first floor level using the methodology specified in BS4142 to evaluate the impact of this noise.

Following a meeting with the applicant's acoustic consultant and the submission of additional information Environmental Health colleagues provided further comments which can be summarised as follows:

In total there 38 proposed dwellings whose noise levels in external amenity areas with fencing mitigation are predicted to be in excess of the desirable standard of 50dB as specified in BS 8233:2014. We have continuously advised that due to the extensive rural location of this greenfield site we regard 50dB as the upper guideline value for external amenity. We regard the sound levels of up to 55dB as identified at the 7 modelled points along Leadon Way as not complying with the upper guideline value for amenity space as specified in the standard. 38 proposed properties represents almost 12% of the total development. At our meeting we discussed whether an extension of the reduction in speed levels of vehicles approaching the roundabout would have the effect of reducing noise levels in amenity areas, especially the houses around receptors PSR4, 5 and 6 whose predicted noise levels in amenity areas are 55dB.

On this point therefore we await to hear whether a reduction in motor vehicle speed limit from the point of where the development site starts along the Leadon Way would lead to reduced noise levels in the amenity areas. Alternatively further considerations could be made to the site layout and design to provide a greater distance between the external amenity areas and the road traffic noise source.

Noise from Meadow Cheese

Mitigation of the 24/7 sound source on the roof at Meadow Cheese has been mentioned as an option in a number of Wardell-Armstrong reports – the latest being their email of 23rd May 2017 which clearly identifies noise mitigation measures at the noise source as an option. Despite this at our meeting on 26th May 2017 it would appear that although this is mentioned in noise reports and the current Design and Access statement there has been no discussion with Meadow Cheese on this issue.

Instead, on site mitigation to address the 24/7 noise sources on the roof at Meadow Cheese has been proposed. This includes a fence at ground level and an enhanced glazing standard with acoustic ventilation to the rooms facing onto Meadow Cheese.

As a result of the BS:4142 assessments findings and our officers site observations we remain concerned that the Meadow Cheese noise is likely to have a significant adverse impact on the dwellings closest to the noise source during the night-time.

The Meadow Cheese noise source also has a low frequency character that raises further concerns regarding noise impact on the proposed site. Wardell-Armstrong have identified this in the application and provided low frequency noise measurements. The Wardell Armstrong low frequency noise readings have been compared against our own low frequency readings. (Our readings were taken again at around ten o'clock in the evening when traffic noise was greatly reduced and Meadow Cheese factory noise was the dominant noise source in the area.) We note the LAeq readings at the 125Hz third octave band was 59.17dB compared to Wardell-Armstrong's readings of 50dB, a difference of more than 9dB between the two readings.

As a result of our low frequency assessments findings we question the Wardell-Armstrong low frequency noise reading. In addition to this our low frequency noise assessment and the officers' site observations would support the BS:4142 assessment findings in that the Meadow Cheese noise source is likely to have a significant adverse impact on the dwellings closest to the noise source. This is especially so at night-time when the background noise levels are greatly reduced due to its rural setting and reduced traffic movements on the Leadon way.

From the results of the BS:4142 assessment, the low frequency noise assessment and the officers' site observation we would strongly recommend the Wardell-Armstrong proposal option to mitigate the Meadow Cheese sound at source and this needs to be further explored with Meadow Cheese.

Following the submission of further information to address the matters raised the Environmental Health Officer's final comments are below:

It was previously suggested that a full summary specification for proposed mitigation be supplied. This is supplied but not however the timescales for proposed mitigation measures at the Meadow Cheese site which was also requested.

The proposed mitigation works undertaken in relation to the site proposal outlined on page 2 will be satisfactory for the site with windows open (not closed as advised on page 3) so long as the mitigation at the Meadow Cheese site namely a) acoustic fencing and b) extract plant mitigation outlined on page 3 are undertaken.

4.6 Planning Obligations Manager

The outline application is subject to a section 106 agreement dated 16 February 2016 and subject to a Planning Inspectors decision where they concluded on which elements of the agreement were CIL compliant.

The Inspector found the following elements of the agreement CIL compliant. The education contribution, outdoor sports contribution, bus stop improvements and the introduction of a Traffic Regulation Order.

The reserved matters application proposes the construction of 321 dwellings comprising 125 affordable units and 196 open market units. The open market units are to be constructed by two different developers as outlined below;

Barratts West Midlands = 116 units
Education

Unit Type	Contribution per dwelling	Number of units	Total contribution
2 bed apartment	£1,084.00	12	£13,008.00
2 bed dwelling	£1,899.00	13	£24,687.00
3 bed dwelling	£1,899.00	45	£85,455.00
4 bed dwelling	£3,111.00	46	£143,106.00
			£266,256.00

David Wilson Homes = 80 units

Unit Type	Contribution per dwelling	Number of units	Total contribution
2 bed dwelling	£1,899.00	8	£15,192.00
3 bed dwelling	£1,899.00	32	£60,768.00
4 bed dwelling	£3,111.00	27	£83,997.00

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5 bed dwelling	£3,111.00	13	£40,443.00
			£200,400.00

The total education contribution is **£466,656.00** (index linking to be applied).

The contributions will provide education infrastructure at Ledbury Primary School.

In terms of payment Not to occupy nor permit the occupation of more than 33% of the dwellings comprised in any phase of development until the education contribution payable in respect of that phase of the development has been paid.

Outdoor Sports Contribution

A contribution of **£131,040.00** (index linking to be applied) is payable for the provision of new off site sports facilities.

The payment of the contribution is phased on the following basis;
34% of the contribution is payable prior to the first occupation of the 1st dwelling.
33% of the contribution is payable prior to the first occupation of the 107th dwelling.
The balance of the contribution is payable prior to the first occupation of the 214th dwelling.

Bus Stop Contribution

A contribution of **£20,000.00** (index linking to be applied) is payable for the provision of a new bus top and shelter on the west side of Martins Way, plus the provision of a shelter at the existing bus stop on the east side of the road.

The contribution is required to be paid prior to the occupation of the 48th dwelling.

Traffic Regulation Order

A contribution of **£5,000.00** (index linking to be applied) is payable for the introduction of a 40 mph speed limit for the stretch of the A417 Leadon Way between the Full Pitcher roundabout and a point east of the proposed roundabout access to the appeal site.

The contribution is required to be paid prior to commencement of the development.

The total contribution payable is **£622,696.00 (to be index linked)**.

4.7 Parks & Countryside Officer

On-site POS and Children's Play

The on-site provision is largely the same as previously agreed at outline stage. It is noted that:

- The area to the west of the development has been increased to accommodate a larger buffer area given the proximity of the Wharf industrial estate. It would potentially serve as informal POS but its provision is as a result of noise concerns.
- A better pedestrian link has been created around the site linking the two areas of green space on the east and west boundaries and linking to the central area. This is supported.
- The central area of open space has been decreased. The concern is that this reduction may compromise the offer of both formal and informal play and POS on this area.

The applicant is providing 3.31ha of on-site POS/Play. This has increased from 2.7 ha.

This is above the minimum requirement as detailed in my previous comments for a development of this size. This area also includes the SuDs area and some areas of POS which would not be considered as “usable” POS for recreation: these include POS Areas: 2, 7, 8 and 9 as shown on the Public Open Space Layout Plan: Drawing No.1011A. Given their size and usability it may be preferable for the applicant to consider these areas for gardens as they will be costly and difficult to maintain. The applicant has provided no detail as to how much of this will be formal play as required by policy.

As previously requested to meet Core Strategy Policy requirements OS1 and OS2 in accordance with evidence bases:

- The developer provides a minimum of 0.9ha of on-site green infrastructure comprising;
- 0.3ha (3000sq m) of Public Open Space (@ 0.4ha per 1000 population)
- 0.6ha (6000sq m) of Children’s Play of which 0.18 ha (1800sq m) should be formal play (@ 0.8 ha per 1000 population to include 0.25ha per 1000 population of formal play (Fields in Trust standards)

Children’s Play: The play area scheme needs to be approved by the planning authority as part of the landscaping scheme

The applicant has not provided enough detail to approve the play area scheme. The plan detailing the LEAP shows an area of 5 pieces of play equipment with details of type and supplier but no cost or size provided. It appears to be a very small limited scheme which couldn’t adequately serve the population arising from this development.

I would therefore, like to see a revised scheme detailing:

Size: As required by policy the formal play element should be a minimum 1800sq m.

Location: Play could be provided both on the central area as formal play equipment and some more natural play opportunities such as play trails in the other areas of POS if preferred by the applicant.

A detailed schedule including:

- Provision for particular age groups: infants, juniors and teenagers, to include a kick-about which clearly needs a flat area.
- equipment list (with suppliers and part numbers), details of safety fencing (if applicable), safety surfacing, information on signage, seating and litter bins to be included
- Costs of providing and installing the equipment. I previously gave a value of £220,000 which includes equipment, bins, benches, surfacing, pathways, installation, landscaping costs etc. This is based on the SPD on planning obligations play tariffs (development costs only) and is comparable to other developments in the county.
- Maintenance schedule. A 15 year maintenance schedule which will include safety surfacing repair/replacement, regular safety checks and the recommended annual ROSPA standard independent safety inspection

Although the applicant may argue that provision of informal POS is above that required, this should not reduce the need for formal play on a development this size where access to other existing provision in the town is not only inadequate to serve the additional population arising from this development it would also involve crossing main roads which is unacceptable particularly for younger children.

