

Agenda

Planning and regulatory committee

Date: **Wednesday 23 January 2019**

Time: **10.00 am**

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

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor PGH Cutter**
Vice-Chairperson **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 MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor NE Shaw
Councillor WC Skelton
Councillor SD Williams

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 declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meetings held on 18 December 2018.</p>	11 - 62
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>182191 - LODGE FARM AND HIGHWAY FARM, MONKTON FARM LANE, OCLE PYCHARD, HEREFORDSHIRE</p> <p>Proposed erection of polytunnels for strawberry table top production and the necessary infrastructure, including internal farm access tracks, a sustainable drainage scheme with attenuation ponds, seasonal worker accommodation and facilities, fruit chiller, cold store and loading bay with landscaping and environmental enhancement measures.</p>	63 - 118
7.	<p>182347 - LODGE FARM, MONKTON FARM LANE, OCLE PYCHARD, HR1 3QQ</p> <p>Proposed change of use of agricultural buildings to provide two units of farm managers accommodation, residential curtilage and parking.</p>	119 - 136
8.	<p>182775 - LAND TO THE NORTH OF THE ROYAL ARMS, LLANGROVE, HEREFORDSHIRE</p> <p>Proposed erection of five residential dwellings (C3) along with associated parking, roads, new highway access and associated infrastructure.</p>	137 - 154
9.	<p>172076 - LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE</p> <p>Site for proposed erection of nine dwellings. Construction of new vehicular access, turning area and private roads. Layout and construction of associated works.</p>	155 - 172

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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.
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The Chairperson 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 (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	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	Herefordshire Independents
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	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 chairperson and vice chairperson.
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.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

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.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 18 December 2018 at 10.00 am

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

Councillors: BA Baker, TL Bowes, CR Butler, PJ Edwards, DW Greenow, TM James, AW Johnson, PD Newman OBE, FM Norman, J Stone, D Summers and SD Williams

In attendance: Councillors MJK Cooper, JF Johnson and A Seldon

78. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, EL Holton, MD Lloyd-Hayes, AJW Powers, NE Shaw and WC Skelton.

79. NAMED SUBSTITUTES

Councillor TL Bowes substituted for Councillor AJW Powers, Councillor AW Johnson for Councillor NE Shaw, Councillor PD Newman for Councillor WC Skelton, Councillor J Stone for Councillor KS Guthrie and Councillor D Summers for Councillor MD Lloyd-Hayes.

80. DECLARATIONS OF INTEREST

Agenda item 9: 18347 – Twyford Brook Barn, Twyford

Councillor D Summers declared an other declarable interest because he was the adjoining ward member and knew some of the objectors to the application

Councillor SD Williams declared an other declarable interest because he lived in the Parish.

81. MINUTES

RESOLVED: That the minutes of the meetings held on 21 November 2018 be approved as a correct record and signed by the Chairman.

82. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson reported that Edward Thomas, Development Manager was leaving the authority. On behalf of the Committee he thanked him for his work on the authority's behalf and wished him well for the future.

83. 182239 - LAND OFF HEREFORD ROAD, BROMYARD

(Demolition of existing buildings, structures and hardstanding and erection of 45 dwellings (including affordable housing) and drainage attenuation, open space and associated landscaping and infrastructure works (amended layout).

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

In accordance with the criteria for public speaking, Mr R Page, of Bromyard and Winslow Town Council spoke in opposition to the Scheme. Mrs I Sinclair, a local resident, spoke in objection. The Chairman read out a statement from Mr A Jones, Chairman of Governors of Queen Elizabeth High School Bromyard in support of the application.

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

He made the following principal comments:

- The site should be viewed as a windfall site because it was not identified for housing in the Core Strategy, although it had been identified as such in the former Unitary Development Plan.

Benefits

- The development would provide additional pupils for Queen Elizabeth High School.
- It would contribute to the housing shortfall arising from problems in developing the strategic housing sites identified for Bromyard.

Disbenefits

- The proposal was contrary to core strategy policy BY1 which provided for around 5 hectares of employment land to come forward during the plan period. The site would be suitable for development for employment purposes and would provide one third of that land area. It was questionable whether the land should be disposed of for housing prior to the preparation of the Bromyard Development Plan.
- He questioned the sustainability of the site in the absence of employment land provision given that occupiers would have to commute to find employment and would be reliant on private transport. This would also have an effect on the demographic of people who would seek to live there, with a majority potentially being of retirement age placing additional pressure on the primary care service.
- He referred to the submission from Nunwell GPs surgery included in the committee update quoting paragraph 2 which stated that the surgery was at capacity and that, *"any increase in patient numbers will put our service under considerable strain and possibly affect the quality of care we are able to provide."*
- He considered overall that the adverse effects would significantly and demonstrably outweigh the benefits. Without the provision of employment land he considered there was a risk to the health and wellbeing of some Bromyard residents.

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

- In response to comments about the need for employment land in Bromyard the Development Manager referred to the comments of the Economic Development Manager as set out in the report that the Council had received very few enquiries for employment land and/or units in Bromyard within the last 2 years. He added that the law required local planning authorities to keep a register of previously developed land

that was suitable for housing, not for previously developed sites that could be used for employment purposes. The Bromyard Development Plan would assess the need for employment land. However, the Plan was not at an advanced stage and the application therefore had to be considered as it stood.

- The site was a brownfield site, suitable for housing development. The proposal offered a good housing mix and the density was reasonable.
- The speed limit on the road alongside was 30mph and the provision of two uncontrolled pedestrian crossings would help to reduce speeds.
- It was noted that the Town Council opposed the proposal.
- Welsh Water had expressed concerns.
- In relation to the future management of the public open space the Development Manager reported that this would be funded by contributions from each of the occupiers of the open market properties.
- The Development Manager also expanded on the concerns about the suitability of the site for employment purposes. The proximity to neighbouring dwellings would limit the type of employment use and there was considered to be low demand in Bromyard for the use that would be considered acceptable on the site.

The Lead Development Manager drew attention to the legal provisions meaning that a section 106 agreement could not be entered into and how financial contributions as set out in the draft S106 agreement attached to the report would be secured. Further clarification on this point was provided by the legal adviser to the Committee.

The local ward member was given the opportunity to close the debate. He questioned how the application could be approved in the absence of the Bromyard Development Plan. He agreed that there would be significant objections to some types of employment use on the site. However, as things stood he remained of the view that the application was contrary to policy BY1. He also remained concerned about the additional pressure that would be placed on primary care services. Additional provision for primary care services was required.

Councillor Baker proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation with the additional conditions as set out in the update sheet. The motion was carried with 11 votes in favour, 2 against and 1 abstention.

RESOLVED: That officers named in the Scheme of Delegation to Officers are authorised to grant planning permission subject to the conditions below and any other further conditions considered necessary by officers:

1. **C01 Time limit for commencement (full permission)**
2. **C08 Amended plans**
3. **C13 Samples of external materials**
4. **With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the**

development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment so as to comply with Herefordshire Local Plan – Core Strategy Policies SD3 and SD4.

5. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further 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 of the dwellings hereby permitted. 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.

6. Prior to the first occupation of any of plots 6, 7 and 8 (as identified on the approved plan drawing Site Plan D01 Rev AG), full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the revised Labosport Cricket Boundary Assessment dated 22nd November 2018 must have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be fully installed before any of plots 6, 7 and 8 are first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field, to reduce conflict between neighbours and therefore safeguard the sporting use of the adjacent sports facilities in accordance with paragraph 182 of the National Planning Policy Framework 2018.

7. In respect of those dwellings that face the A465 Hereford Road (plots 29-38 inclusive as identified on the approved plan drawing 'Site Plan D01 Rev AG), the mitigation proposed in the noise report by John Waring dated 2nd November 2018 shall be implemented in full.

Reason: In order to ensure that a satisfactory level of noise attenuation is provided at the dwellings affected so as to comply with Herefordshire Local Plan – Core Strategy Policy SD1.

8. C96 Landscaping scheme
9. C97 Landscaping implementation and management plan.
10. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details in accordance with a timetable to be agreed in writing with the Local Planning Authority.

- **Greenfield runoff rates and detailed drainage calculations, including storage calculations that are based on the 2013 FEH rainfall data.**
- **Updated calculations of existing and proposed runoff rates and attenuation volume for the proposed development using correct impermeable areas.**
- **Amended calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event.**
- **Amended calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event.**
- **Detailed drawings of the proposed drainage system including details of proposed attenuation structures and flow controls.**
- **Confirmation of the proposal to abandon and make safe the existing cesspit and redirect flows from the neighbouring property into the proposed drainage system. Note that it is expected that consultation will be undertaken with the Environment Agency regarding the need to remove the cesspit and remediate potentially harmful contamination.**
- **Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.**
- **Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.**

Reason: To ensure the site is drained in a manner that complies with Herefordshire Local Plan – Core Strategy Policies SD3 and SD4.

- 11. With the exception of any site clearance and groundwork (site clearance and groundwork excludes any works to retained features), no further development shall commence until details of the play area within the public open space (including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins) has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and thereafter retained prior to the first occupation of any of the dwellings hereby approved.**

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

- 12. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the council has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space Facilities; the establishment of a Management Company; the freehold transfer of the Open Space Facilities to the Management Company and the recovery by that Management Company of service charge contributions from the owners of the Open Market Units towards the upkeep and permanent maintenance of the Open Space Facilities. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved and retained thereafter.**

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

- 13. CAB Visibility at the main junction 2.4m x 111m (north) and 148m (south)**
- 14. Visibility splays of 1.5m x 109m to the north and 1.5m x 100m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the north-east of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.**

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

- 15. Visibility splays of 1.5m x 76m to the north and 1.5m x 53m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the south-west of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.**

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

- 16. CAP S278 works including Road Safety Audit 2, 3 and 4**
- 17. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed scheme for the pedestrian/cycle link to the Queen Elizabeth High School has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link shall thereafter be installed in accordance with the approved details in accordance with a timetable to be agreed with the Local Planning Authority.**
- 18. CAL Access, turning area and parking**
- 19. CAS Road completion (2 years)**
- 20. CAT Wheel washing**
- 21. CAZ Parking for site operatives**
- 22. CB2 Secure, covered cycle parking provision**
- 23. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed habitat enhancement scheme, based on the indicative measures proposed in the ecology report by Ecus consultancy dated April 2018, has been submitted to and approved in writing by the local planning authority, and the scheme shall be implemented and hereafter maintained 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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC Act 2006.

24. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a scheme comprising the following has been submitted to and approved in writing by the Local Planning Authority:-

- a) A scheme promoting the recycling of food and garden waste;**
- b) A requirement to meet the water conservation and efficiency measures outlined in Policy SD3;**
- c) A scheme to examine the feasibility of making provision for electric car charging points within the development.**

The schemes approved shall be implemented in full and in the case of a) and c) in accordance with a timetable to be agreed in writing with the Local Planning Authority.

25. The development shall not begin 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 National Planning Policy Framework July 2018 or any document that replaces it. The scheme shall include:

- (i) The numbers, type and tenure on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units**
- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing**
- (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider (or for the management of the affordable housing if no registered provider is involved)**
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or for the subsidy to be recycled for an alternative affordable housing provision; 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**

Reason: To ensure the provision of affordable housing in accordance with Herefordshire Local Plan – Core Strategy Policy H1.

26. No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;

- enhanced educational infrastructure at St Peters Primary School;**
- sustainable transport infrastructure to serve the development, comprising**
 - a) Traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane;**

- b) the provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465;
- c) the extension of the footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre; and
- d) the provision of new bus infrastructure
 - waste and recycling bins
 - sports facilities
 - primary and community healthcare services in Bromyard
 - the provision of healthcare services at Hereford County Hospital

Reason: To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the south-east facing flank elevation of plot 1 – as identified on the approved site plan drawing D01 Rev AG.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

28. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class B of Part 1 to Schedule 2 (additions etc to the roof of a dwellinghouse), shall be carried out at any of the plots numbered 8 to 17 inclusive on the approved site plan drawing D01 Rev AG.

Reason: For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

29. CBK Hours of work

30. CCK Details of slab levels

31. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

32. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

33. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2018.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

INFORMATIVES:

1. IP1
2. S106
4. I07
5. I08
6. I09

(The meeting adjourned between 11.12 and 11.25am.)

84. 181494 - LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY

(Proposed land for residential development and associated work together with public open space and local green space.)

(Councillor James fulfilled the role of local ward member and accordingly had no vote on this application.)

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

In accordance with the criteria for public speaking, Mr M Fitton, of Kington Town Council spoke in opposition to the Scheme. Mr B Brown, a local resident, spoke in objection. Mr M Turner, the applicant, spoke in support.

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

He made the following principal comments:

- The question was whether the environmental harm outweighed the community benefit.
- One benefit would be that land by the riverside would be opened up for community use. There was a recreation area at the other end of the town but a lack of outdoor community space in the part of the town where the application site was.
- Discussions were taking place as to whether some land could be made available for allotments. There was a shortfall in provision in Kington.
- In relation to the representations by Heritage England he observed that the conservation area was a considerable distance from the application site. It could only be viewed from one small part of the conservation area.
- There was considerable opposition to the draft Neighbourhood Development Plan and questions as to whether it was deliverable.
- Part of the site had been included in the 2012 Strategic Housing Land Availability Assessment (SHLAA).
- The houses on Headbrook had no gardens. The proposal might offer the opportunity to provide them with some garden space.

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

- The proposal was sustainable development close to an area of open space from which residents would benefit. It was within walking distance of Kington. It would provide housing that Kington needed, noting the concerns about the deliverability of the NDP.
- The access was achievable.
- There would be benefit if garden space could be provided for the houses currently backing onto the site.
- The outdoor sports investment plan would provide welcome benefits for young people.

- It was questioned whether there was an adverse effect on the conservation area.
- The draft NDP stated that the whole site should be designated as Local Green Space. The proposed development offered a way of providing affordable green space accessible to the public in a part of the town where there was currently no such provision.
- The development would link the newer Eardisley Road development to the historic core of the Town.
- The riverside was an important element of the town contributing to its character. The site was unimproved meadow land, which was in short supply.
- There were few letters in support of the application and a considerable number opposing it. The Town Council, the draft NDP, the CPRE, Historic England, the Conservation Officer (Landscapes) and the Conservation Manager (Historic Buildings) objected to the proposal.
- The draft NDP identified other housing sites and they should be explored before considering the application site.

The Development Manager commented that the indicative layout suggested land would be given to existing properties on Headbrook but no assurance had been given and this could not be required by condition. Similarly allotments may be provided as part of a reserved matters application but could not be required to be provided.

The Lead Development Manager confirmed that if approved a S106 agreement would be required.

The local ward member was given the opportunity to close the debate. He commented that it was a difficult issue. The benefit of preserving a lovely meadow had to be set against the benefit of public access and provision of housing including affordable housing.

Councillor Greenow proposed and Councillor Edwards seconded a motion that the application be approved on the grounds that it was consistent with policies SS1, SS2 OS2 and MT1, with a S106 agreement also to be provided. The motion was carried with 11 votes in favour, 1 against and 1 abstention.

RESOLVED: That planning permission be granted on the grounds that the application was supported by policies SS1, SS2 OS2 and MT1, with approval to be subject to a S106 agreement to be prepared by officers after consultation with the Chairman and local ward member, and officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for approval.

85. 181050 - LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE

(181050 - Outline planning permission for proposed erection of up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access point from Pepper Plock Ley and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access.)

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

In accordance with the criteria for public speaking, Mr B Bloxsome, of Weobley Parish Council spoke in opposition to the Scheme. Mr R Best, a local resident, spoke in objection.

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

He made the following principal comments:

- He highlighted the concerns about existing traffic congestion which was particularly acute during school traffic in the morning and the afternoon, noting that a neighbouring development was also not yet completed and fully occupied.
- Four consultees: Historic England, Conservation Manager (Historic Buildings) the Parish Council and the Woodland Trust objected to the proposal.
- The land was historically sensitive and an important asset for the village.
- A number of late amendments had been made to the scheme. Even though an outline application the scheme was not sufficiently developed. The application should be refused, or consideration of it deferred, as the Parish Council had requested, to allow the Parish Council to consider the latest changes and respond, as it had and for account to be taken of objections from key consultees.

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

- The Development Manager clarified with reference to paragraph 4.14 b of the report that the Neighbourhood Development Plan was at Regulation 14 stage and Herefordshire Council had not had sight of the representations received by the Parish Council nor yet received the documentation at the Regulation 15 stage.
- The site was outside the current and proposed settlement boundary in the NDP. In response to a view that consideration of the application should be deferred pending progress on the NDP. Officers advised that this would not be appropriate. There could be no certainty as to when the NDP documents would be submitted at Regulation 15 stage to progress the NDP. Currently the plan carried limited weight and the application should be determined on that basis. To defer the application would risk an appeal on the grounds of non-determination and the award of costs against the authority and would be ultra vires.
- The application was a natural extension of the village.
- There was good access to the village by a footpath and to the school. Improvements to the footpaths would be important to assist with sustainability.
- Improvements were planned to facilitate school buses turning. The generation of school traffic was not an uncommon feature.
- It was suggested that at the reserved matters stage it would be helpful if consideration could be given to additional parking provision, noting the application was for up to 50 dwellings. The potential for funding for improvements to the narrow stretch of Burton Wood road should also be explored.
- People would have to travel to find employment, generating traffic. The increasing traffic in an historic and important conservation area was reaching a level that risked destroying its qualities.
- There were some 124 letters of objection. The Parish Council had made a series of objections and Historic England, and the Conservation Manager (Historic Buildings) had objected emphasising the distinctive character of the village and the adverse impact of the development. The proposed growth was not proportionate, contrary to

the draft NDP, and would exceed the allocated housing growth target. The proposal represented a detrimental overdevelopment of the village.

The Development Manager confirmed that the proportionate growth target was not a maximum figure. If the Committee was minded to refuse the proposal it would have to demonstrate that significant harm would arise as a consequence of exceeding the target. Providing additional parking for the school on the site could not be conditioned but an informative note could be included. Having regard to the concerns expressed about traffic, a condition could be added to control delivery times of materials during construction.

The Lead Development Manager reiterated that the NDP could only be afforded limited weight at the moment. Weobley was one of the larger villages and the proposed growth above the allocated housing growth target could be considered acceptable. Further growth might be viewed less favourably. The completion of the NDP would be valuable in this regard.

The local ward member was given the opportunity to close the debate. He reiterated his concerns about the amount of traffic that the totality of developments in Weobley would generate and that the proposed measures would not provide mitigation. Regard should be had to the local concerns about the development that had been expressed.

Councillor Baker proposed and Councillor Edwards seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition regarding delivery of materials and an informative regarding parking provision. The motion was carried with 8 votes in favour, 6 against and 0 abstentions.

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

1. **A02 - Time limit for submission of reserved matters (outline permission) – all matters apart from access**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **B01 - Development in accordance with approved plans**
5. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**
 - g. **A travel plan for employees.**

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

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

- 6. The recommendations for species mitigation and habitat enhancements set out in Section 5 of the ecologist’s report from fpcr dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority. A detailed habitat enhancement plan integrated with the landscape scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 8. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council’s Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).**

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

- 9. G04 Protection of trees/hedgerows that are to be retained**
- 10. G10 Landscaping scheme**
- 11. G11 Landscaping scheme – implementation**
- 12. G14 Landscape management plan**
- 13. H06 Vehicular access construction**
- 14. H11 Parking - estate development (more than one house)**
- 15. H17 Junction improvement/off site works**
- 16. H18 On site roads - submission of details**
- 17. H31 Outline Travel Plan**
- 18. I16 Restrictions on hours of construction and delivery**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. 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**
- 3. 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**

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence.

4. **HN02 Public rights of way affected**
5. **HN08 Section 38 Agreement & Drainage details**
6. **HN07 Section 278 Agreement**
7. **HN28 Highways Design Guide and Specification**
8. **HN26 Travel Plans**
- 9 **The reserved matters application should consider the provision of parking facilities for the schools.**

86. 181347 - TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD

(Outline application for the erection of dwelling and garage. Construction of new vehicular access and associated works.)

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

In accordance with the criteria for public speaking, Mrs S Glover, of Callow and Haywood Parish Council and Mr D Whurr of Lower Bullingham Parish Council spoke in opposition to the Scheme. Mr P Tufnell, a consultant on behalf of local residents, spoke in objection. Mr P Smith, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site visit had enabled members to view the relationship of the site to the Grade 2 listed Twyford Brook Barn and Twyford Brook farmhouse. The proposal was for a single domestic dwelling in the open countryside.
- The site was some 6-8 feet above the highway. The topography of the site was steep. This was key to consideration of heritage and landscape impact. The site was within the property boundary of the Grade 2 listed barn and represented garden land to protect the barn from future development. The land in front of the barn had been purchased by the owners to prevent development.
- The application was for outline permission. It should be noted that extensive works would be needed to make the dwelling habitable. The site was on a steep gradient and the necessary works would result in a change in the site's character. It would not be in keeping.
- The drainage comments had been based on the Environment Agency flood maps which showed the site as at low risk. However, a Welsh Water reservoir above the site had created run-off and previously Twyford Barn had been flooded more than once. Ivy Cottage, below the site, had bunds along the road to protect it. This property was directly opposite the proposed new entrance to the development site and water would run off that towards Ivy Cottage.
- The proposal was contrary to the adopted NDP.

- The proposal should not be considered for approval without plans showing all the drainage and engineering works that would be required to protect the heritage and landscape of the properties directly affected.
- In the Committee's discussion of the application the following principal points were made:
- Concern was expressed about the drainage issues and run off, as outlined by the local ward member.
- The steepness of the site was a significant issue.
- Although the Conservation Manager (Built Heritage) had not objected to it, a view was expressed that the proposal would have an impact on the listed buildings affecting their setting and the character of the area.
- Two Parish Councils objected to the application and there were also 21 letters of objection.
- There was concern about additional traffic on a minor busy lane.
- Flooding was the only ground for objection. There would be merit in looking at the detailed engineering works that would be required to mitigate that aspect.
- The proposal was contrary to policy RA3, in conflict with NDP policy CH9, in the open countryside and contrary to policy LD1 and there were sustainable water management issues contrary to policy SD3.
- Some surprise and concern was expressed that the proposal was being recommended for approval even though it appeared contrary to a made NDP.

In response the Development Manager explained in relation to the principle of development that the NPPF now provided that the Callow and Haywood NDP was out of date as it was over 2 years old. Whilst it could still be given weight it was not as straightforward issue in assessing the planning balance as it might appear at first sight given the other issues that had to be weighed in the planning balance.

The Lead Development Manger cautioned against advancing heritage impacts as a ground for refusal given the view expressed by the Conservation Manager.

The local ward member was given the opportunity to close the debate. He expressed disappointment that the recent change to the NPPF reduced the weight that could be given to the NDP mindful of the work that had gone into to achieve its prompt production. The character of the area, outside the urban extension at Lower Bullingham should be protected as the NDP intended.

Councillor Baker proposed and Councillor Williams seconded a motion that the application be refused on the grounds that it was contrary to policy RA3, in conflict with NDP policy CH9, in the open countryside and contrary to policy LD1 and there were sustainable water management issues contrary to policy SD3.

The motion was carried with 8 votes in favour, 6 against and no abstentions.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies RA3, LD1 and SD3 and in conflict with NDP policy CH9 and officers named in the scheme of delegation to officers be authorised to detail the reasons for refusal.

Appendix - Schedule of Updates

The meeting ended at 2.08 pm

Chairman

PLANNING COMMITTEE

Date: 18 December 2018

Morning

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

182239 - DEMOLITION OF EXISTING BUILDINGS, STRUCTURES AND HARDSTANDING AND ERECTION OF 45 DWELLINGS (INCLUDING AFFORDABLE HOUSING) AND DRAINAGE ATTENUATION, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS.(AMENDED LAYOUT) AT LAND OFF HEREFORD ROAD, BROMYARD,

For: Keepmoat Homes per Mr Rob Riding, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT

ADDITIONAL REPRESENTATIONS

Nunwell GP's Surgery, Pump Street, Bromyard

Cllr. Seldon, in his capacity as Ward Member, has asked officers to include within this written update the view of The Practice Manager, Nunwell Surgery, Pump Street, Bromyard, as relayed to him in an email dated 11th December 2018.

“As you will expect, our views are similar to those discussed with you before. We are currently at capacity both with regards to our building and the staff we can accommodate. Recruitment is also a significant issue, obviously Dr Scott has recently retired and there is nationally a shortage of GPs and nursing staff. At Nunwell we have been relatively fortunate with recruiting staff until now but any increase in patient numbers will put our service under considerable strain and possibly affect the quality of care we are able to provide.

We are grateful for your continued vigilance and communication with us on these matters. Unfortunately we don't seem to have notification from other sources.”

Subsequently, a further email communication enclosed the surgery's population count and demographic:-

Report Name: Age / Sex 10 Year Band

Parent Population: All Currently Registered Patients

Last Run: 12-Dec-2018 15:47

Relative Date: 12-Dec-2018 15:47

Population Count: 9514

Males: 4760

Females: 4754

	Age	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
Gender												
Female		406	392	420	475	523	726	806	616	311	75	4
Male		391	447	456	499	516	716	813	577	281	62	2

PRINCIPAL TECHNICAL OFFICER – ENVIRONMENTAL HEALTH

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

"Land West of Hereford Road, Bromyard. Desk Study and Ground Investigation." Prepared by Hydrock Consultants Ltd. Dated July 2018. Hydrock ref: C-06403-C, Report ref: HRB-HYD-XX-GI-RP-G-1000-P2.

The report recognises there are some uncertainties which need addressing. These are mentioned below together with comments which should be addressed as part of the additional phase(s) of investigation:

1. The agricultural field which forms part of the application site and the infilled pond associated with it.
2. Delineation of the lead and PAH impacted ground and further refinement of the conceptual site model with regard to the AST and Interceptor where hydrocarbon odour has been noted.
3. The source of the organic odour noted in TP01 should also be assessed further. Consideration should be given to gas monitoring in this part of the site (and others post the additional investigation phase) where the source and risk cannot be sufficiently assessed qualitatively.
4. Given access limitation to the existing buildings, these structures should form part of the next phase of investigation alongside the 'raised ground'.
5. It is understood that a north western part of the site, was formerly at a lower level and may have been filled. As such consideration should be given to further investigation of this area as part of what's proposed.
6. It is also understood a second AST (heating oil) was located adjacent to the former office in the centre of the site. Whilst no staining or similar was noted, perhaps this area could be looked at following demolition of the buildings on site.
7. WS01 and WS02 targeted the AST and interceptor and the proposed PID assessment of volatiles will be useful in further appreciating this risk.
8. Consideration of interference in the results from WS01 and WS02 should form part of the risk assessment of bulk gases.

Following on from the additional investigatory and assessment works, the proposed remediation and mitigation strategy should be refined and a suitable Detailed Remedial Method Statement prepared and submitted.

With the above in mind I'd recommend the following conditions be appended to any approval.

Recommended condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2018.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Bromyard Cricket Cub comments 9th December 2018 and Sport England's further response

"In essence Bromyard Cricket Club are unable to withdraw their objection since the ball mitigation system recommended by the external consultants [Labosport] will, in the reality of actual cricket conditions still, we believe, prove inadequate in terms of height. We may be able to make constructive suggestions as to a way forward and thus the withdrawal of our objection in this matter if the developers were willing to meet us for further discussion I note the comments received from Sport England and agree with their condition in that it requires commitment to ongoing repair and maintenance.

However, there also remains the issue of how we will have any access to the development in the event of balls going over the fencing There is a gate shown primarily for a footpath to the school but there is no indication as to whether this will be locked under the school's control. If this is so our only access would be via a long road journey. Some clarification on this point would be helpful.

The situation regarding the school pathway is a different matter and I guess, apart from the siting of the gate, does not fall within the Keepmoat application per se. I acknowledge that the land to be used for the footpath is educational land and thus we cannot formally object, except that we have occupied and maintained it for decades with no objection or issue from the school. I hope that both parties in face to face discussion can reach a reasonable conclusion regarding the siting of the proposed path to our mutual satisfaction.

I hope this carries the matter forward in an appropriate way and thank you again for keeping me informed.”

Bromyard Cricket Club comments 9th Dec 2018

The Cricket Club's comments above were then relayed to Sport England, who replied on 12th December as follows:-

“I don't think there is anything further to add from Sport England's perspective. Subject to the recommended condition we have no objections.”

Sport England response to Bromyard Cricket Club's comments

Boundary Dispute

Subsequent to the publication of the Officer Report to Committee, Mr Jones of 20 Hereford Road has made further representations concerning land ownership and the specific matter of the boundary defining the application site and his property. Mr Jones maintains that the application site boundary as presented with the application makes an incursion onto this property and that the straight line to the boundary where it meets the A465 is inaccurate and demonstrably so when reference is made to historic conveyances that he has submitted.

As per the officer report, however, examination of the Council's registered title demonstrates that this registered title is consistent with the red line site boundary.

Officers are advised that Members can reasonably assume for the purpose of decision-making on the planning application, the application is valid.

Cesspit Location

Subsequent to the publication of the Officer Report to Committee, Mr and Mrs Tait, of Ashfields House has made representation concerning condition 10, bullet point 6. They state that the cesspit is located on land in their ownership. Clarification is being sought and a verbal update will be reported to committee.

OFFICER COMMENTS

In respect of the comments from the surgery, the Heads of Terms describe the financial contribution that is payable to both Nunwell Surgery, but also the Wye Valley Trust.

The Principal Technical Officer's comments and recommended conditions address, in the view of officers, third party representations voicing concern at the adequacy of the submitted Ground Investigation report.

The comments of the Cricket Club in respect of the height of the ball netting are noted, but as per the published report, absent support for their view from the governing body, officers are unable to object to the proposal. It is almost certain, however, that the scheme to discharge the condition will involve officers of the Club.

In respect of the boundary dispute, the official registered title has been checked against the submitted application site boundary and is consistent.

CHANGE TO RECOMMENDATION

Add the conditions recommended by the Principal Technical Officer concerning further ground investigation and remediation.

181494 - PROPOSED LAND FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORK TOGETHER WITH PUBLIC OPEN SPACE AND LOCAL GREEN SPACE AT LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY

For: Mr & Mrs Turner per Mr Peter Draper, Yew Tree Cottage, Byford, Hereford, Herefordshire HR4 7LB

ADDITIONAL REPRESENTATIONS

One further letter of representation has been received. The author observes that the Kington Area Neighbourhood Development Plan has not been passed by Kington residents and therefore it should not be considered by the committee in their decision making.

OFFICER COMMENTS

The weight to be afforded to the Neighbourhood Development Plan is set out at paragraph 2.2 of the officer's report. In light of the progress of the plan and the representations received in response to public consultation, the plan is to be afforded moderate weight.

NO CHANGE TO RECOMMENDATION

181050 - OUTLINE PLANNING PERMISSION FOR PROPOSED ERECTION OF UP TO 50 DWELLINGS (INCLUDING 35% AFFORDABLE), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, VEHICULAR ACCESS POINT FROM PEPPER PLOCK LEY AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS AT LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE,

For: Mr Land per Mr Kodiak Land, Unit 2, John Bradshaw Court, Congleton, CW12 1LB

ADDITIONAL REPRESENTATIONS

Weobley Parish Council wishes to express the concerns regarding this additional information submitted directly from the Developers, Kodiak:

- Parish Council wishes to express its concerns that it has not been formally notified of the amendments to this sensitive application;
- Any additional information or amendments to the outline planning application should go through the proper consultation process. The additional highway information is a material consideration and should go through the statutory public consultation period. Both Kodiak Land and the Herefordshire Council have agreed that further publicity is 'beneficial'. Requesting the Parish Council to circulate plans is both unacceptable and insufficient;
- The highway proposals do not include the pedestrian crossing that has been proposed;
- The proposals will not help alleviate traffic issues as there will be a significant increase in traffic movements over and above the current existing movements;
- Formalised parking has been provided on the northern side of the road adjacent to 14 - 15 Burtonwood. It is presumed that this will accommodate vehicles parked on the southern side, so no improvement has been achieved;
- In the area by Primary School, the pavement will be widened in front of 25 & 26 Burtonwood but it is not clear if any current roadside parking restrictions will remain here? It appears that the traffic island in the turning circle will be made smaller to presumably counteract the narrowing of the road;
- Current parking restrictions will be removed inside the turning circle which will create a number of traffic issues that may cause additional safety hazards to the pupils attending the High School;
- There are concerns regarding the future enforcement of the proposed parking restrictions to be implemented. Parking restrictions are currently not enforced and no evidence has been provided that this will change;
- The retention of more trees on the main development site is welcomed.

The Parish Council would therefore request that the consideration of this application, currently scheduled for 18th December 2018, is deferred until at least February 2019 to enable full and proper consultation on this material amendment to take place in

January 2019. Every effort should be made to ensure that the consultation period does not take place over the Christmas period.

The applicant that conditions 7 and 9 are duplicated, and does not consider that conditions 8 (details of open market housing to be agreed) and 18 (cycle parking) are not necessary as they are matters to be addressed by a Reserved Matters submission.

One further letter of representation has been received from a local resident which refers to the proposed highway improvements along Burtonwood. The letter raises similar points to those raised by the parish council in respect of the enforceability of traffic speed reductions and parking restrictions.

OFFICER COMMENTS

The requirement for off-site highway improvements to be made has been a pre-requisite as far as officers are concerned from the original inception of the application and discussions have continued with the applicant as to the form that these might take. The plan submitted by the applicant provides details of off-site improvement works as outlined in the Traffic Manager's comments. Condition 16 will require the precise details to be agreed and aspects would be subject to a separate Traffic Regulation Order and its requisite consultation. Consequently officers do not consider that the submission of the highway improvement plan brings about a need for a full re-consultation exercise.

Similarly the amended Tree Retention Plan responds to specific comments made by the Woodland Trust. They have been re-consulted but no further comments have been received.

Comments made with respect to the need for condition 18 (cycle storage) at an outline stage are accepted, and this condition could be deleted. However, officers are of the view that there is a need to be specific about the need to ensure that development should come forward that reflects requirement for an open market mix that reflects the needs of the local area. Condition 8 seeks to ensure that the applicant, or any successive owner of the site, is fully aware of this prior to the submission of a Reserved Matters scheme and therefore it is recommended that condition 8 is retained.

CHANGE TO RECOMMENDATION

Delete condition 9 as it is a duplication of condition 7.

Delete condition 18

181347 - OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD

For: Mr & Mrs Reed per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX

ADDITIONAL REPRESENTATIONS

An email has been received from Cllr Summers (neighbouring Ward Cllr) on behalf of a number of residents in his Ward. This corroborates concerns relating to the ability of the existing road network to accommodate any additional traffic; concerns about surface water run-off from the new driveway adding to existing flooding issues that are experienced locally.

Following consultation on the Council's Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION subject to conditions

CHANGE TO RECOMMENDATION

The recommendation can now be amended as follows:

That planning permission be granted subject to the following conditions and the additional conditions set out below:

All foul water shall discharge through a connection to a new Package Treatment Plant system with a final outfall to a suitable soakaway drainage field on land under the applicant's control as shown in Drawing ref PMRE/01 dated Sept 2018. The foul water management scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), National Planning Policy Framework and Herefordshire Local Plan Core Strategy policies LD2 and SD4.

All surface water shall discharge through a SuDS soakaway and infiltration scheme on land under the applicant's control. The surface water management scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), National Planning Policy Framework and Herefordshire Local Plan Core Strategy policies LD2 and SD3.

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 18 December 2018 at 2.40 pm

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

Councillors: BA Baker, TL Bowes, CR Butler, PE Crockett, PJ Edwards, DW Greenow, TM James, AW Johnson, FM Norman, J Stone, D Summers and SD Williams

In attendance: Councillor DG Harlow

87. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, EL Holton, MD Lloyd-Hayes, AJW Powers, NE Shaw and WC Skelton.

88. NAMED SUBSTITUTES

Councillor TL Bowes substituted for Councillor AJW Powers, Councillor PE Crockett for Councillor EL Holton, Councillor AW Johnson for Councillor NE Shaw, Councillor J Stone for Councillor KS Guthrie and Councillor D Summers for Councillor MD Lloyd-Hayes.

89. DECLARATIONS OF INTEREST

None.

90. CHAIRPERSON'S ANNOUNCEMENTS

None.

91. 181664 - THE TREES, ORCOP, HEREFORD.

(Application for approval of reserved matters following outline permission 161771 (site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings)).

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

Outline planning permission had been granted in 2016. A reserved matters application had been refused. Both these decisions had been made under delegated powers. An appeal against refusal of the reserved matters application had been dismissed. A further reserved matters application was now before the Committee.

In accordance with the criteria for public speaking, Mrs M Bowen spoke on behalf of Orcop Parish Council in opposition to the Scheme. Mr M Shaw, a local resident, spoke in objection. Dr C Down, the applicant's agent, spoke in support.