SuDS: The SuDs area is to be laid out as a wetland meadow grassland with no standing water, details of which are provided as part of the landscaping scheme.

Maintenance: The applicant has proposed the use of a management company.

SuDS: Where the Authority is requested by the developer to adopt the SuDS on a development a 60 year commuted sum will be required, this will be calculated based on final 'built' layout plan identified in the supplied SUDs Maintenance Plan. This commuted sum will include the hard infrastructure and any associated 'soft' or 'green' landscaping included in the adopted SuDS area. Any soft or green landscaping not included in the adopted SuDS area will be classed as Public Open Space and alternative management arrangements as identified above should be put in place.

4.8 Public Rights of Way Manager – No objection

5. Representations

5.1 Ledbury Town Council – The following comments relate to the original submission:

Overall: Recommend that the development must adhere to all stipulations that the Appeal Inspector placed on the contractors.

Appearance:

1. External finishes should be in keeping with existing built environment.
2. Where possible, locally sourced materials should be used.
3. Due to the proximity of the site to the Malvern Hills Area of Outstanding Natural Beauty (MHAONB), external finishes should be in keeping with the MHAONB's adopted colour palette.
4. The Committee notes that Plots 81/82 and 56/57 are shown as three storey dwellings and are located on the high point of the site interrupting the natural undulation of the area. We understand that the Inspector at Appeal stipulated that no dwellings higher than two storeys were to be permitted. The Committee objects to these Plots on the grounds that they do not meet the conditions of the Appeal (except for the flats at the entrance).
5. General comment about unimaginative development and poor design of the dwellings; that gardens are small and design generally is "tight on space".

Landscaping:

1. The Site perimeter path is shown as mown grass. To support use in all weather conditions, and by all sections of the community e.g. pedestrians, cyclists, pushchair and wheelchair users, etc., the surface should be hard core gravel/tarmac.
2. Natural hedgerows should be preserved to soften the visual impact of fencing.
3. Density appears high, compared with other recent developments in the town.
4. Concern was expressed about the future management and maintenance of the planting and green space. For how long will the proposed management team be active following the build's completion? Thereafter, which authority is responsible for maintaining? Ledbury Town Council accepts no responsibility for maintenance of the trees and planting.

Layout & Scale:

1. The proposed road system on site allows for public bus access and also for use by refuse collection from all areas, cul-de-sacs. There is concern that the roads are too narrow. How will roadside parking affect service vehicles? Is anything proposed to ensure the security of these service providers, i.e. Traffic Regulation Orders to prevent obstruction? (A similar comment was made about the bus routes on site.)
2. Traffic calming measures should be incorporated on the orbital roads to prevent speeding and dangerous driving.
3. Connectivity within the site and to the town needs to be reviewed. The proposed connectivity, within the site and to the existing Deer Park estate, has been changed from the original outline application. The proposed footpath/cycleway on the northern side of

Leadon Way, from the Full Pitcher to Martins Way, originally continued along the western side of Martins Way to its junction with Biddulph Way. Now, it stops a few meters in to Martins Way, with no dropped kerbs available to cross to the footpath on the other side. This makes it unusable for wheelchair users or young families with pushchairs. The original planned footway should be reinstated.

4. Recommendation that an additional, secondary access/exit road be provided on Dymock Road. Presently there is only one, and there is a concern about emergency vehicles being able to enter and leave the development.
5. The 40mph speed limit should be moved further east and extended to take effect from the Gloucester Road roundabout, as traffic travels very quickly down the hill to the approach to the development's roundabout at Martins Way.
6. Extend the 40mph zone west to the other side of the Full Pitcher Roundabout, along Leadon Way to the crossing from the Riverside Park.
7. Extend 40mph zone to Ross Road up to Orlham Lane and along the Dymock Road beyond the proposed new footpath, up to Hazel Farm.
8. There will be a new cricket club facility at Orlham Lane and part of the Section 106 monies is to create a footpath. The 40mph speed zone should be extended beyond Orlham Lane, by the Leddington Road turn off.
9. Recommendation that access to the site would be better served by a box junction controlled by traffic signals, for safer pedestrian crossing.
10. Looking at the tenure layout drawing, concern was expressed about the proportion of affordable and social housing and that there are insufficient dwellings to represent the 38% requirement.
11. Recommendation that social housing should be specifically for the people of Ledbury, through S106 agreements.

Environment:

1. The buildings should incorporate green energy measures, including the provision of solar panels/roof tiles on south facing dwellings to reduce energy costs and carbon footprint of the site.

Following the submission of amended plans the following comments were submitted by Ledbury Town Council:

Members noted the improvements made since their last recommendations in February 2017. However, concerns still exist regarding the following comments and the committee would like clarification about the points below.

A representative of the Ledbury Area Cycle Forum told the meeting they had officially commented to the consultation in February, and they note that there has been no action taken regarding the encouragement of active travel, cycle storage provision and general connectivity. The committee supports their observations.

Landscaping:

1. The Site perimeter path is shown as mown grass. To support use in all weather conditions, and by all sections of the community e.g. pedestrians, cyclists, pushchair and wheelchair users, etc., the surface should be hard core gravel/tarmac.
2. Concern was expressed about the future management and maintenance of the planting and green space. For how long will the proposed management team be active following the build's completion? Thereafter, which authority is responsible for maintaining? Ledbury Town Council accepts no responsibility for maintenance of the trees and planting.

Layout & Scale:

1. The proposed road system on site allows for public bus access and also for use by refuse collection from all areas, cul-de-sacs. There is concern that the roads are too narrow. How will roadside parking affect service vehicles? Is anything proposed to ensure the security of these service providers, i.e. Traffic Regulation Orders to prevent obstruction? (A similar comment was made about the bus routes on site.) Concerns further expressed regarding the roads being too narrow.
2. Traffic calming measures should be incorporated on the orbital roads to prevent speeding and dangerous driving.
3. Recommendation that an additional, secondary access/exit road be provided on Dymock Road. Presently there is only one, and there is a concern about emergency vehicles being able to enter and leave the development.
4. The 40mph speed limit should be moved further east and extended to take effect from the Gloucester Road roundabout, as traffic travels very quickly down the hill to the approach to the development's roundabout at Martins Way.
5. Extend the 40mph zone west to the other side of the Full Pitcher Roundabout, along Leadon Way to the crossing from the Riverside Park.
6. Extend 40mph zone to Ross Road up to Orlham Lane and along the Dymock Road beyond the proposed new footpath, up to Hazel Farm.
7. There will be a new cricket club facility at Orlham Lane and part of the Section 106 monies is to create a footpath. The 40mph speed zone should be extended beyond Orlham Lane, by the Leddington Road turn off.
8. It was noted that there is provision for a new footpath along the bypass, however members felt that the connectivity between the new cricket club, rugby club and the proposed development was insufficient.
9. Recommendation that access to the site would be better served by a box junction controlled by traffic signals, for safer pedestrian crossing.
10. Looking at the tenure layout drawing, concern was expressed about the proportion of affordable and social housing and that there are insufficient dwellings to represent the 38% requirement. The estimate of the number of affordable dwellings shown appears to the committee as still not representing 38% of the development. Clarification is sought regarding this.
11. Recommendation that social housing should be specifically for the people of Ledbury, through S106 agreements. Please clarify whether there are going to be any houses allocated for people with a local connection under Section 106 monies.

Environment:

1. The buildings should incorporate green energy measures, including the provision of solar panels/roof tiles on south facing dwellings to reduce energy costs and carbon footprint of the site.

Communications:

1. Recommendation that the site should be fibre activated and that fibre is distributed to each house.

5.2 West Mercia Constabulary

Do not formally object to the proposals but note that there are opportunities to design out crime and/or the fear of crime and to promote community safety. The application does not make any reference to crime reduction measures within the Design Access Statement but there is a clear opportunity within the development to achieve the Secured by Design award scheme.

5.3 Malvern Hills AONB Officer

In order to minimise the visual impact of this development on the AONB the choice of materials and colours should be very carefully considered. The type and colour of the materials used for these structures will be crucial to integrating them within the visually sensitive setting of the AONB landscape. Any materials should be of a non-reflective nature to reduce their long distance visibility. In particular, the roofs of any structures on this site should be of darker and muted colours.

Colour can also have a significant effect on integrating features within the landscape without compromising the local distinctiveness of the area. The Malvern Hills AONB guidance on the selection and use of colour in development could be used to help inform the colour scheme for this development.

Finally, the landscaping scheme should also be informed by an objective to break up the mass of the development in views from the higher ground of the AONB.

5.4 Ledbury Area Cycle Forum

Ledbury Area Cycle Forum object to the application. In summary the points raised are as follows:

- Details of cycle storage are not provided as required by condition 19 of the Inspector's decision letter.
- The main access road through the development has no provision for cycle safety. The road layout should be re-considered to prioritise cycle safety.
- Pedestrian and cyclist safety at the Ross Road roundabout has not been considered.
- Toucan crossings must be installed across the bypass to feeder roads to facilitate safe access along desire lines to connect the development to the Town Trail, Riverside Walk, Rugby Club, Cricket Club and Ledbury Loop cycle route.

5.5 Herefordshire CPRE has commented on the application. In summary the points raised are as follows:

- The buffer zone proposed for the southern and south western boundaries is not robust enough to block views into the site
- Roof design and size of individual dwellings will have an impact on visual amenity. Materials should be non-reflective and conditions applied to restrict the type of solar panels allowed on roofs.
- The site is isolated. In order to minimise car journeys robust provision for pedestrian and cycle movement must be included. This is currently not the case.
- Additional safe crossings should be provided.
- Traffic speeds on Leadon Way will need to be lowered.
- Public open space is isolated and there is no sense of connection to the network of green space that makes up Ledbury Town Trail and the Riverside Walk.
- Plans are not clear about the extent of informal play and equipped play areas.
- It is not clear that the site has a considered or distinctive character. Its appearance is similar to other developments across the UK.
- There has been limited public consultation.

5.6 Twenty eight letters of objection have been received from local residents. In summary the points raised are as follows:

- Concerns about traffic, parking and congestion likely to be generated by this development, particularly when combined with other housing proposals in Ledbury.

- No likelihood of infrastructure improvements being made to accommodate the development.
- Generic housing development that pays no regard to its context.
- There is no connection or integration with the wider landscape.
- No links to existing footpaths or cycle ways.
- Areas of affordable housing are too well defined. A fully tenure blind and mixed development should be implemented.
- The scheme should have regard to the Neighbourhood Development Plan and its Design Code.
- Plans need to be considered in relation to the railway station.
- Poor vehicular access.
- The development will result in Ledbury becoming an overspill new town. New residents will simply be commuters.
- The development breaches the bypass and will lead to increased pressure in the future to do so again.
- The development should include a footpath and cycle way along Dymock Road.
- The development is unnecessary and the viaduct site should be developed first.
- A footbridge over Leadon Way is required to provide safe pedestrian access.
- The proposal does not provide a sufficient mix of open market and affordable housing.
- The plan does nothing to enhance the town.
- The scheme is contrary to Herefordshire Council's policies to improve the health, well-being and quality of life of all of its residents.
- The conditions imposed by the Inspector are being ignored.

5.7 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=164078&search=164078

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

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."

- 6.1 The principle of development on this land is established via the outline planning permission granted on appeal, and the reserved matters application now made is submitted in accordance with the relevant conditions.
- 6.2 In this instance access was approved, so the reserved matters comprise appearance, scale, layout and landscaping.
- 6.3 The Development Plan is the Core Strategy; the Ledbury Area Neighbourhood Development Plan attracts no weight for the purposes of decision-making at the present time.
- 6.4 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and Core Strategy, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits. There are, in my view, no restrictive policies applicable.

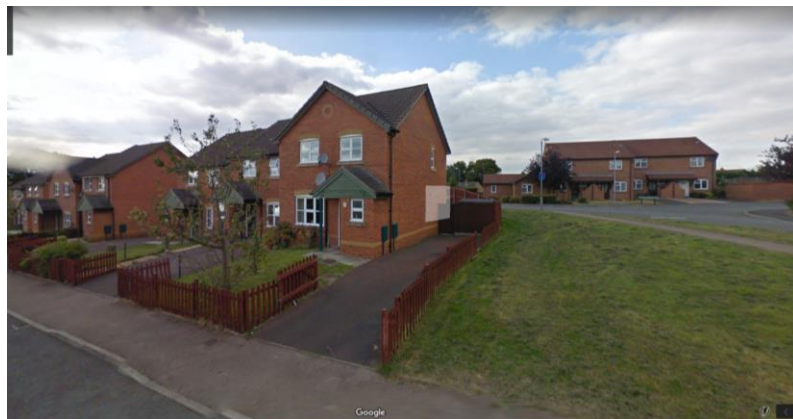
Appearance

- 6.5 Some of the objections received express concern that the designs of the dwellings are generic and pay no regard to their context. The areas immediately to the north of Leadon Way are predominantly residential and are made up of a series of C20th residential estates. The photographs below show two typical views of the residential areas opposite. The dwellings that are shown are not bespoke designs, they represent schemes completed by volume house builders, much the same as is proposed here.

Hazle Close



Villa Way / Biddulph Way



- 6.6 The proposals will continue a similar theme in terms of the appearance of the proposed dwellings. The submission includes a detailed materials schedule which seeks to agree a palette of material for pre-determined areas of the site. These generally comprise small groups inter-dispersed across the site where two or three different brick types and roof tiles are proposed. Some also include elements of rendering and officers are content that the result will be to create a varied appearance across the site as a whole.

Examples of house types proposed across the site



- 6.7 Similar house types and material palettes submitted by the same developer have previously been considered acceptable on other housing developments in the county, including an on-going development at Bishops Field, Hampton Dene, Hereford. In your officers view the appearance of the proposed development is entirely acceptable and accords with Policy SD1 of the Core Strategy.

Scale

- 6.8 The dwellings comprise single and two-storey dwellings at a scale consistent with the surrounding context. The scale, in terms of dwelling numbers, has previously been agreed and the proposal is consistent with the outline permission. For the purposes of this assessment, I am content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with LD1 and SD1 of the Core Strategy in particular.

Layout

- 6.9 The aerial photograph below shows the existing pattern of development immediately to the north of the application site. It includes the same area as is shown earlier in the photographs showing the appearance of development in the local area.



- 6.10 It can be seen that the existing residential areas are laid out in a fashion that is typical of C20th development. The A417 (Leaddon Way) currently forms a physical boundary to the south.
- 6.11 As has been mentioned earlier in the report, the layout has been amended since its original submission. While the means of vehicular access to the site was agreed by the outline planning permission, officers have sought to ensure that links are created through the site to ensure that opportunities for pedestrian and sustainable transport connectivity are provided.
- 6.12 The proposed layout plan is re-produced below. It shows a central bus route through the site while pedestrian links are concentrated towards a crossing point on the A417. Development proposals should promote accessibility and safe local routes by making places that connect appropriately with each other and are easy to move through. The proposals are considered to achieve this and are therefore compliant with Policy MT1 of the Core Strategy.

Proposed site layout plan



- 6.13 The layout has also been informed by the need to ensure that new dwellings are protected from sources of noise. Condition 21 of Inspector Vyse's decision letter requires mitigation measures to be submitted by the applicant for approval by the local planning authority. The concerns raised by the Council's Environmental Health Officers were initially made on the basis that appropriate mitigation could not be achieved for the layout as shown above. The work that has been completed by the applicant's acoustic consultant has demonstrated that there are measures that can be taken. The provisions of condition 21 remain in force and it is incumbent upon the developer to provide further information for the condition to be discharged, but officers are sufficiently content that noise from Meadow Cheese and road noise from the A417 can be mitigated on the basis of the layout shown above. The proposal is compliant with Policy SD1 of the Core Strategy in this regard.
- 6.14 The topography of the site has also informed the location of the areas of open space. The attenuation pond is located on the lowest lying part of the site while two areas to be used for both formal and informal play are on high points within the local landscape, thus providing a degree of visual relief. A landscaped buffer zone to the southern and western boundaries links the area for informal play to the east with the area containing the attenuation pond. It

also provides an opportunity for walking within the site. The Parks and Countryside Officer supports this. The Landscape Officer's comments regarding the surface treatment of this path are noted and it is confirmed that it will be finished with a permeable crushed and compacted hoggin that will provide a level, low maintenance surface.

- 6.15 The Parks and Countryside Officer also advises that the areas of public open space are above minimum requirements for a development of this size. A question still remains about the precise nature of formal play provision but, on the basis that the areas are available for it to be provided, your officers are satisfied that this can be addressed through the imposition of a suitably worded condition.
- 6.16 The layout of the proposal takes account of the site's physical constraints and provides a form of development that is entirely consistent with existing residential areas to the north. It is considered that the scheme is compliant with Policies SD1, MT1, LD1, OS1 and OS2 of the Core Strategy in this regard.

Landscaping

- 6.17 The site contains limited landscape features. It is comprised of two large arable fields defined on three of four boundaries by hedgerows. The fourth (southern) boundary is open and defined only by a post and wire fence.
- 6.18 The previous paragraphs refer to the areas of open space and reference is made to the landscape buffer running along the southern and western boundaries. These have the purpose of connecting the open spaces to the eastern and western ends of the site, but also in terms of providing a visual buffer between the site and the open countryside further to the south. This is particularly important as these are the most open boundaries and it is from the southerly aspect that the transition from built form to open countryside will be most noticeable.
- 6.19 The application is accompanied by a series of detailed landscape proposals for the whole site. For the southern and western boundaries this includes a significant belt of planting to create an area of transition. The proposals reflect discussions that have been on-going between Council officers and the applicant's landscape consultants and are considered to be acceptable. The proposal is compliant with policies LD1 and LD2 of the Core Strategy.