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

He made the following principal comments:

- There were almost 40 local objections.
- The area was known for poor drainage and the issue of smells around the Copy Well was discussed at almost every Parish Council meeting. The Committee had refused a recent application at Newcastle Farm nearby principally because of drainage issues.
- The development would affect the visual amenity of residents of Wilkes Row given the rooflines.
- A development of three houses was too large.
- Several water sources were within 50m of the proposed filtration systems: a well in the garden of Lark House, Copy Well and a spring in the Grounds of Bramble Cottage. This was contrary to the advice of Natural England in its response set out at section 4.1 of the report.
- The size of the development would overload drainage capacity.
- He detailed a number of criticisms that had been made about the drainage engineer's report, as reflected in the schedule of updates, questioning whether the testing that had been conducted complied with standards and Regulations. In conclusion, there were serious concerns in Orcop about pollution, smells and health risks. Further rigorous tests should be undertaken before any approval was considered.

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

- The principle of the development had been established with outline permission having been granted.
- The drainage issues were a concern. It was important to ensure that the tests had been carried out properly.

The Development Manager confirmed that no condition had been attached to the outline permission requiring a foul and surface water drainage scheme and that it was not a reserved matter. It was not one of the matters the Inspector had considered when determining the earlier application. Having regard to the reasons for the Committee's refusal of the Newcastle Farm application on 15 May 2018, additional information on drainage issues had been sought, in conjunction with the applicant, going beyond the applicant obligations in terms of the type of application submitted and this had been supplemented by advice from the council's drainage consultants.

- It was suggested that the application should be refused on drainage grounds and because of the proposal's contrast with the character and appearance of the area. This reflected the inspector's summary on the appeal against the previous reserved matters application, as set out at paragraph 6.1 of the report that it was contrary to policies LD1 and SD1.
- It was observed that officers had stated in the report at paragraph 6.19 that, noting the Inspector's comments they were content that the scale of the development in

terms of proportions of the dwellings themselves was acceptable in accordance with policies LD1 and SD1 in particular.

The Development Manager commented that whilst it was clear there were still some concerns about the scale and impact of the proposal officers had made clear their perspective in recommending approval. He drew attention to condition 11 relating to drainage and sought clarification as to whether this provided sufficient assurance to address Members' concerns on this aspect.

The local ward member was given the opportunity to close the debate. He reiterated the importance of ensuring that drainage solutions in Orcop and other rural villages were robust. This issue was of great concern to local residents.

In response to Members concerns about the drainage issues the Development Manager suggested that condition 11 could be amended requiring this to be discharged prior to commencement and that there could be consultation with the local ward member on the proposals.

Councillor Baker proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation with an amended condition 10 as set out in the update sheet, subject to the discharge of condition 11 to be prior to commencement subject to consultation with the local ward member. The motion was carried with 11 votes in favour, 3 against and no abstentions.

RESOLVED: That planning permission be granted subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers, with the discharge of condition 11 to be prior to commencement subject to consultation with the local ward member:

1. **C07 Development in accordance with approved plans and materials**
2. **C13 Samples of external materials**
3. **C96 Landscaping scheme (including retaining wall and boundary treatments between plots)**
4. **C97 Landscaping implementation**
5. **CAB Visibility splays**
6. **CAE Vehicular access construction**
7. **CAH Driveway gradient**
8. **CAL Access, turning and parking area**
9. **CB2 Cycle storage**
10. **Notwithstanding the additional details required by condition 11 below, the drainage arrangements shall include the use of individual private treatment plants for foul water with drainage fields and surface water using storm water soakaways.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Prior to commencement of development additional details in relation to the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted. The information shall include the following:

- **The sole ownership of the land of the surface water soakaway for plot 1**
- **The ownership and maintenance arrangements of the two ACO drains along the driveway**
- **A topographical drawing to indicate the use of a gravity fed foul water drainage system**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 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 permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

(Councillor Hardwick (Vice-Chairperson) in the chair.)

92. 181848 - LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD

(Proposed development of three dwellings with garages and new access.)

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

In accordance with the criteria for public speaking, Mrs S Glover, Clerk to Little Birch Parish Council spoke in opposition to the Scheme, Mrs K Dillon, a local resident, spoke in objection. Mr R Pryce, the applicant's agent, spoke in support.

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

He made the following principal comments:

- There was considerable local opposition to the scheme.
- The proposal was for three large dwellings. The community wanted affordable homes for young local families.
- The proposal was not in keeping with the area. The proposed dwellings would dominate the skyline.
- It was a greenfield site. The Neighbourhood Development Plan was at examination stage. Other areas of the Parish were far more appropriate for development as provided for in the NDP. There was concern that approval of the application would

lead to the village spreading through subsequent infill development and to suburbanisation.

- The local road network was in poor condition. The proposed site was poorly located on a bend opposite a farm and was not in a sensible place to build.
- The roads were used by walkers, cyclists and horse riders and safety had to be considered.
- The application was for the wrong type of homes in the wrong location and should be refused.

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

- The proposed site was not identified for development within the NDP. It was a greenfield site in the open countryside. There were other preferred sites for development.
- The size and scale of the properties was inappropriate, contrary to policy LD1.
- Both Little Birch Parish Council and Much Birch Parish Councils opposed the proposal. There were also numerous objections from the local community.
- Accessibility was poor. It would be necessary to drive to access services and the proposal was therefore contrary to policy MT1. The site was also not really sustainable, contrary to policy SS1.
- A contrary view was that Little Birch was a settlement identified for development in policy RA2. The application was for outline planning permission. There did not appear to be grounds for refusal.

The Development Manager commented that the weight to be given to relevant policies needed to be carefully considered. The NDP could only be given moderate weight. The application was for outline permission for three dwellings. In relation to the scale of the proposed properties, size in terms of number of bedrooms would be a matter for consideration as part of a reserved matters application. It was however appropriate to consider the visual impact of the scale of the development at this stage.

The local ward member was given the opportunity to close the debate. He reiterated that the proposal was contrary to the draft NDP.

Councillor Greenow proposed and Councillor Norman seconded a motion that the application be refused on the grounds that it was contrary to policies LD1 in terms of its visual impact, MT1 and SS1. The motion was carried with 7 votes in favour, 3 against and 3 abstentions.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies LD1 in terms of its visual impact, MT1 and SS1 and officers named in the scheme of delegation to officers be authorised to detail the reasons for refusal.

93. 182893 - SPORTS GROUND AND CLUB ROOM, OLD SCHOOL LANE, HEREFORD, HEREFORDSHIRE, HR1 1EX

(Councillor Norman had left the meeting and was not present during consideration of this application.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr S Kerry, of Hereford City Council spoke in opposition to the Scheme. Mr M Williams, the applicant, spoke in support.

It was reported that the local ward member and the adjoining local ward member had indicated that they supported the application.

Several members expressed their support for the scheme and the benefits it would bring for young people.

Having regard to some concerns that had been expressed about the material to be used for the proposed playing surfaces it was requested that clubs should ensure they had policies and guidance in place on their use.

Councillor Greenow proposed and Councillor Williams seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried unanimously with 12 votes in favour, none against and no abstentions.

RESOLVED: 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. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **Use of the development shall not commence until:**
 - a) **Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,**
 - b) **Confirmation that the facility has been registered on the Football Association’s register of Football Pitches**

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy.

4. **Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.**

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy.

5. **Prior to the commencement of any construction work details of the type of infill materials to be installed into the 3G artificial grass pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR**

or natural materials (such as cork / vegetable) shall be submitted to and approved in writing by the local planning authority. The approved surface shall be implemented prior to first use of the pitch and no other alternative surface shall be used without prior written consent of the local planning authority.

Reason: To ensure that the surfacing of the pitch would comply with industry guidance that her considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals and so as to ensure a safe environment for users of the facility in accordance with Herefordshire Local Plan – Core Strategy policy SD1 and there requirements of the National Planning Policy Framework.

6. **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, ensure no pollution of or detriment to the environment and so as to comply with policies SD3 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

7. **The use of the 3G pitch and associated floodlighting hereby approved shall be restricted to between the hours of 9.00am and 10.00pm.**

Reason: To minimise the impact of the floodlights and protect the residential amenities of nearby dwellings in accordance with policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

8. **All fencing and enclosures included on the approved drawings shall be erected prior to the first use of the 3G pitch and shall thereafter be retained or replaced with fencing/enclosures of the same height, unless alternative details have first been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of public safety and residential amenity and so as to accord with policy SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

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

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy

10. **Prior to the first use of the 3G pitch hereby permitted a Community Use Management Plan and a Noise Management Plan shall be submitted and approved in writing by the local authority. This will incorporate issues set out in para 4.8.2 of the applicant's Design and Access statement and shall include a prohibition of the use of amplified music at the site. The use of the 3G pitch shall operate in accordance with the approved Plans.**

Reason: To ensure that residential amenity is safeguarded and so as to accord with policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

11. **No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the 3G pitch hereby permitted.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and enable the local planning authority to carry out a Habitat Regulations Assessment – Appropriate Assessment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP1 - Application Approved Without Amendment**
2. **I05 - 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.

3. **I11 - 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.

4. **I35 - 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. **I45 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

6. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant**

can be provided with an approved specification, and supervision arranged for the works.

7. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900

8. Notes re: conditions 3 and 4

The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

Guidance on preparing Community Use Agreements is available from Sport England at:

<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

9. Welsh Water Advisory Notes:

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

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

94. 182950 - TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA

(182950 - Construction of an external 3g artificial turf pitch (atp) with fencing and a storage container at Ted Powell building.)

(Councillor Norman had left the meeting and was not present during consideration of this application.)

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

In accordance with the criteria for public speaking, Mr S Kerry, of Hereford City Council spoke in opposition to the Scheme. Mr S Willmot, Chairman – Herefordshire Football Association, spoke in support.

It was reported that the local ward member supported the application.

Members indicated their support for the scheme.

Having regard to some concerns that had been expressed about the material to be used for the proposed playing surfaces it was requested that clubs should ensure they had policies and guidance in place on their use.

Councillor Greenow proposed and Councillor James seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried unanimously with 12 votes in favour, none against and no abstentions.

RESOLVED: 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. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **Use of the development shall not commence until:**
 - a) **Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,**
 - b) **Confirmation that the facility has been registered on the Football Association's register of Football Pitches**

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy OS3 of the Development Plan.

4. **Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.**

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Development Plan.

5. **Prior to commencement of any works approved under this decision notice a fully detailed surface water management and Sustainable Drainage Scheme (SuDS) shall be supplied and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full as approved and prior to first use of the 3G pitch hereby approved.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

6. **Prior to the commencement of any construction work details of the type of infill materials to be installed into the 3G artificial grass pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork / vegetable) shall be submitted to and approved in writing by the local planning authority. The approved surface shall be implemented prior to first use of the pitch and no other alternative surface shall be used without prior written consent of the local planning authority.**

Reason: To ensure that the surfacing of the pitch would comply with industry guidance that her considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals and so as to ensure a safe environment for users of the facility in accordance with Herefordshire Local Plan – Core Strategy policy SD1 and there requirements of the National Planning Policy Framework

7. **Prior to the first use of the 3G pitch hereby approved a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first use of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

8. **The means of vehicular access to the development hereby permitted shall only be as defined within “Hereford FA Artificial Turf Pitch Highways” (Drawing No. 07) for the full period of construction and when completed/operational.**

Reason: In order to ensure the safety of users on the A49 and enable it to continue to be effective part of the Strategic Road Network in accordance with Section 10 (2) of Highways Act 1980 and policies SS4 and MT1 of the Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

9. **Prior to the first use of the 3G pitch hereby approved a 3 metre high acoustic fence of solid rigid material with a minimum density of 10 kg per m² shall be erected along the north eastern boundary of the pitch ,as shown in Figure 6 of the noise report. The specification and appearance of the fence shall have first been submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details. The fence shall be retained thereafter whilst the 3G pitch is in use.**

Reason: : In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. **Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason - To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. **Prior to the commencement of any works a method statement for trees in the north western corner of the proposed pitch or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.**

Reason - To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP1**
2. **I05 – 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.

3. **I11 – 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.

4. **I35 – 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. I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

6. Sport England INFORMATIVES : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

7. Guidance on preparing Community Use Agreements is available from Sport England at: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

8. No trees have been identified for removal in the plans submitted to date. The site is within the Widemarsh Common Conservation Area, therefore any tree works or felling will require a separate notification submitted to the Local Planning Authority prior to commencement.

95. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 4.57 pm

Chairman

PLANNING COMMITTEE

Date: 18 December 2018

Schedule of Committee Updates/Additional Representations

Afternoon

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

SCHEDULE OF COMMITTEE UPDATES

181664 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PERMISSION 161771 (SITE FOR PROPOSED REPLACEMENT OF A FIRE DESTROYED DWELLING PLUS THE ERECTION OF 2 DWELLINGS (TOTAL 3 DWELLINGS)). AT THE TREES, ORCOP, HEREFORD,

For: Mr Williams per Mr Rodney Purse, 142 Tuffley Avenue, Gloucester, GL1 5NS

ADDITIONAL REPRESENTATIONS

Additional representations have been received from four neighbouring properties:

Mr Garratt:

Further to my objection of 12 September 2018, It is pleasing to note that the developer wishes to “bottom out the issue of drainage” and that further percolation tests have been undertaken. However, I cannot agree with his claim that these were carried out “after a period of heavy rain to give a realistic worst case scenario for infiltration” (email from Rodney Purse, 14 November 2018).

For the past 10 years I have maintained daily rainfall records for Whitehouse Farm, which lies within the Orcop Basin at a similar elevation to Orcop Hill. The spreadsheet showing daily rainfall for the year to date is submitted herewith.

I understand that the further tests under reference were carried out on 24th and 25th October. You will note that my records show there was no rain on any of the 8 days preceding the tests. In the month of September rainfall totalled 43mm and in October 59mm. Note that in November the total was 113mm, more than twice that in October. Furthermore, these autumn months followed an exceptionally hot and dry summer. Hence, the latest tests cannot be seen as a “worst case scenario”. Far from it, they were carried out, as were the earlier tests, under exceptionally dry conditions.

Turning now to the results of the October tests, these led to a 20% increase in the area of the proposed soakaways and a 44% increase in the area of the proposed drainage fields. Had further tests been conducted at the end of November, they would have indicated still lower infiltration rates and further substantial increases in soakaway and drainage field areas. This calls into question whether this site can really accommodate three dwellings of the kind proposed.

The developer claims to have undertaken the tests in accordance with BRE 365. The final paragraph of this guidance note reads as follows: “ Site investigations must be undertaken thoroughly and competently so that all aspects of soil properties, geotechnology and hydrogeology are adequately reviewed alongside the hydraulic design of the soakaways”. This has not happened in the case of “The Trees” and the latest percolation tests do not represent a valid basis for design. Until the well documented concerns about drainage under exceptionally wet conditions are properly addressed I respectfully submit that the development as currently proposed should not be allowed to proceed.

Ms Murphy:

We wish to draw your attention to residents' concerns and to advise that we have received guidance in respect of the Case Officer's report to the Committee, in particular Conditions 10 and 11.

- Condition 10 includes the phrase "unless otherwise approved in writing by the local planning authority". We have been advised that this phrase may be unlawful since it would amend a planning permission without going through the proper process, including consultation. There are statutory procedures for amending conditions which should be used (Section 73a of the Town and Country Planning Act 1990 to amend conditions and Section 96a for non-material amendments. The phrase either seeks to circumvent the statutory process or introduces ambiguity as to whether this refers to or is in addition to the statutory procedures. It is therefore both unnecessary and imprecise. We are advised that there is extensive case law on the subject.
- Condition 11 is fundamental to the proposal and it is not clear that the requirements can be met within the layout that is to be permitted – particularly the third item*. It appears that the sensible approach is to delay the decision on the application until the matters are resolved and there can be no real objection to doing so since development cannot start until the condition is complied with (other than the ground works). The risk is that if a condition cannot be complied with, it is unenforceable but the permission remains valid. In this case the applicant has had ample opportunity to submit the additional information and any delay is down to the applicant.

* 'A topographical drawing to indicate the use of a gravity fed foul water drainage system.'

Mr Murphy

Further to my objection of 28 August 2018 and the publication of the Case Officer's report to Committee, I have the following additional comments;

1. Phil Warren Report (undated)

The original percolation tests were carried out around about mid-August during a period of long dry weather. The Phil Warren percolation report states that 'three holes were excavated across the site to determine if there are any changes in the site conditions. All three had similar characteristics.

Comment:

- There is no indication where the three holes are located.
- There is no record of soil composition

The report goes on to state that 'one test was undertaken. The test hole was filled and emptied on three occasions, on the same day'.

Comment:

- The test accords to a lesser extent to the requirement of BS6297 for foul water drainage field. According to BS6297 at least 2 tests should be carried out on each proposed drainage field. Each test should involve four soakings with calculations extrapolated from just three soakings.
- The total number of tests for the three proposed foul water drainage fields should have been (2x3=6).

Surface Water {SuDS}

The report goes on to show calculations for crate sizes for the 5 proposed water soakaways, using the filtration rate obtained from the single test aforementioned.

Comment:

- Filtration rates for surface water soakaways should be obtained by using BRE (digest 365) method of percolation testing. Percolation tests for surface water drainage are far more labour intensive. Overall depth of excavation is typically 1.5m to 2.5m. Considerable volumes of water are required to carry out the tests (BRE365 advises the use of a water bowser) with between 300ltr and 1000ltr required for each soaking. There are 3 soakings required to ensure a viable test. The fillings (soakings) should be on the same or consecutive days. The tests should be undertaken where the drain will discharge to the soakaway. The number of tests required for this site would be five. The total number of soakings would be (5x3=15).
- Taking into consideration the foregoing the percolation tests carried out by the applicant's drainage consultant was wholly inadequate. Considering also the fact that the tests were carried out during a prolonged drought confirms that the Phil Warren report falls far short of the requirements of BS6297 and BRE (digest 365).

2. Ruth Blair (Balfour Beatty) report dated 05/09/18 @ 11.30 a.m.

RB states (inter alia) under the sub-heading 'Surface Water' that percolation testing has been undertaken in accordance with BS 6297.

Under the sub-heading 'Foul Water' RB makes no mention of percolation tests results

Comment:

- This statement is in error. As previously stated, there was only one test carried out which accorded to a lesser extent to the requirements of BS6297 for foul water soakaways. There were no percolation tests carried out for the sizing of geocellular crates. Such tests would have had to conform to BRE365 methodology for filtration value.
- It clearly states in the Phil Warrant report that one test was carried out. There is no indication that the test was carried out in the locality of any of the proposed foul water drainage fields. This is one of the basic requirements of BS6297.