Other Matters

- 6.20 Some of the letters of objection have referred to concerns regarding the means of access to the site. As a matter determined at the time of the outline application this was deemed to be acceptable by Inspector Vyse in her decision to allow the appeal. It is not a subject to be re-visited at this stage.
- 6.21 The mix of housing on the site has also been questioned, particularly in terms of the propensity of three and four bed houses in favour of two bed units. If one looks only at the figures for open market units they are approximately as follows:
- 2 bed – 10%
 - 3 bed – 50%
 - 4 bed – 40%
- 6.22 However, the plans show that the majority of the three bed properties are of a modest size – 78% of them having a maximum floor area of between 75 to 90 square metres. While the number of bedrooms is a useful tool in determining whether a development provides an appropriate housing mix it should not be the only determining factor. Yours officers view is that these are relatively modest 3 bedroom properties that will

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provide a good mix of open market housing. Your officers are of the view that the proposal accords with Policy H3 of the Core Strategy.

Conclusion

- 7.1 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. It is of an appropriate scale in terms of the amount of development proposed and also in terms of the type and mix of dwellings.
- 7.2 The layout and appearance of the development has clearly taken its lead from existing residential areas to the north of Leadon Way. The layout is also influenced by existing landscape features, topography and the physical constraints of the site. It ensures that residential amenity is safeguarded from sources of noise and that proposed landscaping features; particularly along the southern and western boundaries provide a mature landscape and biodiversity setting. I am satisfied that the scheme is fully in accordance with the Core Strategy and NPPF and accordingly the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **B01 Development in accordance with the approved plans**
2. **Notwithstanding the plans hereby approved in respect of the detailed landscape proposals for the site, no development shall be undertaken to commence details of the play areas including equipment, surfacing, landscaping, means of enclosure and provision of seating, litter bins and the phasing of their provision until plans have been submitted to and approved in writing by the Local Planning Authority. The play areas shall be constructed in accordance with the approved details and thereafter retained.**

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.**

Reason: To ensure the site is served by a suitable potable water supply and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning**

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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. I21 Approval of Reserved Matters

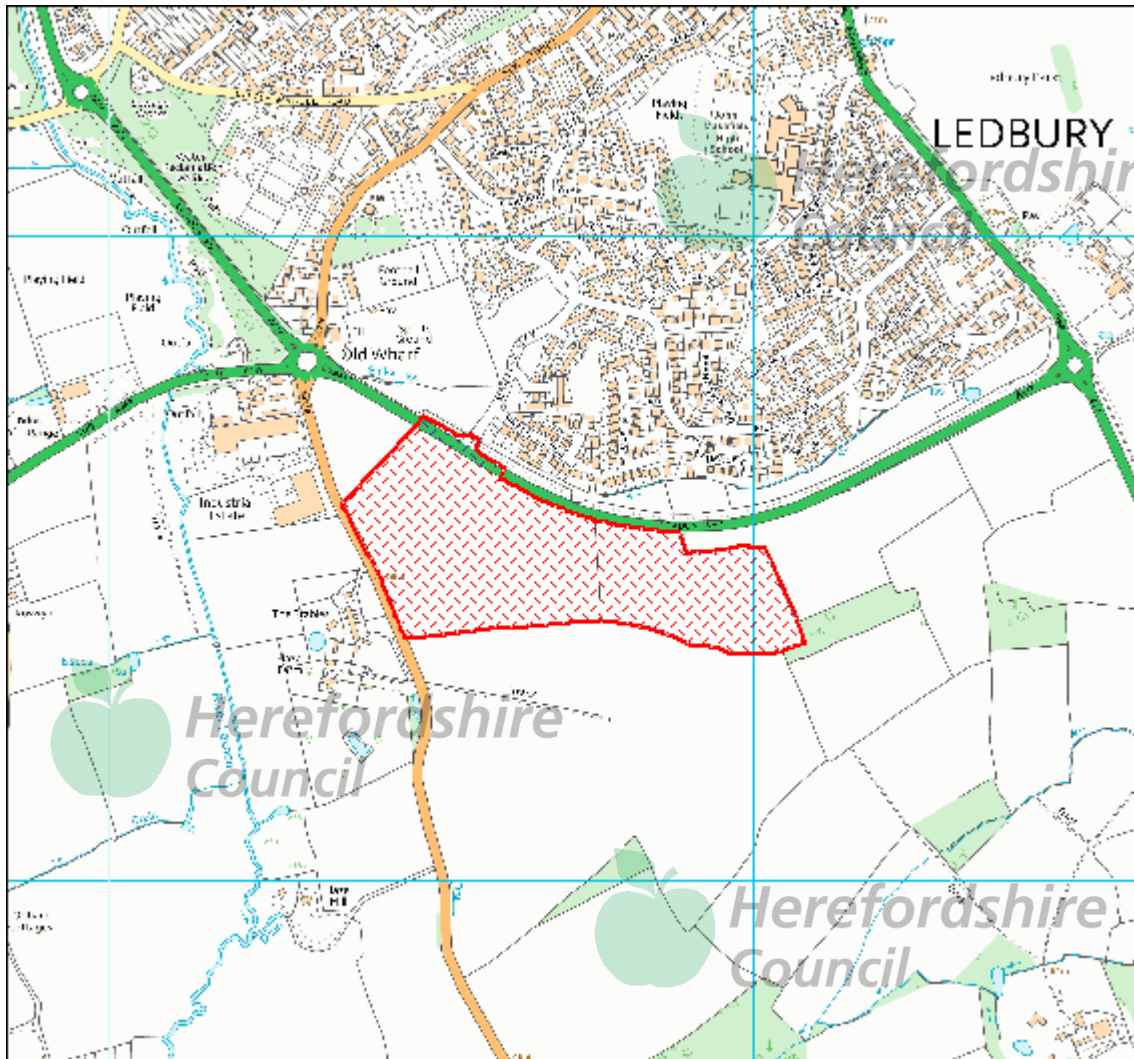
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 164078

SITE ADDRESS : LAND TO THE SOUTH OF LEADON WAY, LEDBURY, HEREFORDSHIRE

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

Schedule of Conditions attached to Appeal APP/W1850/W/15/3009456 Land south of Leadon Way, Ledbury, Herefordshire

Reserved Matters

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Phasing

- 4) Development shall not begin, including works of site clearance, until a phasing programme for the whole of the development site, and for implementation of the highway works referred to in condition 15 below, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in full accordance with the approved phasing programme.

Development Parameters

- 5) No more than 321 dwellings shall be constructed on the site.

Ecology/Trees/Landscaping

- 6) Development, including works of site clearance, shall not begin until a Habitat Enhancement Plan, including a timetable for implementation, based on the recommendations set out at Section 4 of the Ecological Appraisal (October 2014) submitted with the planning application and integrated with the landscaping scheme to be submitted pursuant to condition 1 above, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Enhancement Plan.

- 7) Prior to the commencement of development in any phase, including any works of site clearance or ground preparation, an Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – *Trees in relation to design, demolition and construction: Recommendations*. Development shall be carried out in accordance with approved Method Statement.

- 8) No development in any phase, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.

- 9) The landscaping details to be submitted pursuant to condition 1 above shall include, but are not confined to, the following:

- i) plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;
- ii) a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;
- iii) proposed finished levels and contours;
- iv) the position, design and materials of all site enclosure and boundary treatments between and around dwellings, around the boundaries of the site as a whole and around areas of open space;
- v) hard surfacing materials;
- vi) minor structures (eg play equipment, street furniture, refuse storage areas, signage etc);
- vii) a timetable for implementation;
- viii) a scheme for the ongoing management and maintenance of all landscaped areas other than private domestic gardens and open space covered by the planning obligation, including long term design objectives, management responsibilities and maintenance schedules.

External Lighting

10) Prior to commencement of development in any phase, excluding works of ground clearance/site preparation, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and any lighting for the areas of public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details.

Levels

11) Prior to commencement of development, including works of site clearance, details of the proposed slab levels of the dwellings hereby approved in relation to a datum point outside the development site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

Communications and Technology

12) No dwelling in any phase shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to those dwellings have been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Construction

13) No phase of development shall commence until a Construction Management Plan that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
- a detailed construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling and recovery;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures for managing access and routing for construction and delivery traffic;
- hours during which construction work, including works of site clearance, and deliveries can take place.

Affordable Housing

14) The development hereby permitted shall not begin (with the exception of works of site clearance) until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Glossary at Annex 2 of the National Planning Policy Framework or any future guidance that may replace it. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units/bed spaces;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained thereafter in accordance with the approved scheme.

Highways/Parking/Travel Plan

15) No dwelling shall be occupied unless and until the roundabout access shown on Plan No 1394/10 has been constructed, surfaced and drained in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

16) No dwelling on any phase of the development hereby permitted shall be occupied unless and until a 40 mph speed limit on that stretch of Leadon Way between the Full Pitcher roundabout and a point to be agreed with the local planning authority to the east of the proposed roundabout has been introduced.

17) No dwelling on any phase of the development hereby permitted shall be occupied unless and until the pedestrian/cycle improvements shown on Plan No 1394/11 have been completed in accordance with the approved details.

18) No development in relation to the provision of roads and drainage infrastructure within any phase shall take place until details of the engineering and specification of the roads and highway drains within that phase have been submitted to and approved in writing by the local planning authority. No dwelling within any phase shall be occupied until the roads and drainage infrastructure for that phase has been carried out in full accordance with the approved details.

19) No dwelling in any phase shall be occupied unless and until related provision for off-road car and cycle parking/storage has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. Once provided, such facilities shall be retained thereafter for their intended use.

20) No dwelling shall be occupied until a Travel Plan, based on the Framework Travel Plan (Ref:1394/3/A dated September 2014) submitted with the planning application, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include arrangements for the provision of a travel plan coordinator appointed by the developer for a period to be agreed, a timetable for its implementation, provisions for ongoing monitoring and review and an enforcement mechanism for failure to meet travel plan targets. The approved Travel Plan shall be implemented as approved.

Noise

21) Prior to commencement of development in any phase, excluding works of site clearance, a scheme of noise mitigation for outdoor living areas, bedrooms and living rooms for dwellings within that phase shall be submitted to and approved in writing by the local planning authority. The scheme to be submitted shall take account of the findings and recommendations set out in the Wardell Armstrong Noise Assessment Report dated October 2014, submitted with the planning application, and shall include details of proposed ameliorative measures to mitigate against noise from operations within the nearby industrial estate on Dymock Road (B4126), including the cheese factory, and road traffic noise from Leadon Way and Dymock Road, including the new roundabout, taking account of relevant best practice guidance. All works which form part of the approved scheme shall be completed in accordance with the approved details prior to first occupation of any dwelling in that phase and such measures shall be retained thereafter.

Sustainable Drainage

22) No development shall take place in any phase, including works of site clearance, until details of a sustainable surface water drainage scheme, based on the surface water drainage strategy set out in the Flood Risk Assessment and Surface Water Drainage Strategy dated October 2014 and the accompanying Drainage Strategy layout (Plan No 101 at Appendix E of the same) submitted with the planning application, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for implementation of the scheme in relation to each phase of the development; and,

iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Archaeology

23) No development, including works of ground clearance and site preparation, shall take place until a detailed scheme for an archaeological watching brief has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the monitoring of all groundworks and excavations, and the recording of all archaeological observations. The archaeological watching brief scheme shall thereafter be implemented in accordance with the approved details.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 November 2017
TITLE OF REPORT:	<p>172544 - DEMOLITION OF STEEL FRAME BUILDINGS, CONVERSION OF EXISTING BRICK AND TIMBER CLAD FARM BUILDINGS AND CONSTRUCTION OF NEW SINGLE STOREY UNITS TO PROVIDE ACCOMMODATION FOR EX-SERVICE PERSONNEL WITH COMMUNAL AND VISITOR ROOMS. AT NORTH FARM, BIRCHWOOD FARM ROAD, BOSBURY, HEREFORDSHIRE, HR8 1JY</p> <p>For: Mr Bower per Mr Karl Greenway, 58 London Road, Worcester, WR5 2DS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172544&search=172544
Reason Application submitted to Committee – part of proposal contrary to policy	

Date Received: 10 July 2017

Ward: Hope End

Grid Ref: 370606,245313

Expiry Date: 20 September 2017

Local Member: Councillor AW Johnson

1. Site Description and Proposal

- 1.1 North Farm lies on the u/c 65644, a no through road, off the B4220, north east of Bosbury. The site comprises a mix of modest traditional and steel framed buildings, together with farmhouse. Immediately adjacent to the site is Birchwood Farm, and just beyond, at the end of the u/c road is Beacon Hill Farm.
- 1.2 The proposal seeks the conversion of the traditional buildings to provide two dwellings, a guest bedroom and a communal room, together with four single storey, single bed roomed dwellings, in the location of the steel framed buildings to be removed. Communal parking is provided, accessed via an existing farm access.
- 1.3 The proposal is part of a programme to assist ex-service personnel back into civilian life, in this case by providing affordable, the applicants description, accommodation.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

RA3 - Herefordshire's countryside

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

- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA5 - Re-use of rural buildings
- H2 - Rural exception sites
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Wastewater treatment and river water quality

2.2 NPPF Achieving sustainable development

2.3 Bosbury and Catley Group Parish Council NDP -the Bosbury and Catley NDP has no weight as there are still outstanding objections and unresolved conformity issues with the Core Strategy.

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/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

3.1 Nothing relevant to current proposal

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - no objection.

4.2 Severn Trent – no objection.

Internal Council Consultations

4.3 Ecologist - No objection subject to condition and confirmation re drainage

4.4 Regeneration Programmes Manager

Herefordshire Council is a signatory of the Herefordshire Armed Forces Community and co-ordinates a cross sector Civilian Military Task Group (CMTG), whose role is to deliver aims of the covenant. This includes addressing the needs of the armed forces community in the county and housing for ex-service personnel is a priority. In addition to this we are encouraging activities/projects which will help to integrate ex-service personnel into local life. A project like this not only provides much needed housing but will enable veterans to transition into civilian life by offering work, training etc.

4.5 Housing Services Officer - I have been asked to support their bid by the HCA. I am confident that if they get RP status then they will be awarded the grant and will have to deliver in accordance with the funding conditions set by the HCA. Which means they will have to charge affordable rents and if they don't they will have to pay the grant back.

With all this in mind I am satisfied that the appropriate evidence has been supplied to me and I am therefore happy to fully support this application. Please let me know if I need to add further comments on the application.

4.6 **Transportation Manager** - no response

5. Representations

5.1 Bosbury and Coddington Parish Council -

"We fully support this application and welcome progress being made by the Buchanan Trust in providing much needed accommodation to meet its aims and objectives".

5.2 Ledbury Cycle Forum - object to lack of cycle storage provision.

5.3 One letter of objection has been received making the following points

1. Agricultural buildings should be retained for intended use
2. Whilst supporting objectives such housing should be located in more suitable location in line with Council policy.

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=172544&search=172544

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 There are two main elements to this proposal. The first relates to the conversion of a traditional farm building to provide two dwellings, the guest room and communal room. This element respects the form of that building and utilises existing openings with minimal new openings created. This complies with policy RA5 of the CS.

6.2 The second main element is the provision of four new build, single storey dwellings, consisting of two, one person units and two, two person, wheelchair standard units. These measure 11.2m x 5.5m and 13.4m x 6.2m respectively. They are positioned to replace existing portal frame buildings that are not suitable for conversion. They are constructed of a mix of plain tiled roof and brick or boarded elevations.

6.3 Notwithstanding the 5 year housing supply position, currently 4.54 years, North Farm does not lie within or adjacent to the confines of Bosbury so is not within an RA2 settlement, and is thus in an unsustainable location. The 'presumption in favour' in the NPPF does therefore not apply. Thus this element of the proposal is contrary to policy.

6.4 On this occasion however there are circumstances not identified as an example of particular housing need within the CS. The need to provide accommodation and other services to ex-service personnel is now recognised nationally and reflected in the Armed Services Covenant. Herefordshire Council itself is a signatory of the Herefordshire Armed Forces Community. The opportunity to provide such accommodation depends largely upon the work of related charities. In this instance the Buchanan Trust has land and buildings available to meet this need.

6.5 It is not considered that the development will have a detrimental impact on the landscape, renovating an existing traditional building and replacing ageing portal framed buildings. Services already exist at the site, it has been confirmed that sufficient land is available for drainage

purposes, and it is not considered that the increase in traffic on the local road network will be so significant as to justify refusal.

- 6.6 The Housing Development Officer supports the proposal. The applicant advises that an application has been made to the Homes and Community Agency but that a backlog of work there has delayed formal registration. Given the charitable status and move to registration it is considered that there is sufficient evidence to suggest that the long term future will be for affordable accommodation and that a S106 agreement to this end is not necessary as a precursor to support for this proposal.
- 6.7 It is therefore considered that this proposal can be supported and it is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C03 Matching external materials (general)**
- 4. C01 Samples of external materials**
- 5. Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 6. G10 Landscaping scheme**
- 7. I17 Scheme of foul drainage disposal**
- 8. I20 Scheme of surface water drainage**
- 9. In the event that the charity cease to operate the occupation of the new build units shall revert to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

Reason: To ensure compliance with policy RA3 of the Herefordshire Local Plan – Core Strategy in the event that the charity ceases to operate.