In an email from RB to Emily Reed (ER) dated 05/09/18 @ 11.56 RB states 'I have been to site and spoken with the landowner and drainage engineer. I saw evidence of the tests being undertaken and am confident that the relevant guidance has been fulfilled.'

Comment

- The fact that RB admits to being on site (at some time) whilst percolation testing was on-going, makes her assertions that BS6297 was complied with rather concerning. She was, at that time, in a responsible position as a professional to give advice and guidance directly to the applicant to carry out the tests in accordance with the requirements of BS6297 and BRE (digest 365).

3. Further testing on site undertaken by Phil Warren (drainage consultant) at the request of the applicant

Phil Warren percolation test report (undated)

The only reference of a date is indicated in email to ER dated 14/11/18 advising that re-testing had taken place. No information as to when further testing was undertaken. Only indication '...after a period of heavy rain'.

Comment:

- There is no way of verifying such tests were carried out after a period of heavy rain as the applicant's agent attests. The report is undated (as was the first report) and there is no allusion to the date of tests in the email mentioned above.

- 5 trial pits were excavated with percolation tests carried out on 3 of them (refer DRG.No. 17.800.104 revision B – with pencilled in sketch of trial holes).
- The trial pit drawing clearly shows that only 2 of the trial pits are in or near the location of the proposed surface water soakaways. 2 other trial pits are located in the vicinity of the proposed foul water soakaways for plots 1 and 2, whilst the remaining trial pit is located in the s/w sector of the site where there is no proposed soakaway.
- The test holes seem to be of a capacity suitable for testing to BS6297 (foul water). The size of the test holes for all 3 tests were 0.3x0.3x0.5). BRE365 recommends the test hole should be 0.3 to 1m wide and 1m to 3m long with a depth of 1m to 1.5m (see under sub-heading: Soil Infiltration Rate).

4. Email from Agent to ER dated 14/11/18

The Applicant's agent stated that the developer wished to carry out further testing and 'after a period of heavy rain in order to achieve a realistic worst-case scenario for infiltration'.

Comment:

- The fact that the applicant felt it necessary to carry out further tests albeit after a purported period of prolonged wet weather and without a further instruction to do so by the Case Officer, would be an admission by the applicant that the original tests were not tenable. This would be a repudiation of Ruth Blair's report dated 05/09/18.

5. Ruth Blair (Balfour Beatty) report dated 30/11/18

Comment:

- RB makes no comment on the fact that this report builds on the previous report dated 05/09/18.
- There is no comment on the validity of the percolation tests even though it is self-evident that the tests do not accord with the requirements of BRE365 or BS6297.
- RB has totally ignored the requirements of Natural England's Consultee report dated 31/05/18 with regard to the proximity of foul water drainage fields to a hydrological source (ref. email to ER dated 05/09/18 @ 11.56).
- All of the proposed foul water drainage fields are within 50m of the active spring located in the grounds of Bramble Cottage, adjacent to the eastern boundary of the site. The proposed foul drainage field to Plot 2 is within 50m of a well and spring located in the Copywell.
- Natural England state in their re-consultation report dated 28/08/18 'the advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal'. Clearly RB has not taken into account the requirements laid out by Natural England on proximity of foul water soakaway fields to hydrological sources.

Conclusion

It is self-evident on reading both of the Phil Warren reports that the full requirements of percolation testing, as prescribed by both BS6297 (foul water) and BRE (digest) 365 (surface water), have not been fully adhered to.

The proposed development will be very close to two hydrological sources when completed. On Drawing No. 17/800.100 (revised site layout) the ground level data shows the development site sloping east towards Bramble Cottage and south towards the Wilkes Row cottages and the Copywell. In the grounds of Bramble Cottage there is an active spring. This spring becomes a temporary water course during prolonged wet weather and floods out from the grounds of Bramble Cottage and onto the public footpath (OC18). This flow of excess spring water spills into the Copywell from a culvert that runs under Copywell Cottage and adjacent road.

The Copywell, to the south of the proposed site, is a deep gully that acts as a natural catchment for excess groundwater flowing off Orcop Hill. There is a well situated in the bottom of the gully that is still available for public use.

Because of the proximity of the proposed development to both of these hydrological sources and, given that all the drainage fields are upslope of both, it is imperative that the testing for adequate filtration, especially for foul water drainage fields, is rigorous and strictly in accordance with BS6297 and BRE (digest) 365.

The Copywell also takes treated effluent from a shared PTP from four semi-detached cottages that were built in the early 90s. There have been problems of sewage smells in the area of the Copywell for some years and there has been on-going investigations by the Environment Agency as to the cause. At the moment of writing there has been no resolution of this problem. The residents of Wilkes Row and the proprietors of the Fountain Inn have had their amenity adversely affected by the continuing problem of sewage smells in the Copywell. It goes without saying this problem must not be made worse by effluent run-off mixing with the spring exceedance flows from Bramble Cottage and the inevitable contamination of the water catchment in the Copywell.

The Local Authority through their Planning Department have a civic duty to ensure that filtration testing is carried out in strict accordance with all the requirements of the accepted methodologies. I have already commented on the failure of Planning's drainage engineer to properly monitor the percolations tests. That the same drainage engineer can ignore the fact that these tests were carried out during a period of one of the worst droughts in 40 years shows a lack of professional rigour. I would also add that Ruth Blair, the drainage engineer, made a reference to hydrological sources in her email to the Case Officer, dated 5/9/18 @ 11.56 where she stated that Natural England may need to be consulted if there are known hydrological sources within 50m of the foul water drainage fields. All proposed foul water drainage fields are within 50m of the spring in Bramble Cottage. The foul water drainage field for Plot 2 is within 50m of the Copywell.

There will be development on this site. However, the development must have a minimal impact on the water environment of Orcop Hill. The best way to achieve this is to allow a development of low occupancy dwellings, preferably two bungalows after carrying out the prescribed percolation tests. This would have an additional advantage of complying with the built form especially when considering the nearby bungalows of Homelands and Orchard Lea.

Mr Holdsworth:

This applicant has shown a total and recurring disregard for the requirements of any and all regulations relating to drainage matters in this application as follows:

There has been no Site Test Assessment Hole, we therefore do not know where the groundwater level lies in a worst case scenario, thus we do not have confirmation that the foul water 'drainage fields' are possible. It may be the case that 'drainage mounds' are required or even that no form of infiltration for foul drainage is possible.

1. Percolation tests have not been done strictly in accordance with the requirements (Building Regulations/ BRE Digest 365/ BS6297) therefore any resultant calculations are, at best, fiction.
2. As we do not have robust results from the percolation tests any claims as to the sizing of soakaways and drainage fields is open to question.
3. The layout of drainage, both foul and surface, as shown in the application continues to flout all requirements as regards separation distances from other elements on site.

4. The latest iteration of the proposal shows soakaways partly or entirely beneath roadways – this is specifically banned in the regulations yet has been accepted by Balfour Beatty with only the requirement that ownership be established – how is a 26 ton RCV to approach the Bin Collection point if the adjacent soakway is on private land?.
5. Given the above points it is entirely possible that a maximum of 2 properties can be accommodated on this site. Should this be the case then it is possible that bungalows (as desired by local residents and the Parish Council) would be entirely appropriate for this site.

To resolve these points we need (and by ‘we’ I mean both the Local Residents and the Council) all of the above to be resolved before any consent to proceed is granted. Please note that if Planning approve something that goes against Building Regulations then Building Control cannot seek to rectify it with a Section 36 prosecution, ie they are presented with a ‘fait accompli’.

As things stand you appear to be prepared to give approval with relatively minor conditions for something that could be considered unlawful (in that it does not demonstrate conformance with requirements).

In addition, Natural England in their comments of 31/5/18, stated “Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant /septic tank sand soakaway should be sited 50m or more from any hydrological source”. It is my understanding that there is a well in the garden of Lark House (shown as The Russets in the drawing in your report), there is also the ‘Copywell’ itself, and there is a spring in the grounds of Bramble Cottage. All three of these are within 50m of some part of the proposed infiltration systems.

To repeat the gist of some of my earlier comments on amenity, as seen from Ivy Cottage, I will still have a solid wall of brickwork and roof tiles some 11m from my boundary which will totally destroy any perception of being in a rural environment as perceived from the major recreational space (the patio) in my garden and my lounge and kitchen windows.

I trust you will give my comments full and proper consideration before any final decision is made to allow this application to proceed further.

Natural England:

Following consultation on the Council’s Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION.

OFFICER COMMENTS

Corrections to report:

Paragraph 4.6 should read that the latest comments from the Council’s Land Drainage Consultant were received 30 November, not 3 December.

Condition 10 – the words ‘unless otherwise agreed in writing with the local planning authority’ should be removed.

Further comments have been provided by the Council’s Land Drainage Consultant in light of the additional representations received.

In summary, she has confirmed that the trial pit was viewed on site, once the tests had been undertaken but not as they were carried out. In her view it has been proven that the soils

have sufficient infiltration capabilities for the features proposed and a soil composition is not required. The level of detail is appropriate for this size of site and it is appropriate to use the equation in Part H of the Building Regulations to convert the Vp value to an infiltration rate.

There is also sufficient space between drainage fields.

There are no concerns in relation to a lack of information and a viable drainage strategy is possible here.

Re-testing was not requested by the Consultant as this was not necessary as it had already been established that this site has sufficient infiltration. As such, the recommendation in this regard is not amended.

It needs to be reiterated that since the approval of drainage details is not a condition of the outline permission or a reserved matter in this instance, officers have sought to address local concerns in a collaborative way through engagement with the applicant. The level of information provided has satisfied the council's Land Drainage Consultant and a condition controlling compliance with the submitted details represents the full extent of reasonable planning control in this case.

CHANGE TO RECOMMENDATION

The recommendation should be amended as follows:

That planning permission be granted subject to the recommended conditions set out in the officer's report and condition 10 amended to read as follows:

Notwithstanding the additional details required by condition 11 below, the drainage arrangements shall include the use of individual private treatment plants for foul water with drainage fields and surface water using storm water soakaways.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

181848 - PROPOSED DEVELOPMENT OF THREE DWELLINGS WITH GARAGES AND NEW ACCESS AT LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD,

For: Mr Hull per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

Following consultation on the Council's Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION.

CHANGE TO RECOMMENDATION

The recommendation can now be amended as follows:

That planning permission be granted subject to the recommended conditions set out in the officer's report.

182950 - CONSTRUCTION OF AN EXTERNAL 3G ARTIFICIAL TURF PITCH (ATP) WITH FENCING AND A STORAGE CONTAINER AT TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA

For: Mr Chance per Mr Nick McLaren, 1a Perth House, Corbygate Business Park, Corby, NN17 5JG

OFFICER COMMENTS

Corrections to report:

Site Description and Proposal – Para 1.2.

Reference is made to the existing floodlighting being both replaced (3rd sentence) and also retained (5th sentence). To confirm the existing floodlighting is to be retained.

Appraisal - Paragraph 6.8

Reference to Westfields FC, should be replaced with Hereford Lads Club. Note: Sport England and the Open Space Planning Officer also incorrectly refer to Westfields FC operating from the site, instead of Hereford Lads Club.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	<p>182191 - PROPOSED ERECTION OF POLYTUNNELS FOR STRAWBERRY TABLE TOP PRODUCTION AND THE NECESSARY INFRASTRUCTURE, INCLUDING INTERNAL FARM ACCESS TRACKS, A SUSTAINABLE DRAINAGE SCHEME WITH ATTENUATION PONDS, SEASONAL WORKER ACCOMMODATION AND FACILITIES, FRUIT CHILLER, COLD STORE AND LOADING BAY WITH LANDSCAPING AND ENVIRONMENTAL ENHANCEMENT MEASURES AT LAND AT LODGE FARM AND HIGHWAY FARM, MONKTON FARM LANE, OCLE PYCHARD, HEREFORDSHIRE</p> <p>For: Mr Leeds per Mr Phil Plant, Offley House, 18 Church Street, Shifnal, TF11 9AA</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182191&search=182191
Reason Application submitted to Committee – Re-direction	

Date Received: 13 June 2018

Ward: Three Crosses

Grid Ref: 358299,245828

Expiry Date: 26 November 2018

Local Member: Councillor Jg G Lester

1. Site Description and Proposal

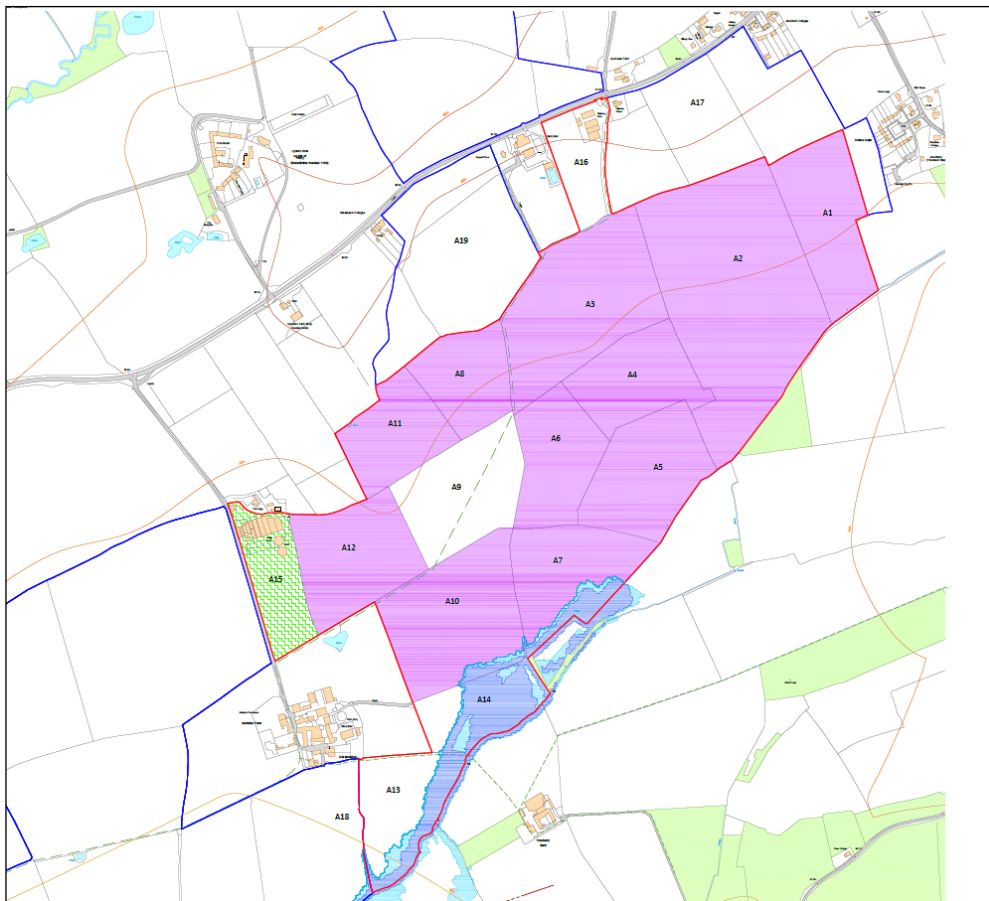
- 1.1 This detailed planning application seeks permission for the erection of polytunnels and associated infrastructure essential for table top strawberry production and for the siting of seasonal workers accommodation on land at Highway Farm, Lodge Farm, and land at Old Monkton Farm, all located within the Parish of Ocle Pychard in north eastern Herefordshire. The farms at Ocle Pychard have recently been purchased by the applicant and extend to approximately 145.07ha. The land will be farmed in conjunction with the applicants existing soft fruit business Withers Fruit Farm and will supply fruit to Wye Fruit Ltd based in Ledbury.

Site description

- 1.2 The Parish of Ocle Pychard is located around 7 miles northeast of the city of Hereford, with the market town of Bromyard located around 6 miles to the north east. The parish of Stretton Grandison neighbours the parish to the east and Westhildre to the south. The parish is crossed by two 'A' roads, the main one being the A465 which links Hereford and Bromyard, and the other the A417 which links Ledbury to Hope Under Dinmore. These two roads meet at the Burley Gate roundabout, located north of the application site.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 1.3 The main settlement within the parish is that of Ocle Pychard, which is a small settlement located on the south eastern fringes of the parish and is largely covered by two Conservation Areas. There is a cluster of listed building within these Conservation Areas, including the Church of St James. It is noted that there are no Scheduled Ancient Monuments within the parish, however there are 6 ancient woodlands and a total of 2 Local Wildlife Sites. The application is supported by a Heritage Impact Statement.
- 1.4 The majority of the parish is identified as a 'principle settled farmlands', which is a landscape type described in the Herefordshire Councils' Landscape Character Assessment 2004 as areas of mixed farming land use found in the rolling, lowland area of central Herefordshire. These areas are settled landscapes of dispersed scattered farms with small villages and hamlets, and a network of small winding lanes nestled within a matrix of hedged fields.
- 1.5 The application site, as identified on the drawing below edged in red, covers an area of 64.40ha of agricultural land located to the south of the A465, west of the settlement of Ocle Pychard. Bridle path OP8 and Public footpath OP9 cross the application site from the A465 in a southerly direction. The Three Choirs Way (a long distance regional route between Gloucester, Herefordshire and Worcestershire) passes along the southern boundary of the site. The land edged in blue is land in the applicant's ownership.



Site Plan PL-03

- 1.6 The surrounding area is generally characterised by a patchwork of enclosed pasture land, with some arable, all following the topography of the land enclosed by hedged fields. Highways Farm has until recently been used in conjunction with a livestock farm, whilst Lodge Farm was a dairy farm. Along this stretch of the A465 there are sporadic clusters of dwellings and small businesses.