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. **The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. In addition to any bat mitigation/compensation required by a European protected Species Licence, at a minimum we would be looking for significant proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new/converted space buildings as well as consideration for hedgehog houses and unrestricted hedgehog movement in and around the development and amphibian/reptile refugia within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.**

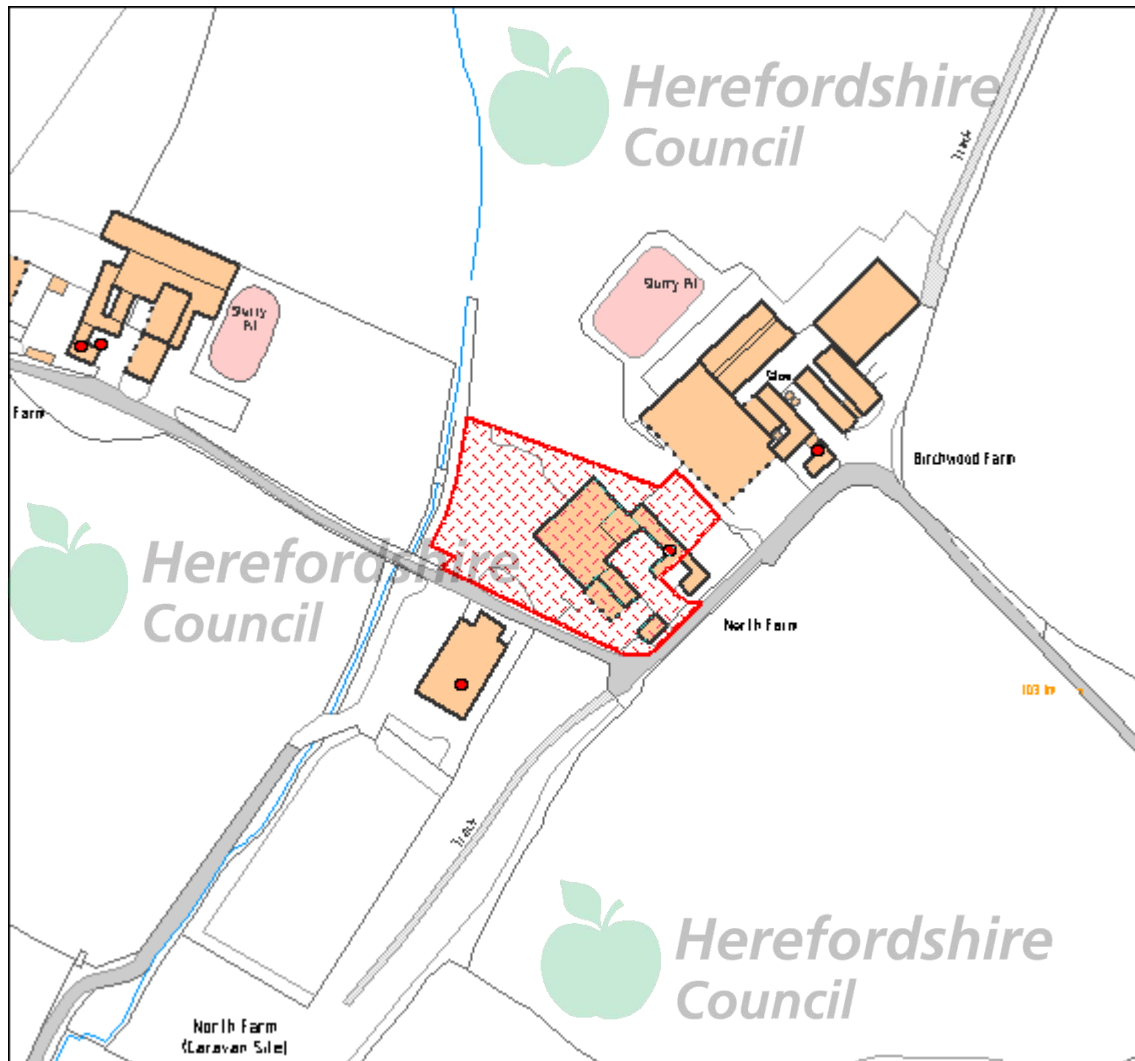
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172544

SITE ADDRESS : NORTH FARM, BIRCHWOOD FARM ROAD, BOSBURY, HEREFORDSHIRE, HR8 1JY

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 November 2017
TITLE OF REPORT:	163948 - PROPOSED CONSTRUCTION OF A TWO BEDROOM DORMER BUNGALOW. AT LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD. For: Mr Gregory Harwood, Little Meadows, Eardisley, Hereford, Herefordshire HR3 6PP
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163948&search=163948
Reason Application submitted to Committee – Related to Member	

Date Received: 5 December 2016 Ward: Castle Grid Ref: 331328,249602

Expiry Date: 8 March 2017

Local Member: Councillor WC Skelton. (Councillor RJ Phillips is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1 The site is to the east of the main built up form of Eardisley, sitting to the south side of Almeley road between two detached residential properties. The plot is rectangular in shape measuring approx. 12.8m (W) x 29m (D) widening to a maximum of 17.8m at the rear (southeast) boundary.
- 1.2 Almeley Road, which is unclassified (U90418), is characterised by a linear residential form on both its north and south sides. The properties are generally detached and of individual design conforming to a pattern of development set back from the roadside.
- 1.3 Presently on the application site is what appears to be a small dis-used agricultural building of brick construction and native tree and hedge vegetation adjacent to the western side boundary.
- 1.4 This site has been subject to three earlier planning applications for a dwelling. The first (DCN090340/O) was withdrawn, the second (DCN090916/F) was refused and the third (NW091914/F) was refused. This refusal was appealed and the appeal was dismissed on the basis of the effect of the proposal on the character and appearance of the surrounding area.
- 1.5 This proposal relates to the construction of a two storey detached house measuring at its maximum 9.5m (L) x 7.5m (W) x 6m (H to ridge). The finish will be a horizontal timber boarding with render to side elevations and front around the single storey monopitch element and plain clay tiles over.
- 1.6 The dwelling would be situated to the rear of the plot and accessed from the existing access to the northeast. This provides access to the field to the south and southeast of the plot and it is proposed that it will continue to function for this purpose.

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

1.7 Parking and manoeuvring provision is provided to the northwest of the plot.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:-

SS1	–	Presumption In Favour of Sustainable Development
SS6	–	Environmental Quality and Local Distinctiveness
RA2	–	Housing in settlements outside Hereford and the market towns
LD1	–	Landscape and townscape
SD1	–	Sustainable Design and Energy Efficiency
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel

2.2 National Planning Policy Framework

Chapter 6:	Delivering a wide choice of High Quality Homes
Chapter 7:	Requiring Good Design
Chapter 11:	Conserving and Enhancing the Natural Environment
Para 14:	Presumption in favour of sustainable development

2.3 Neighbourhood Plans

Eardisley Neighbourhood Development Plan was adopted on 13th June 2016. It is a material consideration for the purposes of determining planning applications.

Policy H1:	Housing Numbers
Policy H4:	New Homes in Eardisley
Policy E2:	Heritage Assets and Village Character

https://myaccount.herefordshire.gov.uk/media/4782126/eardisley_group_neighbourhood_development_plan.pdf

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/info/200185/local_plan/137/adopted_core_strategy/2

3. Planning History

- 3.1 NW091914/F - Erection of a detached 2 bedroom 2 storey house – refused – appealed - appeal dismissed
DCN090916/F - Erection of a three bed detached house – refused
DCN090340/O - Proposed detached three bedroom two storey dwelling – withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water
Qualified comments:

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 surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Internal Council Consultations

4.2 Transport Manager

The Proposed Site Plan illustrates that the existing field gate is to be replaced by a set of 2 gates 1.8m in length. The installed gates are proposed to open inwards, which is acceptable. However, they also need to be sited 5m back from the highway boundary, in accordance with the authority's highway design standards. In addition the local highway authority recommends that a condition be attached to any permission granted specifying that the first 4m of the access should be constructed in a bound surfacing material.

A track is proposed along the eastern edge of the application site, providing vehicular access to the proposed dwellinghouse and providing the sole access route to and from the proposed storage barn (ref: 163946) in the field to its south. If this access route were unavailable, then the storage barn appears to be landlocked. Therefore, the proposed access should be of sufficient dimensions to be negotiated by vehicles of a type and size likely to serve the storage barn. The applicant should show on a plan that such vehicles can make the necessary manoeuvres turning into and out of the application site.

The submitted plan shows the access track to the field and proposed barn would be bordered by the proposed dwelling and the site boundary. The proximity of the dwelling to this track, and the potential nuisance to future residents emanating from passing vehicles is of concern. Details should therefore also be submitted as to whether arrangements are to be made to prevent the paddock from being sold separately from the house.

Internal Site Layout

No dimensions are given for this access but it appears from the scaled drawing to be approximately 3.6m wide.

No information is provided in terms of the number or composition of vehicles that will be required to access the highway from the neighbouring store barn. The applicant will need to provide information as to the likely number and type of vehicles that will be required to use the track.

There is concern that insufficient space may be proposed to enable large or long vehicles to accomplish turning movements on-site, and the applicant will need to submit information to demonstrate that reasonably convenient turning manoeuvres can be accomplished without the need for vehicles enter the public highway in a reverse gear.

Traffic Generation

Traffic generation from a single two-bedroom property is not considered to be significant. Vehicle Parking Provision

The applicant's details indicate that one parking space is to be provided to serve the proposed dwellinghouse. This is within the maximum quantity of parking spaces prescribed by Herefordshire's parking standards, and can be considered acceptable for a two-bedroom dwelling. The site plan provided by the applicant does not appear to provide the dimensions of the proposed parking bay. The applicant will be required to provide a parking space of at least 2.4m width by 4.8m length, in accordance with guidance from Herefordshire's Design Guide for New Developments 2006.