Aerial Image of application site and surroundign area

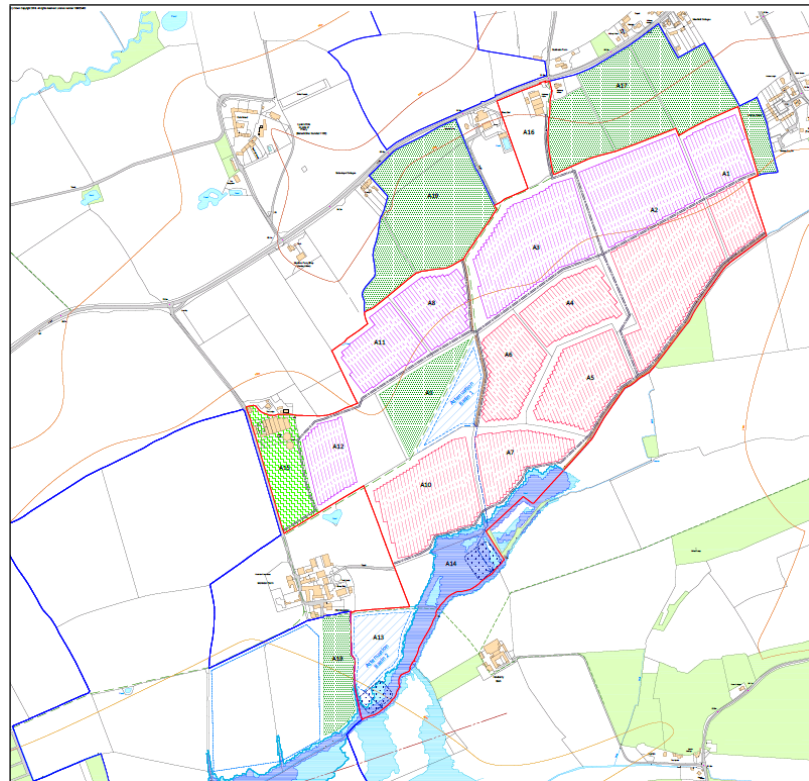
- 1.7 There are no main rivers within the vicinity of the application site, with a tributary watercourse (The Withington Marsh Brook) to the River Lugg flowing along the southern boundary of the application site. Review of the EA's Flood Mapping shows that the vast majority of the site is located in Flood Zone 1. The area along the watercourse in the south western part of the site is located in Flood Zone 2 and Flood Zone 3 and is shown on the drawing above. The EA risk of flooding from Surface Water indicates isolated areas within the site boundary as being at risk of flooding from surface water.
- 1.8 Levels across the application site vary, with the land generally sloping down in a south westerly direction from the A465 towards the tributary watercourse to the River Lugg on the southern boundary of the site. The highest level of the site is on the northern site boundary, adjacent to the A465 which is identified as 80m AOD. The south-west corner of the site for comparison is identified as being 58m AOD. Based on these levels, the site has a drop of 22m from the northern site boundary to the south – west corner of the site. The land rises again on the other side of the tributary water course. There are currently no formal drainage arrangements in place on the existing agricultural land, with all water currently infiltrating into the ground or on sub surface pathways to the tributary of watercourse.
- 1.9 The fields on the northern boundaries of the site which adjoin the A465 have recently been planted with apple trees. These have been identified on the submitted plans.
- 1.10 There are a number of residential properties in close proximity to the site and its boundaries. There are a total of 4 dwellings (1 Old Monkton, 2 Old Monkton, Monkton Court and Monkton

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

House) which are located at the end of the unclassified no through road which serves Lodge Farm and all within 150m of the proposed seasonal workers accommodation. There is also 'North Monkton' which is located immediate to the north of Lodge Farm. 'The Lodge Farmhouse' is located to the north of the farm buildings. On the northern boundary of the site is 'Highway House' located to the east of the access to Highway Farm and shares an access with the site. This property is within the ownership of the applicant and will be occupied by a family member. To the west of the access is 'Highcroft Farm' which is in separate ownership. The residential housing estate 'Holme Oaks' is located around 50m to the east of the application site.

The proposal

- 1.11 This application seeks full planning permission for the erection of polytunnels and the necessary infrastructure, including internal farm tracks, a sustainable drainage scheme with attenuation ponds, seasonal workers accommodation and landscaping. The proposed polytunnels are broken down into 11 blocks and will all be used for the growing of table top strawberries covering an area of 37.02 ha in total. In addition, 18.51 ha of apples as will be grown across the site which are largely located on the northern boundary adjacent to the A465.
- 1.12 The overall land owned by the applicant in Ocle Pychard amounts to 145ha. The applicant operates a similar established operation to that being proposed at Withers Farm near Ledbury. It is intended that the proposed fruit growing enterprise will operate in conjunction with Withers Fruit Farm and will supply fruit to Wye Fruit Ltd that is proposed to run along side the existing business.
- 1.13 The proposal is for a mix of year-round polytunnels covering an area of approximately 19.7ha on the lower slopes. The tunnels will all run in a north to south orientation and seasonal polytunnels covering an area of approximately 17.31ha on the upper slopes. The year round tunnels are proposed at 8.2m wide and 5.2m high and constructed using galvanized gothic arched hoops covered permanently with semi translucent rain covers. The seasonal tunnels are proposed to be 8.2m wide with a height of 4.5m, again constructed using galvanised semi-circular hoops with coverage from 1st February to 15th November.
- 1.14 The plan below shows the layout of the proposed polytunnels. The proposed tunnels are to be arranged as "multi-span" tunnels of various lengths to fit the field they are located on. The tunnels are to follow the contours of the ground and are to be anchored by "screw" legs approximately every 2m intervals. The covers are to be a translucent plastic sheet secured over the tubular framework and tied or clipped in place.



Proposed layout of polytunnels PL-04 Rev 2

- 1.15 The proposal includes the use of the existing farm buildings at Highway Farm, with a proposed infill between the existing buildings to accommodate a blast chiller, cold store and loading bay. These will be used to chill, and store harvested fruit for a short period before being transported to the Wye Fruit grading and packing facility in Ledbury.
- 1.16 As well as the polytunnels proposed, the application proposes the installation of 72 static caravans to be located south of Lodge Farm. The supporting documentation advises that the caravans will be capable of accommodating 6 workers, which will enable families or friendship groups to live together. There is also a requirement for seasonal workers facilities to be provided and these are proposed within the existing buildings at Lodge Farm and will include a meeting room, office, gymnasium and laundry room. The internal arrangement of these facilities have not been submitted with this application.
- 1.17 The conversion of two of the existing buildings into permeant manager dwellings is being considered under a separate application (reference P182347). The static caravans and other facilities are to be served by two large package treatment plants which are to be located at the southern end of the field.



Proposed layout of seasonal workers accommodation PL-15

- 1.18 The proposal does not necessitate any new access from the highway. The existing farm access point from Highway Farm on to the A665 will be utilised for all collections and deliveries of the soft fruit produced at the site. The existing access into Lodge Farm from Monkton Farm Lane will be utilised for all traffic connected with the seasonal workers accommodation. Harvested fruit will be moved via internal farm access tracks to the cold store and chiller at Highway Farm. Fruit will then be moved by articulated lorries, of which there will be no more than 2 a day in peak season, to the Wye Fruit packhouse in Ledbury. The work force will access the site direct from the seasonal workers accommodation also proposed as part of this application.
- 1.19 The application also proposes the strategic use of french drains and two surface water attenuation ponds and an underground drainage system to convey the water with final discharge to wetland areas. The aim of the drainage scheme is to ensure all rainwater is managed through the drainage system and to annually undertake a risk assessment and actively manage the run-off from the Polytunnels.
- 1.20 In addition to the rainwater/surface water scheme, a separated sealed drainage system to capture water from the table top strawberry areas within the polytunnels is included as part of the scheme. Any surplus water that could contain fertilizers and pesticides coming from the table top strawberry production will be segregated from rainwater and conveyed in a separate sealed system to two underground chambers where it will be re-used via the irrigation system. The system proposed include PVC sealed pipework which will deliver irrigation water injected with fertiliser to the proposed table-top growing beds, and collects unused water for recycling back through the system. Unused water is pumped from the two underground 4,000 litre collection chambers to a storage reservoir from where it is re-supplied to the crops. The reservoir was subject to a separate planning application which was granted prior approval in March 2018 under application 180712/PA7.

- 1.21 The treated foul water on the site will be used to irrigate the apple trees. The applicant proposes to pump treated effluent into two existing 17.1m diameter tanks at Lodge Farm and then use a trickle irrigation system to irrigate the trees, via soakaways. A bespoke Environmental Permit from the EA would be required for this.
- 1.22 The scheme also proposes additional landscaping across the site aimed to mitigate against any visual harm whilst also providing enhancement measures. The landscaping proposed includes retaining and reinforcing existing tree belts along the watercourse and hedgerow boundaries; maintaining existing field patterns; the planting of new orchards to the north and east of the development; and indigenous tree planting around the seasonal workers accommodation.
- 1.23 Once production is fully developed at Ocle Pychard, it is envisaged that the site will employ 23 full time workers and 330 seasonal workers. Seasonal workers will not be allowed to bring private motor vehicles to the site. Minibuses will be used to transport workers to and from the site, as well take them into Hereford for shopping and leisure days out. The number of seasonal workers varies at different times of the year and the applicant has provided the table below which identified the number of seasonal workers needed on the site in each calendar month.

Month	Harvest	Husbandry	Tunnels	Irrigation	Total
January	0	70	5	5	80
February	0	70	8	6	84
March	0	75	15	11	101
April	0	75	15	11	101
May	220	80	13	10	323
June	232	75	13	10	330
July	220	85	15	10	330
August	250	62	8	10	330
September	200	45	8	6	259
October	150	17	6	4	177
November	20	40	4	4	68
December		40	4	4	48

- 1.24 The proposal is Schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. To this end, a screening exercise has been undertaken by the Council which concluded that due to the projects size, nature and location the proposal does not represent development for which an Environmental Statement would be required. The application is, however, supported by a number of documents:-

- Design & Access Statement
- Planning Statement
- Archaeology Report
- Noise Management Plan
- Flood Risk Assessment & Surface Water Drainage Management Plan
- Ecological Assessment
- Landscape Character & Visual Assessment
- Detailed Landscape Plan
- Heritage Impact Statement for Polytunnel Development

2. Policies

2.1 National Planning Policy Framework

- Section 1 - Introduction
 Section 2 - Achieving Sustainable Development

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

Section 4	-	Decision – Making
Section 6	-	Building a Strong, Competitive Community
Section 9	-	Promoting Sustainable Transport
Section 14	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15	-	Conserving and Enhancing the Natural Environment
Section 16	-	Conserving and enhancing the Historic environment

2.2 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA3	-	Herefordshires Countryside
RA4	-	Agricultural, forestry and rural enterprise dwelling
RA6	-	Rural economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

2.3 **Ocle Pychard Neighbourhood Development Plan**

A Neighbourhood Development Plan has been drafted and was sent for examination on the 22nd May 2018. The examiners report was received on the 17th December 2018 and recommended that the NDP progresses to referendum which is scheduled for the 14th February 2018.

As the NDP has progressed this far, officers consider it should be given significant weight in the determination of this planning application. Submission objectives and policies of particular relevance to this proposal are summarised below:-

Objectives for economic and social development

The Neighbourhood Development Plan will guide economic and social development by:

- Supporting rural diversification and other forms of economic development which are appropriate to their location and setting.
- Working to improve electronic communications.
- Supporting renewable energy, particularly community-led proposals.
- Supporting the retention of existing community facilities and new provision.
- Identifying Community Actions in respect of matters outside the formal scope of the Neighbourhood Development Plan.

Objectives for the environment

The Neighbourhood Development Plan will ensure that the local environment is protected and enhanced by:

- Providing for the protection, conservation and enhancement of the natural and historic environments in accordance with Local Plan Core Strategy policies.

- Ensuring that new development is in keeping with its surroundings and appropriately designed and accessed.
- Supporting modern design approaches that make a positive contribution to local character and distinctiveness.

Policy OPG1: Sustainable development

In considering the overall contribution of development proposals to the sustainable development of the Ocle Pychard Group Neighbourhood Area, the following principles will be sought and balanced:

1. Enabling new housing to meet strategic requirements and the needs of local communities; and
2. Supporting proposals for new and diversified employment opportunities which are compatible and in scale with the rural nature of the area; and
3. Retaining and enhancing community infrastructure, and promoting and enabling new provision, to meet a range of needs and promote quality of life; and Ocle Pychard Group Neighbourhood Development Plan
4. Taking all opportunities to protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity.

Policy OPG7: Economic development in Ocle Pychard Group

Proposals to generate employment and to support and diversify the rural economy will be supported where they are of a scale, type and nature appropriate to their countryside location and setting. This includes:

1. The re-use of redundant rural buildings for business use and for the provision of live/work units;
2. The small-scale extension of existing business premises and commercial facilities;
3. Extensions to existing dwellings needed to enable home working;
4. The development and diversification of farm, forestry and other land-based rural businesses;
5. Rural tourism and leisure proposals, particularly those which serve to sustain, enhance and promote a better understanding of the local natural, historic and cultural environment.

Policy OPG11: Natural environment

Proposals should be able to demonstrate that they protect, conserve and enhance the natural environment in accordance with the principles in Local Plan Core Strategy policies LD1, LD2 and LD3. This includes the following, as is relevant to the proposal:

1. The protection and recovery of European and nationally protected species; and
2. Ensuring that development avoids adverse effects on the River Wye Special Area of Conservation and the Rivers Wye and Lugg Sites of Special Scientific Interest; and
3. Conserving, restoring and enhancing sites and features of biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, Local Wildlife Sites, woodland, veteran trees, hedgerows, ponds and watercourses; and
4. Maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure; and
5. Ensuring that proposals respect the prevailing landscape character, as defined in the County Landscape Character Assessment, including associated views, trees and hedgerows and local features of interest.

Policy OPG12: Historic Environment

Proposals should be able to demonstrate that they protect, conserve and enhance the historic environment and heritage assets in accordance with the principles in Local Plan Core Strategy LD4. This includes the following, as relevant to the proposal:

1. Protecting, conserving and where possible enhancing listed buildings in a manner appropriate to their significance; and
2. Preserving or enhancing the character or appearance of the Ocle Pychard and Ullingswick Conservation Areas; and
3. Taking due account of other undesignated heritage assets including archaeological sites and the historic route of the Herefordshire and Gloucestershire Canal and associated features; and
4. Ensuring that proposals for the redevelopment, alteration or extension of historic farmsteads and agricultural buildings are sensitive to their distinctive character, materials and form.

Policy OPG13: Design and Access

Development proposals should:

1. Respect the character of adjoining development and the wider landscape, having regard to siting, scale, height, massing, detailing, means of enclosure and the use of traditional materials; and
2. Incorporate relevant sustainability measures to include building orientation and design, energy and water conservation, the use of sustainable construction methods and materials, provision for the recycling of waste, cycle storage, communications and broadband technologies, and the generation of renewable energy; and
3. In the case of proposals for new housing, be sited and designed to avoid adverse impacts on the amenity of future occupants from the operation of existing uses, including agricultural and business operations; and
4. Be capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated. The arrangements for access should include provisions for pedestrians and cyclists to encourage active travel wherever practicable; and
5. Avoid creating unacceptable impacts on residential amenity and the tranquillity of the countryside from noise, volume and nature of traffic generated, dust or odour. Where external lighting is proposed, avoid adverse amenity and environmental impacts occurring through light spillage; and
6. Retain and incorporate existing site features of amenity and biodiversity value, such as trees, ponds and hedgerows, as far as practicable; and
7. Provide for new landscaping which is in keeping with the prevailing landscape character, to integrate new buildings in their surroundings and to support green infrastructure and the Herefordshire Ecological Network.

- 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

Other relevant guidance

- 2.5 ***Polytunnel Planning advice guide 2018*** – (replacement of the Polytunnels Supplementary Planning Document Adopted 5th December 2008)

- 2.6 National Planning Practice Guidance

3. Planning History

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 3.1 182276/EIA: EIA Screening Opinion for the proposed erection of polytunnels for strawberry table top production and the necessary infrastructure. Issued 25th July 2018 – EIA not required
- 3.2 180712/PA7: Prior approval for the proposed construction of an irrigated reservoir with approximately 200,000m³ water capacity. Approved 22nd March 2018
- 3.3 102161/F: Proposal to cover two concrete areas and erect one feed/livestock building. Approved 2nd November 2018
- 3.4 DCNC091405/F: Installation of above ground slurry store. Approved 5th August 2018

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

4.2 Historic England: No comments to make

Thank you for your letter of 20 June 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

4.3 Natural England: No objection subject to conditions

Initial response received on 19th July 2018

Summary of Natural England's advice further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on River Wye SAC Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Further details on how sewage will be treated.
- Clarification of water use/extraction.
- Clarification of what is happening to the irrigation water.
- Further details on the wetland.

Without this information, Natural England may need to object to the proposal.

Further response received on 6th December 2018

Thank you for your consultation dated 20 November 2018 (sent from Juliet Moxon) regarding the Appropriate Assessment for the above proposal.

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

In our previous response (19 July 2018) regarding this site Natural England advised that as part of the Habitats Regulations Assessment (HRA), the Local Planning Authority should ensure that there would be no harmful discharges of foul or surface water from the application site into the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site. We specifically requested further details as follows:

- How sewage will be treated.
- Clarification of water use/extraction.
- Clarification of what is happening to the irrigation water.
- Further details on the wetland.

We note that additional details have now been submitted within the amended Flood Risk Assessment and Surface Water Drainage Management Plan; and correspondence regarding the sewage treatment specification, use of effluent and the sealed pipework system. Natural England can therefore agree with the Appropriate Assessment submitted by your authority that sufficient information has now been submitted to rule out the likelihood of significant effects on the River Wye SAC. We also agree with the requirement for suitably worded conditions regarding foul and surface water management.

Internal Council Consultations

4.4 Historic Buildings Officer: No objection

Comments received 9/10/2018

Recommendations:

It is not felt that the proposals would cause adverse harm to the setting of heritage assets.

Background to Recommendations

The proposals are for polytunnels in an area to the West of Olce Pychard, a small conservation area with a Grade 2* listed Church.

Comments:

The setting of the following assets have been considered and the site visited.

It is not felt that those aspects of the setting of these heritage assets which contribute to their significance would be adversely affected by the proposals.

- Quicksets Farm, Grade 2, 200m to the North of the site boundary.
- Ocle Pychard Conservation Area and Church of St James the Great (grade 2*).
- Upper Castleton Grade 2 650m to South East of site boundary.
- Lower Castleton Grade 2 (including barns) 780m to South East of site boundary.

Further comments received on the 19th October following objections from members of the public in relation to the setting of the Ocle Pychard Conservation Area

These comments relate to a query about the setting of the Conservation Area (CA) at Ocle Pychard.

Whilst there is no statutory protection for the setting of a Conservation Area, however it can be a planning consideration and it is considered a Heritage Asset for the purposes of the NPPF.

From the submission there may be areas within the CA where the proposed polytunnels could be experienced.

When looking at setting, it is not just how the heritage asset is experienced, but those aspects of that experience which relate to its significance or importance.

With the Conservation Area at Ocle Pychard it is not felt that the enjoyment or experience of the Church would be adversely affected by the proposals, however there may be areas where the polytunnels are visible.

It is not felt that this change to the experience is sufficient to meet the bar for less than substantial harm to the significance or character of the Conservation Area, however it is noted, as is the concern raised.

Given the concern raised by the member of the public and that we are duty bound to show due diligence I would request more information. The application looks at heritage in part in various documents, it would be beneficial, for the avoidance of doubt, to submit a unified document, drawing on information within the LVIA, planning statement etc which examines the setting of heritage assets in relation to s 189 of the NPPF and the Historic England Guidance Note 3 on the Setting of Heritage Assets. We would be grateful for a further consultation once this information has been submitted.

Comments received on 11/01/2019

In terms of the heritage statement this would meet the requirements of para 189 of the NPPF as it would describe the significance of the heritage assets and the contribution made by setting. We would query whether it would meet the additional guidance from Historic England (GPA3) as the structure doesn't necessarily follow the staged approach in order, it does have the necessary information.

The setting of a Conservation Area is referred to in the NPPF. This is not a statutory protection. It is not felt that the setting of the Conservation Area would be affected in such a way that less than substantial harm would occur. In terms of the setting of the Church, it is not felt that those aspects of the setting of the church which contribute to its significance would be harmed by the proposals. It is not strongly visible within the Landscape from the North, and only glimpsed views would be possible from the Church.

4.5 Planning Ecologist: No objection subject to conditions

Initial response 9/10/2018

I have responded to the requirement for HRA screening for this application and will comment on the ecological survey documents in due course.

Thank you for forwarding the updated ecological assessment which I have read. This appears to be in order and a follow-up statement by the ecologists, with which I would also concur, addresses issues raised by local members of the public.

With regard to site ecology I would suggest that, if given approval, the following non-standard condition is attached:

The recommendations for species and habitat enhancements set out in the ecologist's report from Chris Seabridge and Associates dated July 2008 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

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

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

There remains the aspects of Habitats Regulations Assessment highlighted by Natural England in their response. I am content that the sealed crop irrigation system collecting excess fertigation water is adequate mitigation and will include this in an Appropriate Assessment. However, the latter cannot be completed until clarification has been received with regard to the management of fowl, the attenuation basins and the operation of the 'wetland' habitat proposed. As this bounds the brook-side of Withington Brook, assurance should be sought in relation to mitigation of any hydrological pollution impacts on this stream which links to the R Lugg – part of the R. Wye Special Area of Conservation

4.6 Service Manager Built and Natural Environment (Landscape Officer):

Initial response - 27th July 2018

Following on from our site visit and having now read the detail of the submitted Landscape and Visual Impact Assessment dated June 2018, I write to advise you that I do wish to carry out further assessment as to the potential visual effects; in particular at Ocle Pychard and 3 Choirs Way. In the meantime there are a number of matters in respect of the application which I will draw to your attention in order for you to highlight these with the applicant:

- A number of existing trees on site are not shown as plotted on the plans, these will need to be shown on the landscape proposals as retained.
- A viewpoint from Thinghill Court at C1130 and WT21 should be assessed as part of the LVIA. Details of the attenuation ponds should be provided in terms of – function/use, extent of excavation, profile of pond/wetland.

- Landscape proposals setting out vegetation for retention/removal and proposed planting will need to be provided as part of the application – however I will advise further on this matter following my additional site visits.

Further comments received on 5/08/2018 – Further information required

The proposal comprises polytunnel coverage for strawberry production of 37.02 hectares of agricultural land; 19.71ha of which is year round coverage, whilst the remaining 17.31ha is seasonal coverage (Feb-Nov). Ancillary development includes the upgrading of the access at Highway Farm; necessitating the loss of hedgerow for visibility splays, the introduction of farm access tracks linking the development, the creation of 2 attenuation ponds and the siting of a number of static caravans to provide workers accommodation within the field south of Lodge Farm.

I have visited the site and its surroundings on a number of occasions; initially to provide pre-application advice for a scheme of this nature in July 2017 and more recently to assess the potential landscape and visual impact following the submission of a full application.

The local landscape character for the site and its surroundings is; Principal Settled Farmlands, defined as; settled agricultural landscapes of dispersed scattered farms, relic comments and small villages and hamlets. This type possesses two key characteristics which are hedgerows to mark field boundaries and mixed farming use. Whilst I disagree with the LVIA that this landscape has undergone considerable change thereby implying a reduction in its quality, I do in essence draw the same conclusion that the overall sensitivity of this undesignated landscape is medium.

Given the complexity of the application there are a number of effects upon the landscape which should be factored into the overall magnitude of impact, these are:

- The introduction of the polytunnel coverage - permanent cover on the lower slopes, seasonal on the upper slopes. a manmade product within an essentially natural landscape,
- The introduction of further farm access tracks and the puncturing through hedgerows to link the access routes.
- Hedgerow loss at Highway Farm to provide visibility splays
- 2 Attenuation ponds – details not submitted do need these – natural ponds planting potential enhancement

My assessment of these effects would conclude that the main impact would arise from the introduction of the polytunnel coverage themselves, however given that this type of development can be removed and does not result in the loss of elements within the landscape I would not conclude that the impact is significant.

Whilst I do not anticipate any of the other aforementioned impacts to be of a significant nature, to aid comprehension of the scheme I do seek clarification on the extent of roadside hedgerow removal at Highway Farm as well as detail on the proposed attenuation ponds; use, profiling etc.

In respect of the anticipated visual effects, I am satisfied that I have visited all of the viewpoints identified within the landscape report with the case officer and that we have a clear understanding of the degree of any potential effects.

In my professional view the proposed site does benefit from both topography and extensive vegetative cover in particular along the watercourse. This provides a relatively strong visual buffer to the polytunnel coverage along the lower slopes. Views of the upper slopes are more readily available in particular along Three Choirs Walk; however the views are still confined to small sections of the fields and often filtered by vegetation. The orchard planting, some of which

is already in place, will mitigate these views further once fully established and with planting within the framework of the site these identified effects could be mitigated further.

Clearly the bridleway which crosses the site will experience a significant adverse visual effect which can only be lessened a small degree by setting back polytunnels to maintain a sense of openness, but aside from this PROW I would anticipate the visual effects at the remaining viewpoints to be moderate adverse at most with mitigation in place.

As a final note on visual effects; one viewpoint identified by myself with the case officer which should be assessed for completeness, is that referenced in my earlier comments at Thinghill Court.

With regard to mitigation; I would acknowledge that the work that has already been carried out in terms of primary mitigation; the engagement of a landscape consultant at the early stages has resulted in a development which seeks to minimise the landscape and visual effects from the outset and this is welcomed.

The proposed orchard planting, some of which is already in place breaks up the scheme and reduces adverse effects on residential amenity, which also shows a degree of forethought. There are four final recommendations which should be incorporated into the landscape proposals:

- There is a small section along the watercourse which would benefit from further gapping up through tree planting.
- The internal hedgerows should be maintained at approximately 5m and hedgerow tree planting should be incorporated to filter views from the higher ground to the south.
- The proposed attenuation ponds should be designed with an organic form and moisture loving plants in order that they provide enhancement.
- Finally and perhaps of most significance in terms of complying with policy LD1 of the Core Strategy, further consideration should be given to views from the southern approach along the lane to the static caravans – a robust landscape buffer needs to be proposed along this southern field boundary, the static caravans already arranged within the field provide a good indication of the degree of adverse visual effect that can be anticipated, a tree belt along this perimeter would be most appropriate.

My overall findings would conclude that the effects on both landscape and visual amenity are likely to be moderate adverse. I would ask for the requested information to be forwarded to myself in order to ensure I am fully conversant with the effects, following on from the submission of this detail I will advise the planning officer accordingly. Landscape proposals should be amended to reflect the aforementioned points and detailed specification with a robust management plan could then be submitted via a condition if approved.

Further comments received 9/01/2019 – No objection subject to conditions

I have reviewed the amended landscape drawings PL-05 Rev 3 and PL -15 showing field A15 at a scale of 1:500. I am satisfied with the proposed planting – the gapping up of hedgerow and additional hedgerow trees shown.

I would recommend the following conditions be applied:

The soft landscape works shall be carried out in accordance with the approved plans; PL-05 Rev 3 and PL -15 within a timescale set out within an implementation programme submitted and agreed in writing by the local planning authority, prior to the commencement of works.

Before the development is brought into use a schedule of landscape management and maintenance for a minimum of 5 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule

Ideally the management period which would relate to hedgerow height would be for a 10 year period, but I will leave that to your discretion

4.7 Drainage Engineer: No objection subject to conditions

Date of this response: 21/11/2018

We provided comments to the above planning application in July 2018. We requested the following information to be submitted prior to planning permission being granted:

1. Confirmation of the purpose of the 'PVC sealed pipework';
2. Further information on the amount of water to be drained to the irrigation reservoir; the proposed capacity of the reservoir; how the reservoir will be managed to ensure no increased risk of flooding in the area or elsewhere; drawing showing details of the reservoir, including information on whether the reservoir will be covered or raised above ground level; whether water from the irrigation reservoir will be discharged to the nearby watercourse; the nature and management of pollution risks; and the need for a pumped system and residual risks in the event of pump failure;
3. Confirmation whether the development will be built in phases.

In addition, we recommended that the following information is requested in suitably worded planning conditions:

4. Demonstration that the Applicant has allowed for greater uncertainty in the mapped fluvial flood extents and evidence that the location of Attenuation Basin 2 or other proposed features has taken these allowances into account;
5. Detailed drawings of proposed surface water attenuation features, wetlands and outfall structures;
6. Results of infiltration testing at the location(s) and proposed depth(s) of any proposed surface water attenuation/infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology;
7. Demonstration that an appropriate Panel Engineer has been consulted in the design of proposed attenuation features with capacity greater than 10,000m³; and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
8. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;
9. Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
10. Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
11. Confirmation of groundwater levels to demonstrate that the invert level of any unlined surface water attenuation features or foul water drainage fields can be located a minimum of 1m above groundwater levels;

12. Demonstration that the risk of water backing up the surface water drainage system from any proposed outfall has been considered and, if necessary, how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;

13. Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.

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

This response is in regard to flood risk and land drainage aspects, with information obtained from the following sources submitted by the Applicant in September 2018:

- Email dated 4.09.2018;
- Revised Flood Risk Assessment, August 2018;
- Proposed Agricultural Reservoir Design, drawing ref. 1725 05A;
- Information on sealed pipework system.
- Also the email from Mid West Planning dated 21st November 2018 describing the existing slurry tanks that are to be used for effluent storage

Point 1: Confirmation of the purpose of the 'PVC sealed pipework'.

We understand via information provided by the Applicant that the PVC sealed pipework delivers irrigation water injected with fertiliser to the proposed table-top growing beds, and collects unused water for recycling back through the system. Unused water is pumped from two underground 4,000 litre collection chambers to a storage reservoir from where it is re-supplied to the crops.

Point 2: Further information on the amount of water to be drained to the irrigation reservoir; the proposed capacity of the reservoir; how the reservoir will be managed to ensure no increased risk of flooding in the area or elsewhere; drawing showing details of the reservoir, including information on whether the reservoir will be covered or raised above ground level; whether water from the irrigation reservoir will be discharged to the nearby watercourse; the nature and management of pollution risks; and the need for a pumped system and residual risks in the event of pump failure.

Applicant states that the reservoir is the subject of a separate planning application (ref. P180712) and therefore the details of the reservoir are not included in this submission. The submitted documents state that planning permission has already been granted for the irrigation reservoir. No further review of the reservoir (including the assessment and design of spillways, outfalls, flood risk etc) has therefore been undertaken to inform our response to this planning application for the erection of polytunnels.

The Applicant states that temporary submersible water pumps will be installed in the proposed surface water attenuation ponds to transfer runoff water to the reservoir for use for irrigation. If and when the reservoir is full, the transfer pumps will be switched off and surface water runoff

within the attenuation ponds will be discharged at greenfield runoff rates to the adjacent watercourse.

Point 3: Confirmation whether the development will be built in phases.

We understand that it is not proposed to build the proposed polytunnel development in phases. The Applicant states that the reservoir will be built in Spring 2019 and that the attenuation ponds will be built by summer 2019. It is not intended that the polytunnel covers are used prior to the attenuation ponds being built.

Point 4: Demonstration that the Applicant has allowed for greater uncertainty in the mapped fluvial flood extents and evidence that the location of Attenuation Basin 2 or other proposed features has taken these allowances into account.

The revised FRA includes 1D hydraulic analysis of the extents of the floodplain in relation to the location of Attenuation Basin 2 considering climate change impacts. The exercise is based on LiDAR data obtained for the area of the proposed development and its surroundings, which then was used to create a number of cross sections along the brook. The analysis was also supported by on-site observations and measurements. The modelling report concludes that the analysis confirms that the floodplain extents shown on the EA's Flood Map for Planning are broadly correct, if somewhat conservative, and therefore can be used to guide the development. The Applicant concludes that the proposed Attenuation Basin 2 is located outside of the floodplain extent envisaged for the 1 in 100 year event with 70% climate change allowance.

Point 5: Detailed drawings of proposed surface water attenuation features, wetlands and outfall structures.

The Applicant states that this information will be provided at detailed design stage. We agree with this approach. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Point 6: Results of infiltration testing at the location(s) and proposed depth(s) of any proposed surface water attenuation/infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.

No additional information was submitted. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Point 7: Demonstration that an appropriate Panel Engineer has been consulted in the design of proposed attenuation features with capacity greater than 10,000m³; and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures.

No additional information was submitted. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Point 8: Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems.

The Applicant states that this information will be submitted at the detailed design stage of the project. We agree with the proposed approach. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Point 9: Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features.

The Applicant states that this information will be submitted at the detailed design stage of the project. We agree with the proposed approach. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Point 10: Infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H.

The Applicant states that considering likely low soil infiltration rates, treated foul water is proposed to be used to irrigate apple trees. The applicant has proposed pumping treated effluent into two existing 17.1m diameter tanks and then use a trickle irrigation system to irrigate the trees, via soakaways.

The Environment Agency have advised that it would not be acceptable to surface irrigate the trees. Any proposals to irrigate the trees would need to discharge continually to ground. The soakaway would need to be designed in such a way that it is in contact with the most number of trees whilst still being a closed loop. An Environmental Permit would be required, this would be a bespoke application to the Environment Agency.

Point 11: Confirmation of groundwater levels to demonstrate that the invert level of any unlined surface water attenuation features or foul water drainage fields can be located a minimum of 1m above groundwater levels.

The Applicant states that this is not applicable as no infiltration is proposed. We highlight, however, that this information will be required should infiltration of foul water form part of the detailed design. As advised in our previous response, we recommend this information is requested via suitably worded conditions as required.

Point 12: Demonstration that the risk of water backing up the surface water drainage system from any proposed outfall has been considered and, if necessary, how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

The Applicant submitted information regarding the discharge of effluent rather than the discharge of surface water runoff from the attenuation ponds to the nearby watercourse. As advised in our previous response, we recommend this information is requested via suitably worded conditions as required.

Point 13: Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.

No additional information was submitted. As advised in our previous response, we recommend this information is requested via suitably worded conditions.

Overall Comment

In our opinion, the Applicant has submitted sufficient information regarding flood risk and drainage aspects for planning permission to be granted.

It is recommended that the following information is requested in suitably worded planning conditions:

1. Detailed drawings of proposed surface water attenuation features, wetlands and outfall structures;

2. Demonstration that an appropriate Panel Engineer has been consulted in the design of proposed attenuation features with capacity greater than 10,000m³ set above the natural level of the surrounding land; and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
3. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;
4. Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
5. If infiltration of foul water is proposed to be discharge to the ground, infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
6. Demonstration that the risk of water backing up the surface water drainage system from any proposed outfall has been considered and, if necessary, how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
7. Completed application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse.

It is also recommended that a suitably worded planning condition is applied to ensure that no polytunnel covers are used before the attenuation ponds are completed and fully operational in accordance with detailed designs.

4.8 Archaeological Advisor: No objection subject to conditions

Response 11th July 2018 – Further information required

This is a large scale development, relating - partly at least - to areas of potential archaeological interest and sensitivity.

I note the submission of an appropriate archaeological desk based assessment, the conclusions of which I am largely in agreement with. There are some risks here in relation to buried medieval period remains in particular, but these risks are currently difficult to quantify and properly understand.

Accordingly, it will also be necessary in this case to provide an early stage archaeological field evaluation report under Para 128 of the NPPF. This would consist of suitable trial trenching, the details of which are currently being finalised.

I would expect the evaluation to take place very shortly, and will provide further appropriate advice at the point of its effective completion.

Comments received on the 10th December 2018

The archaeological interest and sensitivity of the site, as now more fully defined by field evaluation, appears to be as follows.

Firstly it is clear that over much of the particular area in question, there is actually low potential for any finds of significance. The evaluation and other evidence indicates extensive loss through agricultural disturbance over the last decade or so, to the extent that little remains of the medieval 'settlement' features hitherto recorded within the western parts of the wider site. This is even assuming they were medieval in the first place, and I think some doubt has now been

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

cast on this. There are occasional other remains of interest identified, but on the whole, these are intermittent and of comparatively low importance.

The exception is in the part of the site assessed by Trenches 36 -40 [ie at the eastern end of the area trenched] In this location, an appreciable amount of medieval pottery was recovered, suggestive of proximity to further remains of interest. Also, and unexpectedly, Iron Age pottery and stone surfaces likely to be associated in some way were identified. These finds are of more significance, and although clearly limited in extent, need to be taken account of in any planning decision. In my view, having regard to the evidential value here, and the circumstances of the case, I would regard these finds as being of local to regional importance.

Given the above, and given that the sensitive area is very localised, I have **no objections** as regards the scheme as a whole. However, particularly given the association with a proposed attenuation pond here, it would be necessary to achieve mitigation via archaeological recording prior to any development. In essence, in the event of planning permission being granted, a full archaeological excavation will be required. Such an excavation would accord with Core Strategy Policy LD4 , and with Para 199 of the NPPF. It would be secured via 'programme of work' Planning Condition E01 /C47 .

4.9 Conservation Manager (Trees): No objection subject to conditions (10/7/2018)

Having visited the site and read the reports I don't have any objections to the proposals. There are a number of mature trees, mainly located on the outer edge of the site, which provide valuable habitat which are to be retained. There are at least 2 veteran trees (T5 and another, an Ash tree located in location where it will not be directly impacted by the design. Paragraph 118 of the National Planning Policy Framework –

•planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

Because the trees are not highlighted for removal I don't have any reason to object. I would however like to see how poly tunnels will be designed / orientated so that sufficient clearance is given to T5 which will be surrounded.

The no dig method proposed for the access road will mean that minimal impact should occur to trees whose roots encroach the track.

Accordingly I think that the proposals have minimal impact on the trees on site, the planting of new trees and the orchard will add to the local green infrastructure therefore complying with LD1 & LD3 of the Herefordshire Core Strategy.