Cycle Parking Provision

The application form indicates that 2 cycle spaces will be provided. This is in line with the authority's standards, and is therefore considered acceptable. The applicant will need to provide safe and secure cycle parking.

Summary

The transportation department raises no objection to this application, subject to the following conditions being attached to any permission granted:

CAD - Access gates

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only. This must not impinge on the manoeuvring of vehicles to the parking spaces.

Reason: In the interests of highway safety and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

CAK - Parking and turning - single house

Prior to the first occupation of the dwelling hereby approved space shall be laid out within the application site for 1 car to be parked and for a vehicle to turn so that it may enter and leave the application site in a forward gear. The parking area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of domestic vehicles.

Reason: In the interests of highway safety and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

CB2 - Secure covered cycle parking provision

Before the development is commenced a scheme for the provision of covered and secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Herefordshire's Design Guide for New Developments 2006.

We would like to invite the applicant to be reminded of the following informatives:

111 - Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

151 - Works adjoining highway

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places Herefordshire (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT, (Tel. 01432 845900).

105 - No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

135 - Highways Design Guide and Specification

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

5. Representations

5.1 Eardisley Group Parish Council

It is considered this dwelling still falls within the Settlement Boundary; the parking area has been improved and in overall terms, the application still conforms to the NDP. Based on these factors, EGPC supports this application.

5.2 One comment was received through the public consultation process. This remarked on the modest site and the scale of the dwelling being suitable and the safeguarding of residential amenity to the side elevations.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163948&search=163948

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 Here, the Herefordshire Local Plan ('HLP') is the development plan and is comprised of the Core Strategy (CS) and the Eardisley Neighbourhood Development Plan (the NDP). The CS

sets the overall strategic planning framework for the county, shaping future development, whilst the NDP provides more detailed local policies for the neighbourhood area.

- 6.3 CS 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. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.
- 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 listed at figures 4.14 and 4.15, also supported. Eardisley is one of those settlements and Policy H4 of the NDP provides a defined settlement boundary. The site lies within the settlement boundary.
- 6.5 Policy H4 of the NDP is a criteria based policy. It says that sites falling within the settlement boundary may be developed where:
- They do not adversely affect the amenity of adjacent properties;
 - Appropriate access arrangements can be provided;
 - They preserve or enhance Eardisley Conservation Area;
 - Development density respects the density and context of the Eardisley Conservation Area;
 - The size of dwellings reflects the scale and character of surrounding properties and provides for the accommodation needs of families seeking 2-4 bedroom properties;
- 6.6 Provided that the application demonstrates that the proposal addresses these points there is a presumption in favour of development. The report will consider each in turn.

Potential impacts on residential amenity

- 6.7 The plans have been amended since their original submission. The site falls between two existing dwellings – The Meadows to the north east and Langtoft to the south west. As the plan below shows the two dwellings are set in different positions in relation to the roadside, The Meadows being the closest and Langtoft further back.
- 6.8 The Meadows and Langtoft are both orientated towards the road with their principal elevations facing roughly north and south with gable end elevations facing onto the site. While the opposing elevation of Langtoft is blank that of The Meadows contains two first floor windows and a verandah atop a flat roofed garage. This property is owned by the applicants. The proposed dwelling is set further back from the road and any overlooking from The Meadows will be across the parking and turning area to the front. It is unlikely to give rise to such a significant impact on residential amenity to warrant the refusal of the application. As such it is considered to accord with Policy H4 of the NDP.

Potential impact on character of the area and appropriateness

- 6.9 The proposal sits outwith Eardisley Conservation Area, however it is a modest dwelling for a modest plot as can be seen from the plans below, reflecting the character of the surrounding built form in this locality of the settlement and complying with E2 of the NDP in terms of preserving the character of the locality through design and material finish.



- 6.10 The dwelling is set back from the roadside, echoing neighbouring properties and the general form of the neighbouring houses coupled with the scale and size of the dwelling is appropriate for its plot and situation between The Meadows and Langtoft.
- 6.11 The plans reflect Policy H4 of the NDP in terms of the size of properties needed in the area, being two bedroomed.

Highways Safety

- 6.12 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).
- 6.13 In this case, the application for a modest two bedroomed dwelling within the settlement of Eardisley is considered to have a negligible impact on highways. The dwelling will utilise an existing access, which is one of a number of private access points serving dwellings to the west and east of the site.

Conclusion

- 7.1 The proposal has been considered in light of all other material considerations and the Officer is satisfied that there are no issues raised by this application or comments received on this proposal which would result in any other recommendation than the recommendation to approve with conditions.
- 7.2 Accordingly, the proposal complies with all relevant planning policies particularly Policy H4 and E2 of the NDP and policies SD1, LD1 and MT1 and is recommended for approval with conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **C01 Samples of external materials**
- 4. **H05 Access gates**
- 5. **F14 Removal of permitted development rights**
- 6. **CBK Restriction of hours during construction**
- 7. **H14 Sealed access**
- 8. **L02 No surface water to connect to public system**
- 9. **H29 Secure covered cycle parking provision**
- 10. **H12 Parking and turning - single house**

INFORMATIVES:

- 1. **HN01 Mud on highway**
- 2. **151 - Works adjoining highway**
- 3. **105 - No drainage to discharge to highway**
- 4. **135 - Highways Design Guide and Specification**

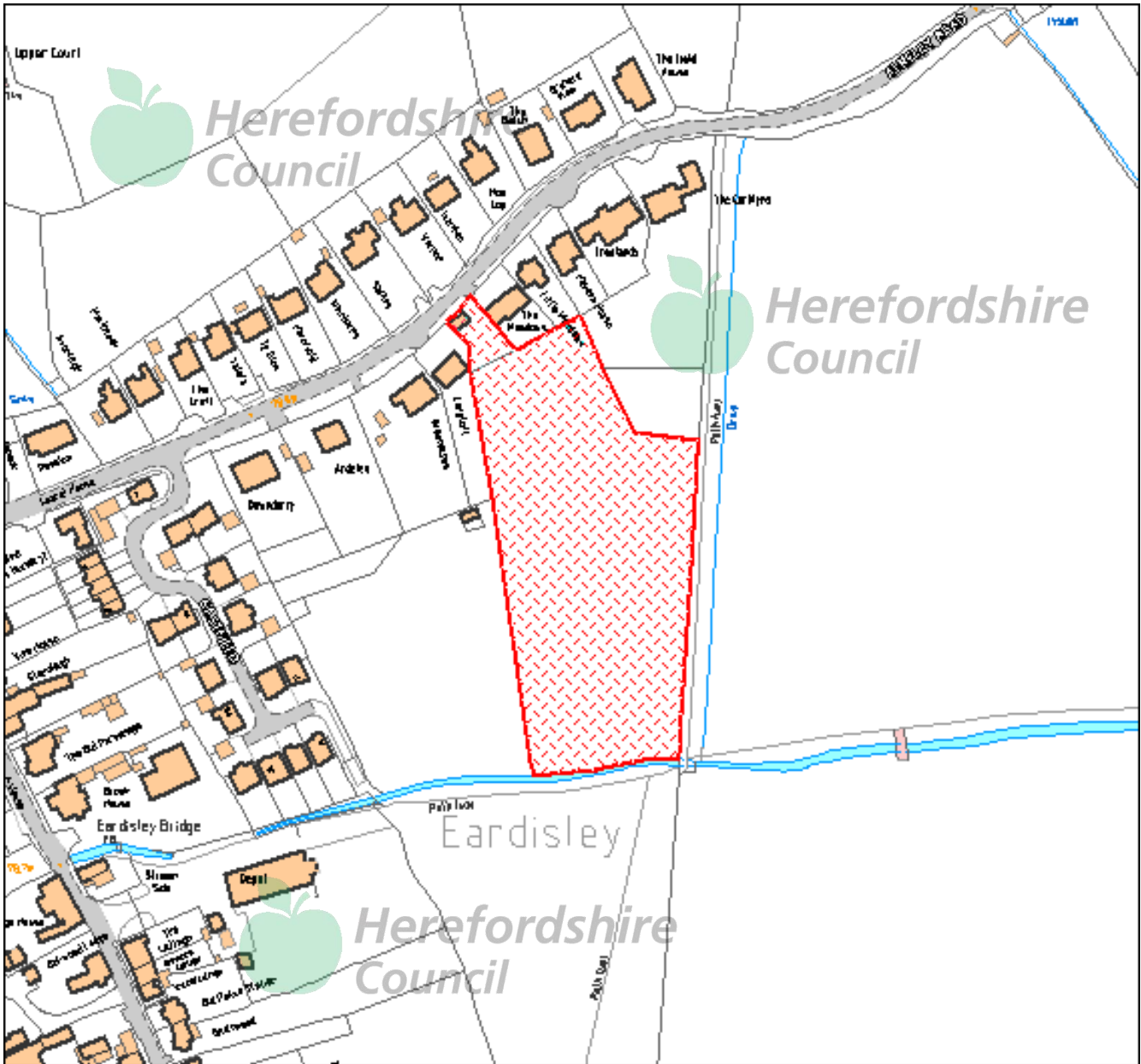
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163948

SITE ADDRESS : LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD, HEREFORDSHIRE

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	1 November 2017
TITLE OF REPORT:	163946 - PROPOSED ERECTION OF STORAGE BUILDING. AT LITTLE MEADOWS, EARDISLEY, HEREFORD, HR3 6PP For: Mr Harwood per Mr Gregory Harwood, Little Meadows, Eardisley, Hereford, Herefordshire HR3 6PP
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163946&search=163946
Reason Application submitted to Committee – Related to Member	

Date Received: 5 December 2016 Ward: Castle Grid Ref: 331361,249627

Expiry Date: 4 April 2017

Local Member: Councillor WC Skelton. (Councillor RJ Phillips is fulfilling the role of local ward member for this application.)