4.10 Environmental Health Officer (Noise and Nuisance): No objection subject to conditions

My comments are with regard to potential noise and nuisance issues that might arise from development.

Storage site at Highway Farm

The applicant has provided further information regarding the proposed 3 compressor units to serve the blast chiller and cold store proposed. Provided that the barn immediately to the south west is retained and can continue to act as a barrier our department has no objections to this plant on noise grounds. I do however note that there is the potential for vehicular activity

(delivery of fruit into storage and removal of fruit off site) in the yard area to impact on the residents of Highway House.

The applicant is therefore requested to supply details of anticipated vehicular activity in the yard area. By this I mean vehicle type, the number and hours of delivery of fruit into storage and which means of access into the storage area it is intended to use (south west or north east?). Similarly the details and hours of proposed collection of the fruit from site. This is to so that the impact on the amenity of the residents at Highway House.

Seasonal agricultural workers accommodation

If permission were granted, the site would need a caravan site licence from the Council's Licensing section which amongst other conditions would specify minimum distances between caravans. I have concerns that the proposed number of caravans and the number of residents within the caravans could cause amenity issues in terms of noise for the neighbouring occupants at Monkton Court.

Notwithstanding management controls that could be put in place such as a prohibition on amplified music just human voices could be an issue. At the very least the applicant is requested to supply a noise management plan and proposals for noise attenuation for the site as part of the planning application

Further comments received on 8th January 2019

My comments are with regard to potential noise and nuisance issues that might arise from development.

The applicant has supplied further information in relation to the vehicular movements at Highway Farm and also a revised noise management plan dated December 2018 for the seasonal agricultural workers accommodation.

A fruit traffic management statement has been requested and now supplied which outlines the fruit transportation on site to the blast chiller and cold store and then off site. From a noise and nuisance perspective I do not have any objections to these proposals. To safeguard the amenity of neighbouring residents however, I recommend a condition which restricts HGV movements at Highway farm to and from the site such that movements be restricted to not take place between the hours of 20:00 and 07:00 Mondays to Sundays.

I am of the opinion that in particular the voices carrying from the seasonal workers accommodation could have some impact on the resident(s) immediately to the south west of the proposal at Monkton Farmhouse, especially during the high season and summer months. To a lesser extent this may also happen at Old Monkton but these premises are to a degree shielded by existing farm buildings. This does not mean that neighbours will be nuisance and I therefore take the view that should it be minded to grant planning permission what practical mitigation can be put in place should be.

I therefore recommend the following conditions:

The manager of the caravan site resides in the house to be converted to the immediate north of the caravans.

The provision of recreational facilities for the seasonal workers be placed to the immediate north of the caravans and to the east of the proposed football pitch in the area shown on the plan OCLE PYCHARD PL-06 supplied on 6th December 2018.

No amplified music outside on site.

No motor vehicles or motorbikes on site.

No fireworks on site.

No use of power tools or machinery on site outside the hours of 08:00am to 20.00 Mondays to Sundays

A record to be kept of any complaints by neighbours and action taken to be held by the Camp Site Manager to be made available to the local Planning Authority on request

4.11 Highways Engineer: No objection

Traffic Generation

As stated in the Design and Access statement, most of the movements associated with this development will happen internally throughout the farm land. Only 2 HGV movements per day are associated with this development. Lodge farm is not an operating dairy farm, therefore agricultural and other movements associated with it at Lodge Lane are no longer relevant. From this information, it is not considered that the impacts upon the public highway are significant in association with this development.

Parking, Turning and Manoeuvring

No material change to parking, turning or manoeuvring arrangements are set out in the development.

Site Location and Access

The site is the land at lodge farm and highway farm adjacent to the A465. The proposal does not necessitate any new accesses to the highway. Access will remain to the fields through Highway Farm, and from Monkton Farm Lane to the west.

Visibility

Pre- application advice was sought with this application in mind. The visibility splays supplied by the client in conjunction with PJA and shown in the Design and Access statement are suitable with the DMRB one step below guidance in mind.

Drainage

The developer should ensure that no surface water runs off on to the public highway because of this development.

Waste Collection

A recycling strategy is highlighted in the application form.

Conclusion

The transportation department has **no objections to this application.**

4.12 Waste Management Officer: No objection

Please note waste produced from seasonal workers accommodation would be classified as commercial waste. Suitable storage arrangements should be made for all waste produced and suitable arrangements should be made to have the waste collected and disposed of safely by an authorised organisation. Commercial waste is not accepted through household waste services provided by the council.

Access to the commercial waste bins should be suitable for an RCV and the distance from where the RCV can safely access and the collection point for the bins should be kept to a minimum.

The trade waste service provided by the council requires a risk assessment and assumes a max laden vehicle weight of 26 tonnes

4.13 Public Right of Way Officer: No objection – 21st June 2018

Public footpath OP9 and bridleway OP10 cross the site. A field edge footpath must be allowed a minimum width of 1.5 metres, and a field edge bridleway must be allowed a minimum width of 3 metres. Providing this is the case, PROW will not object to the proposal.

Following amendments to the proposal the PROW Officer confirmed on the 20th November 2018 that previous comments still stand.

4.14 Herefordshire Ramblers: No objection

No objection, subject to adequate provision being made for Public Footpath OP9 and Public Bridleway OP10 to continue through the site without obstacle or hindrance.

4.15 River Lugg Drainage Board : No objection subject to Bye Laws and S15 of the Land Drainage Act 1991 being met

With reference to the above application dated 20th June 2018. The Board must advise that this site is located within its rateable area and has the potential to have direct effect on the Board’s operational interests and watercourses under the Board's control the Little Lugg, Kymin Section, Lateral No 2.

Therefore, in accordance with the Board's Bye Laws and S15 of the Land Drainage Act 1991 1991:

Requirements

1	A permanent 9 metre access strip is required alongside the Little Lugg, Kymin Section, Lateral No. 2 within the development site, for watercourse maintenance purposes. The written consent of the Board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment. Clear unimpeded access for heavy plant is required to and throughout the maintenance area.
2	Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse.

The Flood Risk Assessment states that there will be a discharge of storm water to Little Lugg, Kymin Section, Lateral No. 2 and I would like to inform you of the Board’s standard requirements in respect of surface water disposal and ask that they be taken into consideration when the application is assessed.

Requirements

1	Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the ‘ <i>greenfield</i> ’ response of the site over a range of storm probabilities, accompanied by the <i>required On-site Storage</i> designed for the 1 in 100 year storm event.
2	For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into an ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.
3	The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 10% for computing storage volumes.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

4	All in compliance with The Institute of Hydrology Report 124 (IoH 124) - Flood estimation for small catchments (1994)
5	All to the satisfaction of the Engineer to the Board
6	No additional surface water run-off to adjacent watercourse or any outfall structure is permitted without written Land Drainage Consent, which would have to be obtained from the Board under the terms of the Land Drainage Act 1991 and the Flood and Water Management Act 2010.

I would also draw your attention to:

- The area of River Lugg Internal Drainage Board is a Natural Flood Plain and whilst every effort will continue to be made to guard against and to alleviate flooding, no guarantee can be given against the worst effects of abnormal weather and river conditions.
- Compliance with the recommendations in the following Report: “Technical Guidance to the National Planning Policy Framework 2012”.
- That both current and future developers/owners should be made aware of the risks associated within the area being considered.

5. Representations

5.1 Ocle Pychard Parish Council: Objection

Initial response received on the 18/07/2018

Following their meeting last night, the Parish Council would like to make the following statement regarding planning application 182191.

“Ocle Pychard Group Parish Council wish to object to this application for the following reasons:

- The overbearing nature of the proposal
- Loss of local ecological habitats and wildlife.
- Access and highway safety on the A465
- Traffic generation in a small community
- Noise and disturbance from the scheme
- Detrimental effect on the public visual amenity of the area.

Should Herefordshire Council decide to approve this application regardless of the significant opposition to it, the Parish Council wish the following statement to be taken into consideration.

Whilst the council welcomes the mitigating factors included in the plan, and are not opposed in principle to agricultural development, we remain concerned that more could be done to mitigate the impact that such a large development will have on the local area.

We recognise that there is considerable community opposition to this proposal. National, county and local planning policies suggest that developments should protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity. A significant proportion of the local community feel that any polytunnels, or certainly this large acreage of poly tunnels, will conflict with this policy.

Therefore, after listening to our parishioners and reviewing the documents we suggest:

Additional tree lines to break up the public visual amenity impact and reduce soil erosion, and associated flood risk from the top fields could also be provided. We suggest along the boundaries between fields:-

- A1 and A2,
- A2 and both A3 and A4
- A3 and A4.

Reviewing the supporting documents the council feel that additional bird nesting boxes could be provided - 5 being very meagre for such a large development and insufficient to offset the loss of natural habitat. Naturally the proposed extra tree lines would also provide sites for extra bird boxes to be sited.

Whilst we note that there will be enhanced buffer strips along the edges of the development, the importation of native species/colonies of bees should also be a feature of this development, which is a common factor in many poly tunnel developments to ensure the local species are enhanced or replaced should they be (inevitably) disturbed during the development of this project. This could be built into the first 5 years of the development.

Following on from that, the EIA should also look carefully at the site for badger setts, brown hares and curlews which have all been historically noted as being present.

The application provides for new and wider splays at entrance points in particular the packing plant. We would welcome limitations on the hours of working for that facility to reduce noise and traffic along the A465 to avoid the risk of road traffic incidents and disruption to existing domestic and agricultural activities.

We also note that the county council should monitor and enforce the implementation of the various laws and codes of conduct for this development rigorously, and we will be following this up should this development go ahead. The applicant has additional land adjacent to this proposed development (west of Monkton Farm) which could be developed in the future so adherence to planning laws and codes of conduct should be considered for any future development.”

Comments received on 17th October 2018 following amendments made to the proposal:

Following their meeting last night, the Parish Council wish to continue to object to this application on the same grounds as before.

Comments received on the 26th November following further amendments and submission of addition information:

Following the consultation on the amended application Ocle Pychard Group Parish Council wish to continue to object to this application for the following reasons: -

- The overbearing nature of the proposal
- Loss of local ecological habitats and wildlife.
- Access and highway safety on the A465
- Traffic generation in a small community
- Noise and disturbance from the scheme
- Detrimental effect on the public visual amenity of the area.

Should Herefordshire Council decide to approve this application regardless of the significant opposition to it, the Parish Council wish the following statement to be taken into consideration.

Whilst the council welcomes the mitigating factors included in the plan, and are not opposed in principle to agricultural development, we remain concerned that more could be done to mitigate the impact that such a large development will have on the local area.

We recognise that there is considerable community opposition to this proposal. National, county and local planning policies suggest that developments should protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity. A significant proportion of the local community feel that any poly tunnels, or certainly this large acreage of poly tunnels, will conflict with this policy.

Therefore, after listening to our parishioners and reviewing the documents we suggest:- Additional tree lines to break up the public visual amenity impact and reduce soil erosion, and associated flood risk from the top fields could also be provided.

We suggest along the boundaries between fields:-

- A1 and A2,
- A2 and both A3 and A4
- A3 and A4.

Reviewing the supporting documents the council feel that additional bird nesting boxes could be provided - 5 being very meagre for such a large development and insufficient to offset the loss of natural habitat.

Naturally the proposed extra tree lines would also provide sites for extra bird boxes to be sited. Whilst we note that there will be enhanced buffer strips along the edges of the development, the importation of native species/colonies of bees should also be a feature of this development, which is a common factor in many poly tunnel developments to ensure the local species are enhanced or replaced should they be (inevitably) disturbed during the development of this project. This could be built into the first 5 years of the development.

Following on from that, the EIA should also look carefully at the site for badger setts, brown hares and curlews which have all been historically noted as being present.

The application provides for new and wider splays at entrance points in particular the packing plant. We would welcome limitations on the hours of working for that facility to reduce noise and traffic along the A465 to avoid the risk of road traffic incidents and disruption to existing domestic and agricultural activities.

We also note that the county council should monitor and enforce the implementation of the various laws and codes of conduct for this development rigorously, and we will be following this up should this development go ahead. The applicant has additional land adjacent to this proposed development (west of Monkton Farm) which could be developed in the future so adherence to planning laws and codes of conduct should be considered for any future development.”

Comments received on the 13th December 2018:

Following the re-consultation of application 182191, OPGPC wish to continue to OBJECT to the application for the following reasons:

- The overbearing nature of the proposal
- Loss of local ecological habitats and wildlife.
- Access and highway safety on the A465
- Traffic generation in a small community
- Noise and disturbance from the scheme
- Detrimental effect on the public visual amenity of the area.

5.2 Much Cowarne Parish Council: Object

The Parish Council welcome job creation and business growth which will be beneficial to the local area, and Herefordshire as a whole. However the Parish Council feel that the application is too large and would benefit from a significant reduction in scale, to avoid undue impact on the local community. The Parish Council would also welcome the inclusion of a significant community contribution, for example to support Burley Gate village hall, which is located within the parish of Ocle Pychard.

5.3 Withington Parish Council: Object

Comments received on the 16th July 2018

Withington Group Parish Council would like to object to Planning Application 182191. They would like to support Ocle Pychard PC's objection, and endorse their comments.

5.4 CPRE – Objection

Below is a summary of objection received:

1. The proposed development is of a scale and nature that would cause unacceptable harm to this rural landscape.

The proposed development is intrinsically disharmonic with this landscape pattern. It is on a massive scale of highly visible closely packed plastic tunnels and supporting buildings including a large number of caravans giving an industrial urban appearance totally incongruous in this setting.

Conflict with National Policy

The Government's 25 Year Environmental Plan has, as one of its goals, to: "conserve and enhance the beauty of our natural environment, and make sure it can be enjoyed, used by and cared for by everyone... by: Safeguarding and enhancing the beauty of our natural scenery and improving its environmental value while being sensitive to considerations of its heritage and focusing on increasing action to improve the environment from all sectors of society".

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development.

2. There would be great loss of visual amenity to users of several highways and public rights of way both on and adjacent to the site.

Paragraph 3.3.1 of the LVIA includes Table 1 indicating the "relevant visual receptors". Included in this table are no less than 9 public locations including the iconic Three Choirs Way and 27 properties. Omitted from this list are Bridleways YK15 and WS3 and Footpath WSI all of which would have visual amenity impaired on routes from Shucknall Hill and White Hill towards Westhide.

Photographs taken from the visual receptors are misleading: they show the current fields which do not appear prominent. It should however be noted that the proposed polytunnels would be 4.5 metres high (seasonal but for 9.5 months per year) and 5.2 metres high (year-round). One would expect the developer to provide maps with the Zone of Theoretical Visibility clearly marked. It is our contention that once erected the structures would be very highly visually intrusive from points all around the proposed site, given their height and vast expanse.

3. Cumulative effect throughout Herefordshire.

There are a number of large-scale polytunnel developments throughout Herefordshire none of which harmonise with the landscape and many highly visible.

4. Poor use of best and most versatile agricultural land (BMVAL).

The proposed site is made up entirely of Grade 2 agricultural land as defined by Natural England agricultural land classification. It is therefore considered to 'be best and most versatile agricultural land'.

5. Adverse effect on tourism.

For the reasons outlined above, the approval of such large-scale developments will have a profound effect on the intrinsic qualities of the Herefordshire countryside. It is these qualities which form the basis of tourism within the county. The sacrifice of agricultural land to such industrial farming methods will inevitably make the county less attractive as a tourist destination. People don't want to come here to see acres of plastic.

6. The benefits to the local economy are not clear.

One of the claims of the developer is that the proposed development is of benefit to the local economy. It is difficult to understand how this benefits anyone but the developer. The simple fact that the proposal includes accommodation for temporary workers would indicate that the labour is not likely to be for local people. Because it is classed as agricultural development the developer would be exempt from many taxes to which other businesses would be subject and there would be no contribution to any necessary public supporting infrastructure, especially the highway network. No figures are included in the application to support the contention that this scheme would be of any public benefit.

7. Risk to Historic Heritage.

The development site is, according to the developer's own archaeology report, assessed as moderate to high in terms of likely significant archaeological features that may be disturbed by the proposal. In addition, it lies only about 500 metres from Ocle Pychard Conservation area and will affect its setting. Whilst the proximity of the Conservation Area is mentioned in the report there appears to be no appraisal of the impact of the proposed development on its setting.

8. Contrary to the Ocle Pychard emerging NDP, the wishes of the local people and the spirit of the Localism Act.

The developer seems to be very dismissive of the value of a local landscape to local people as illustrated by the following paragraphs of the LVIA:

- 5.4 265 letters of objection** have been received from members of the public, living not only in Herefordshire but other parts of the UK. A number of objectors have made several representations through out the process of the application in response to the amended plans and additional information. However 194 of the representations received were the same letter, the contents of which was as follows:

Level of Visual Effect: These poly tunnels will be a dominant feature from footpaths (including the long distance, historical Three Choirs Way), roads, bridleways and properties, creating an unacceptable impact on residents, tourists, visitors, walkers, riders. The visual amenities of the immediate surroundings - and further afield due to the hilly nature of the landscape - will be severely disrupted by such a discordant feature as plastic sheeting that is completely incongruous within the classic patchwork of fields and hedgerows that is rural Herefordshire.

Historic Environment: The archaeological potential of this site has been assessed as Moderate to High. If this development precedes, the sense of heritage, timelessness and tranquillity will be destroyed.

Microplastics: Current, on going and burgeoning research highlights the damaging effect of the microplastics plastics that are littering our riverbeds and environment: this is an emerging concern worldwide.

Setting a Precedent: Each successful application makes it more likely that the next application will succeed.

Little Benefit to Local Community/ Economic Impact: This development will be a self-contained compound within a rural community, offering few opportunities for employment for local people.

Tourism has a substantial economic impact on the economy of Herefordshire, and visitors may be deterred from visiting, undermining jobs and the economy. There will be additional strain on CPs, dentists and A&E. There is the possibility of a reduction in house prices.

Sustainability: This development is on good. Grade 2/3 agricultural land on a greenfield site: table top production on brownfield locations - thus freeing up productive land - would be more sustainable.

Water Management: Abstraction, run-off, contamination, increased flood risk are key concerns. Highways: Additional pressure on network that cannot safely accommodate addition heavy traffic. Vehicular entrance/exit points increase the risk of collision. Frequent minibus service running along the A465 into Hereford.

Noise Pollution: This tranquil and peaceful environment is highly valued by residents, and will be destroyed by noise from heavy goods traffic, farm vehicles, spraying equipment, general farm and large numbers of employers during work and leisure time. There is also concern about noise from rainfall and wind on plastic sheeting.