1. Site Description and Proposal

- 1.1.1 The land subject to this proposal is a large irregular shaped parcel of grassland, used intermittently for the grazing. The land is to the rear of a number of detached properties lying to the south side of Almeley Road (U90418) in Eardisley.
- 1.1.2 This planning application is for the construction of a detached monopitch storage building with hard core floor base, vertical Yorkshire style boarding to walls and timber doors to south elevation. The building would measure 9m (L) x 6.25m (W) x 4.25m (max). The siting of the building is to the northeast corner of the plot approximately 7m from the eastern boundary. To the east of the site is public footpath EE13 which runs north to south.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:-

SS1	–	Presumption In Favour of Sustainable Development
SS6	–	Environmental Quality and Local Distinctiveness
LD1	–	Landscape and townscape
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
SD1	–	Sustainable Design and Energy Efficiency

2.2 National Planning Policy Framework

Chapter 7:	Requiring Good Design
Chapter 11:	Conserving and Enhancing the Natural Environment
Para 14:	Presumption in favour of sustainable development

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

2.3 Neighbourhood Plans

Eardisley Neighbourhood Development Plan was adopted on 13th June 2016. It is a material consideration for the purposes of determining planning applications.

Policy E2: Heritage Assets and Village Character

https://myaccount.herefordshire.gov.uk/media/4782126/eardisley_group_neighbourhood_development_plan.pdf

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/info/200185/local_plan/137/adopted_core_strategy/2

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Consultations

4.2 Public Rights of Way Officer

No objection

4.3 Transportation Manager

I can confirm that Highways would not form an objection to this application with this statement of use. If there is no intensification of use above the level described by the applicant below, Highways will not object to this application.

The access looks to be very informal and as part of the house application we would expect the access to the property be of a permanent sealed construction as per the Herefordshire design guide, no gate within 5 metres of the edge of carriageway preventing highway users from exiting the highway safely at the location. This access will still need to be formalised in the absence of planning is refused for the house on the plot.

5. Representations

5.1 Eardisley Parish Council

No objection

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=163946&search=163946

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6. Officer's Appraisal

- 6.1 S38 (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.
- 6.2 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 Paragraph 14 of the NPPF provides a presumption in favour of sustainable development. This is reflected in the strategic Policy SS1 of the CS which sets out a presumption in favour of sustainable development stating: "Planning applications that accord with the Core Strategy (and where relevant with policies in other development plan documents and Neighbourhood Development Plans) will be approved unless material considerations indicate otherwise".

Character of landscape

- 6.4 The proposal satisfies Policy LD1 of the Herefordshire Core Strategy and Policy E2 of the Eardisley Neighbourhood Development Plan on the basis that it is sited in a location which conserves and protects the character of the landscape. The scale, size and height of the building are suitable for its immediate environment, being well screened from the public realm, notably the footpath, by mature and high natural screening to the eastern boundary.

Design

- 6.5 The design and finish retain a rural appearance through a monopitch style building finished in Yorkshire style boarding. The roof will be plasticised sheet roof, although no indication of colour is provided. Policies LD1 and SD1 are complied with.

Amenity

- 6.6 Residential amenity is safeguarded by the proposal on the grounds of (i) the building's scale and (ii) degree of separation between the building and the existing dwellings, Havana House, Freelands and The Corblyns to the north. The proposal complies with Policy SD1 in this regard.

Accessibility/Highway Safety

- 6.7 The existing access to the south west boundary of The Meadows will be used. This access serves a short track of approximately 23m in length which provides the route to reach the field and site of the proposal. The building is to be used for storage. The building serves a private use and the applicant anticipates that trips to the building will be approximately two per week either by quad bike or 4x4. Initially the Transport Manager raised concern in relation to the proposal on the basis of the unclear function and use of the building and the frequency of visits to the site. Following the clarification of the nature of the use the Transport Manager withdrew his concerns and raises no objection provided a condition is attached to any approval requiring the access to be a sealed and consolidated surface.

Conclusion

- 6.8 The proposal satisfies Policies SD1 and LD1 of the Herefordshire Core Strategy and policy E2 of the Eardisley Neighbourhood Development Plan. Accordingly, the proposal is recommended for approval with conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B02 Development in accordance with approved plans and materials**
- 3. **C07 Dark roof colouring (agricultural buildings)**
- 4. **I20 Scheme of surface water drainage**
- 5. **I33 External lighting**
- 6. **H14 Sealed access**

INFORMATIVES:

- 1. **HN01 Mud on highway**
- 2. **HN16 Sky glow**

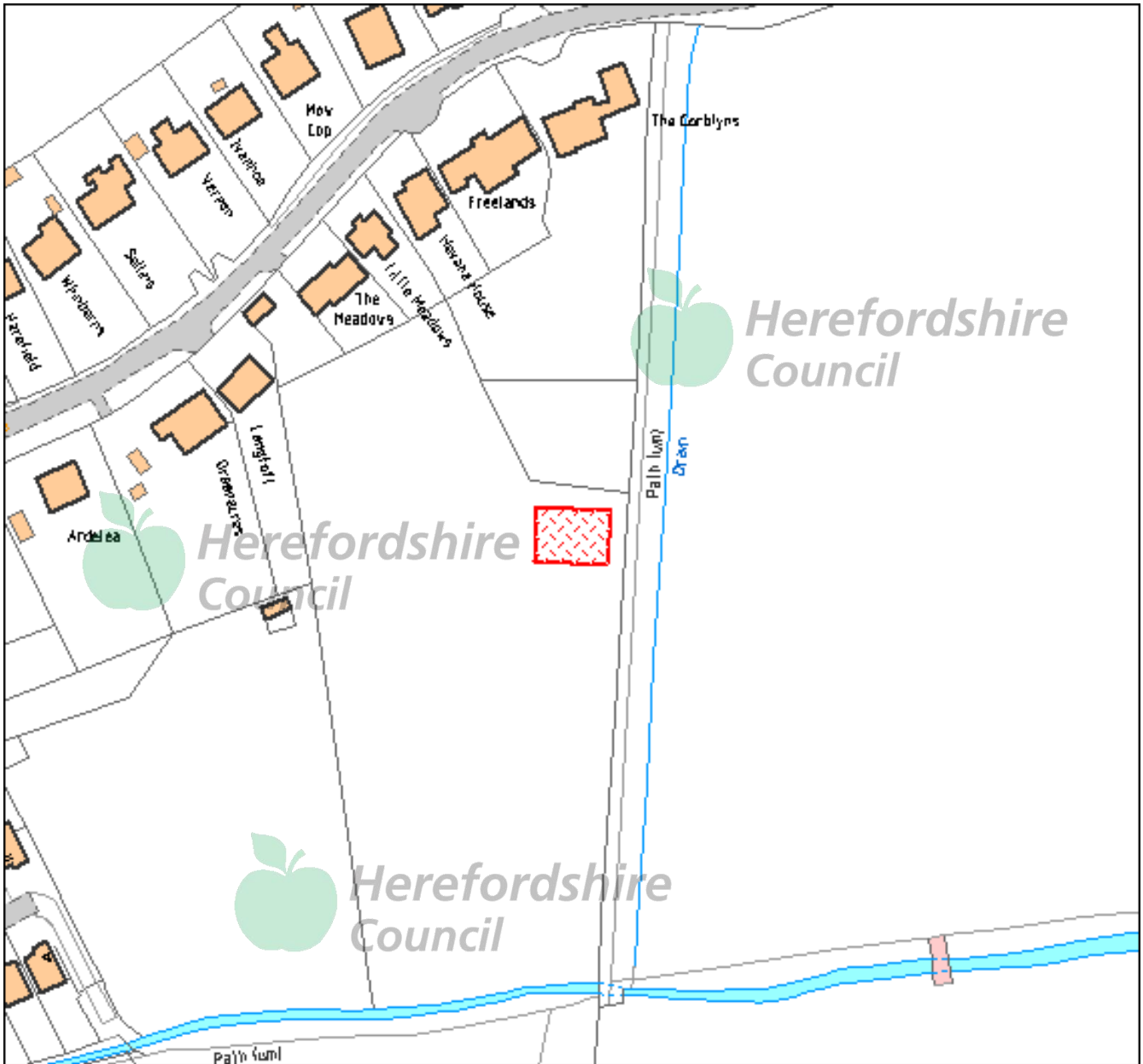
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163946

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