Light Pollution: Herefordshire is England's darkest county. Extremal lighting could have an impact on what is an intrinsically a dark sky environment.

Ecology: Covering an area with plastic will have a seriously detrimental effect on wildlife, with the loss of habitat and hunting grounds. Resulting threat to biodiversity. There are Great Crested Newts and bats at at least one nearby location (Lower Castleton).

This development is not part of on going, small-scale, incremental change in farming practice: it is a devastating and incongruous intrusion, and is on such a scale and in such a traditionally rural and beautiful location that it fundamentally changes and harms the character of the land.

Some of the letters added their own comments on the bottom and these along with the contents of the Other letters are summarised as follows:-

Ecology/Biodiversity

- Report Ecological Enhancement /&Resource Protection Policy lack sufficient depth and detail for a project of this size and is based on a desktop study rather than a field survey. – Out of date
- The survey of vascular plants was not carried out at the optimum time of year and some of the early flowering plants may not be evident.
- Reports presented out of date with more readily ones available – i.e. 161874 for Lower Castleton and 173652, both theses reports found Great Crested Newts to be present within 1200m of the site.

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Many protected species not listed in report
- More than one pond within close proximity to the site, either of which have been surveyed or investigated.
- Covering a large area with plastic will have a seriously damaging and detrimental effect on the wildlife, with the loss of habitat and hunting grounds and general threat to biodiversity
- The nesting, breeding and feeding areas which wildlife depend on will be destroyed

Seasonal Workers Accommodation

- 70 mobile homes is larger than some local hamlets in the area and would be refused as a stand alone application
- Herefordshire already has a large number of seasonal workers from outside of the country which puts pressure on local services and facilities.

Highways/Transportation

- Roads, verges, ditches in local area already in a poor state.
- Additional pressure on local highway network with frequent mini bus trips on the A465
- Risk of Collision on entrance and exit points A465 very busy and fast road, the additional traffic pose a highway safety risk.

Landscape/Visual impact

- Visual effect from footpaths in the area where they will be viewed as dominant features (including the long distance, historical Three Choirs Way), as well as bridle paths, properties and roads
- No evidence has been submitted to demonstrate that the proposal would not have a substantial adverse impact on users of the right of way.
- Negative impact on visual amenities of the immediate surroundings and further afield where they will be seen as a discordant feature which is completely incongruous within the classic patchwork of fields and hedgerows.
- Light pollution concerns on the dark sky environment.
- Detrimental effect on the tranquillity of the rural area with a fundamental change and harm to the land Intrusion in to the landscape and is inappropriate
- Cumulative impact with other polytunnels developments in the county
- Level of Visual Effect – dominant feature completely incongruous within the landscape
- Sustainability – loss of good grade 2/3 agricultural land
- No consideration given to Riverside Meadows and Principle Timbered Farmlands which have rarity value

Residential amenity/impact on local community

- Little benefits to Local Community/Economic Impact – few opportunities for employment for local people and additional strain on GPs, dentists and A&E
- No local benefit within the rural community, offering few job opportunities for local people and additional strain on local GPs, dentist and A&E
- Noise pollution from heavy goods, farm vehicles and the large numbers of employees
- Concerns over noise from employees during leisure time
- Concerns over noise from rain and wind on plastic sheeting.
- Overlooking of residential gardens from workers on the site
- Polytunnels are within 50m from the gardens of residential properties imposing significant visual and noise impacts which will result in an unattractive place to live.

Impact on heritage/archaeology

- Negative impact on historic environment especially the archaeological interests in the area
- Negative impact on setting of many Grade I listed buildings
- Proximity to the Ocle Pychard conservation area make the landscape valued and harmful to the setting of Heritage assets,.

- Evidence of significant and important landscape and heritage associations dating back to King Offa and the earlier Mercian Kings, highlighting historical importance.
- Historic connections between the application site and the Ocle Pychard Conservation Area not identified.
- Proposal detrimental to the setting and enjoyment of the Ocle Pychard Conservation Area

Drainage/Flooding

- Increased flooding from the plastic sheeting
- Concern regarding increase of run off and flood risk
- Concern that the water usage will deplete local supply
- Concerns that chemicals will enter the natural water course
- Concern regarding increase of run off and flood risk
- Polytunnels are not a normal or recognised farming method

Other

- Risk of plastic becoming insecure in high winds and becoming stuck in trees
- Approval would set a precedent
- Loss of good agricultural land makes the development unsustainable
- Contrary to the neighbourhood development plan
- There is no need to cover the land with plastic as the land is fertile
- Concerned for the tourism sector which will be effected by the introduction of alien features of polytunnels
- No Council tax needed for caravans which will be a heavy burden on local facility and services.
- No photomontages to show the real effect of the proposal
- Negative impact on the welfare of local people
- Harmful to local residents in the area from unwanted pedestrians on highways
- Work already started on the area with caravans already brought onto the site
- Significant local opposition to the proposal therefore any approval would be contrary to the Localism Act of 2011, and such initiatives as Herefordshire own Neighbourhood Development Plan, the Sustainable Communities Strategy and the Core Strategy
- Safe disposal of tunnel covers if they become damaged is not considered
- Economic benefits of the development do not outweigh harm to landscape

Comments received following submission of amended plans and further supporting documents

- None of the supporting letters that have been received or amended plans address the detrimental impacts on the landscape, historic setting of the conservation area and listed buildings, loss of visual amenity
- No explanation of the benefits the development will have on the local area
- The wishes of the community should be listened to in line with the Localism Act of Parliament 2011 and the NDP
- Amended plans do not include external lighting for the seasonal workers accommodation *(NPPF 180) will contribute to the light pollution
- Proposal has had no consideration for local people
- Proposal does not enhance or preserve existing wildlife
- Development should have been EIA development
- Scale of the development is overwhelming and too large for the local area
- Polytunnels will reduce breeding grounds for Bats
- Development is unnecessary and sustainably detrimental
- The landscape and Visual Impact Assessment misrepresent the visual impact
- Ecological assessment underestimated the wildlife and biodiversity in the area.
- No consideration to the number of mini bus journeys required to transport workers around the local area.

- No mention of bicycles and motor vehicles
- Monoculture destroys the health of the soil, due to sterilisation of the soil below and around the table top strawberries, resulting in the removal of the high insect population/diversity.

5.5 An online petition signed by 369 people, from a variety of different postcodes has been submitted. The petition states the following:

‘We urge you to stop the spread of ‘polyblight’ by refusing planning permission for yet another, industrial –scale polytunnel development that will benefit neither the local community nor the environment’.

5.6 17 letters of support have been received for the application. The contents of which are summarized as follows:

- Polytunnel will assist in growing local food for local people and will reduce the need for air miles.
- Managed correctly polytunnel can enhance the local environment and wildlife
- The use of polytunnels as a physical protection to fruit is a worldwide standard practice enabling sustainable production of crops cover an extended period and is vital to be able to operate successfully
- Local community will benefit from the additional employment opportunities
- Councils should be looking to support and encourage local business growth and is much needed
- Objections to tourism and flood risk have been uniformed and unjustified.
- The local highways and surrounding area cater for many HGVs and the increase generated will not be of detriment and is minimal in real terms
- The development represents a sustainable way to a real opportunity to ensure future generation of farmers and employees which can only be achieved through investment and job creation.
- Not allowing the development is denying growth for Herefordshire in these uncertain times
- Uncertainty with current economic climate/Brexit and the development will meet the current challenges by creating new production facilities
- Key employment in local area which supports the vitality of the local economy and other businesses
- Reduction in food miles
- The proposal will make good economic use of the local land
- Structures not permanent and can easily be removed
- The use of physical protection of crops by polytunnel is now a worldwide standard practice enabling the sustainable production of crops over an extended season and is vital to be able to successfully operate
- As a result of this proposed development, the local community will undoubtedly benefit from the additional employment opportunities as will local trades.
- Increase productivity of food
- Scheme offers up landscape and biodiversity enhancement.

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=182191&search=182191

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

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

6.1 This application seeks permission for the installation of 11 blocks of polytunnels and associated infrastructure for soft fruit production covering an area of approximately 37.02h on land at Highway Farm/Lodge Farm in Ocle Pychard. The application is on agricultural land and therefore the proposed development does not constitute a change of use. For the avoidance of doubt agriculture is defined in Section 336 of the Act as follows:

“Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly.”

6.2 Polytunnels typically consists of galvanised steel hoops covered with transparent polythene sheeting and are used for crop protection from the weather. Polytunnels enable harvesting to continue uninterrupted throughout the season in reasonable working conditions. Since 2007 all new polytunnel development are treated as development requiring planning permission. However, providing the use falls within the definition of agriculture, applications are for the structure and associate infrastructure, not the use of the land.

6.3 The only agricultural land loss would relate to the proposed seasonal workers accommodation and attenuation ponds.

6.4 It is generally accepted that rural areas are appropriate to accommodate agricultural related developments, although clearly there are many caveats to ensure that environmental quality, landscape character and visual amenity are not adversely affected to an unacceptable degree. In addition the amenity of existing residents in regards to noise and emissions, as well as the impact on the local highway network need to be considered.

Planning Policy

6.5 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.”

6.6 The Development Plan for the area comprises the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to at the beginning of this report, are relevant as is CS paragraph 2.19, which references that agriculture accounts for a greater proportion of employees (8%) within the County when compared regionally and nationally (both 1%). Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 further confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. This is the presumption in favour of sustainable development.

6.7 At a national level, the National Planning Policy Framework (NPPF) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF at paragraph 8 outlines three overarching objectives to achieving sustainable development which are be considered interdependent and need to be pursued in mutually supportive ways; Economic, Social and Environmental.

6.8 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to

the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 6.9 Paragraph 83 of the NPPF seeks to ensure that planning policies and decisions enable the growth and expansion of all types of business in rural area to support a prosperous rural economy. Whilst Paragraph 84 recognises that to meet the need for business in rural areas sites may need to be found adjacent to or beyond settlements, and in locations that are not well served by public transport. In these circumstances it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 6.10 There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued development of the more traditional employment sectors such as farming and food manufacture (Policy SS5), support the diversification of existing agricultural businesses (Policy RA6) and provision of employment (Policy E1). These are positive policies that support the creation of new developments such as that proposed.
- 6.11 One of the main objectives of the emerging Ocle Pychard Neighbourhood development Plan (OPNDP) is to guide economic and social development by supporting rural diversification and other forms of economic development which are appropriate to their location and setting. The NDP also aims to ensure that the local environment is protected and enhanced by ensuring that new development is in keeping with its surroundings and appropriately designed and accessed.
- 6.12 Policy OPG1: Sustainable development support development proposals for new and diversified employment opportunities in the Ocle Pychard NDP area which are compatible and in scale with the rural nature of the area; and which take all opportunities to protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity. Policy OGP7 on the other hand supports proposals that generate employment and to support and diversify the rural economy where they are of a scale, type and nature appropriate to their countryside location and setting. This includes the development and diversification of farm, forestry and other land-based rural businesses.

Principle of development

- 6.13 Polyunnel developments of any scale give rise to multiple material considerations. The overriding consideration when examining the principle of Polytunnels and season workers accommodation is whether this type of development is compliant with local and national policies which seek to balance the need of the rural economy against the impacts on visual and residential amenities. The NPPF at paragraph 83 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development.
- 6.14 The Polytunnels Planning Guidance 2018 replaces and updates the Polytunnels Supplementary Planning Document (SPD) 2008 and prior to that, a previous voluntary code of practice. Its purpose is that it will assist in clarifying which types of polyunnel development will require planning permission and highlight the planning policy issues and requirements such proposals will be expected to address. It expands upon and provides more detailed planning guidance on a number of relevant, but non polyunnel-specific Core Strategy policies. This document provides some invaluable advice, but has not been through a formal public consultation process or sustainability appraisal and therefore cannot constitute a formal Supplementary Planning Document and cannot be attributed weight in the decision making process. It advises that the two key issues which must be balanced are identified as economic benefits/impacts and landscape impacts.

Economic objectives

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

Polytunnels

- 6.15 Officers recognises that food security is an issue of concern for the UK and the growing of soft fruits, especially strawberries, have become important and successful rural businesses. The success of such businesses can largely be attributed to the use of Polytunnels. Polytunnels enable better yields, greater efficiency and better quality of soft fruit to be produced. They protect developing fruit from rain damage, thereby greatly reducing losses from rot and fungus whilst allowing continual picking at harvest time, unconstrained by the weather. They also extend the growing season.
- 6.16 The demand for fresh fruit has increased in recent years, partly from the national healthy eating campaigns. The expansion of polytunnel development in recent years has resulted in greater volumes of locally produced soft fruits which in itself have resulted in substantial benefits of reducing international transportation of fruit by air and road (food mile reduction). Therefore the economic benefit is not limited to that of the farmer, but also for the wider local and national economy through the associated supply chain, with the consumers demanding a reliable, year round supply of soft fruits.
- 6.17 The NPPF at section 6 seeks to promote strong rural economies through the sustainable growth and expansion of business in rural areas and the development and diversification of agricultural and other land based rural businesses. The Polytunnel Planning Guidance recognises that the CS's overall development strategy was produced in the light of the need to promote a diverse and strengthening rural economy, whilst protecting its quality landscape and making sustainable use of natural resources. Policy SS5 in the CS seeks to encourage and promote the continuing development of the more traditional sectors of farming and food and drink manufacturing.
- 6.18 The proposed Polytunnel development has ultimately been driven by economic factors. Food production and processing businesses are major employers and the UK food and farming sector are worth £108 billion to the economy, representing 3.9 million jobs. The proposed development will expand the applicants existing business and create a significant number of full time permanent jobs (23) as well as the temporary seasonal workforce which at its peak will amount to 330. It will also support the indirect economy in terms of Polytunnel maintenance and supply, local fruit markets, hauliers, packaging suppliers etc. Soft fruit picking and packing is a labour intensive activity and the development proposed under this application will have a positive contribution to the rural economy with regards to jobs, although it is recognised that this is seasonal and is often filled by the seasonal eastern European workforce.
- 6.19 It is acknowledged that the soft fruit industry is labour intensive compared to many other parts of the agricultural sector. The seasonal workers required will make some contribution to the local economy by spending money in local shops and businesses. The applicant has confirmed that the workers staying at Ocle Pychard, if an application is successful, will be taken by mini bus to Hereford for shopping , although they will be encouraged to use the local bus service when they want to for sight seeing or other localised trips.

Seasonal Workers Accommodation

- 6.20 As a result of the soft fruit industry being labour intensive, the development of large scale polytunnel developments such as this one being proposed, will invariably involve seasonal workers accommodation as proposed here. In this case the proposal is to site 72 caravans immediately south of the existing Lodge Farm on land immediately adjacent to the proposed Polytunnel development. The design and access statement and planning statement which accompany the application outline that in peak harvest there will be a total of 330 seasonal workers (maximum) required on site as outlined in the table at paragraph 1.22 above. Although jobs are and will be advertised locally, the applicant envisages that the majority of workers will come from overseas and will need accommodation.

- 6.21 It is accepted above that the seasonal workers are an integral part of the agricultural enterprise and for economic reason the need for the accommodation on site is an advantage. The site is outside of any identified settlement and therefore is considered to be in a location detached from any settlement. The development plan seeks to protect the countryside from development, save for exceptions where the proposal would benefit both economic activity and maintain or enhance the environment.
- 6.22 Policy RA3 of the CS seeks to restrict residential development in rural locations. The policy restricts residential development in the countryside to a limited number of exceptional circumstances, one of which being where it is manifestly required for agricultural workers. Policy OPG2 in the OPNDP deals specifically with development needs and requirements and acknowledges the potential for new residential development in the countryside, outside the defined settlement boundaries where they meets the requirements of policy RA3 and allied policies.
- 6.23 Policy RA4 in the CS is also considered relevant as it deals specifically with agricultural and rural enterprise dwellings. It supports proposal where it can be demonstrated that there is a sustained essential functional need for the dwellings and if forms part of a sustainable business. However, there are no policies in the development plan which specifically or directly relate to the provision of accommodation for seasonal agricultural workers. It is accepted that there are special circumstances that the applicant faces in sourcing and accommodating the number of seasonal workers required to sustain an established and economically productive agricultural business.
- 6.24 In practical terms the workforce needs to be located close to the area farmed (as per the functional requirement of policy RA4), and furthermore any such location should be within reasonable distance of the infrastructure and facilities offered by a village or town in the interests of achieving sustainability. Therefore it represents a highly sustainable location having regard to balancing the need for workers to be housed close to their point of employment.
- 6.25 The need for the caravans to stay permanently on site is because of the length of the harvest season and the type of fruit to be grown. There is also a need for some workers to be accommodated to carry out other farm duties in addition to picking the strawberries. The period which the caravans would not be occupied would be so short as to make their removal from site impractical and would lead to a considerable cost for perhaps little gain i.e. the potential visual impact would be gone, but only fleeting (for a short period) and there may also be additional disturbance / traffic implications associated with removal / storage etc. The visual impact is discussed in more detail below.
- 6.26 Policy RA6 of the Local Plan recognises that rural areas have consistently played a strong role in local, regional and national food and drink production, particularly in areas such as agriculture and farming. The policy offers support for planning applications which are submitted in order to diversify the rural economy providing that the development is of a scale which would be commensurate with its location and setting and which would not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and lighting.
- 6.27 The scheme would have benefits for the local economy, for UK food production and for sustainable food distribution. The scheme would reinforce spending in the local economy through orders to suppliers and through employee's expenditure. Given the scale of the polytunnel development and the type of fruit to be grown, it is considered that the establishment of dedicated and centralised seasonal workers accommodation on the site is necessary for the success of the agriculture being proposed and would comply with policy RA3 and RA4 of the CS and policy OPG2 of the OPNDP. Restrictive conditions controlling the number of caravans, the number of occupants and the removal of the caravans are recommended to ensure compliance with the policies discussed above.

Conclusion for economic objectives

- 6.28 The general agricultural economic justification for both the polytunnels and the provision of the seasonal workers accommodation is considered accepted in principle. Officers recognise that the benefits of polytunnels in enabling the production of increased quantities and qualities of soft fruit, the sustainability of reducing food miles and the positive contribution to the rural economy, however these now need to be balanced against the topic based material planning considerations, the main one of which is considered to be Landscape and Visual Impact.

Environmental Objectives

Landscape and visual impact

- 6.29 The effect of the scheme on the character and appearance of the landscape is considered to be the main issue and area of concerns with the majority of representations received. Paragraph 4.15 of the Polytunnel Planning Guide recognises that 'in Herefordshire where the high quality of the landscape is part of the intrinsic character of the area, the visual impact of polytunnels is often the most significant negative planning issue in connection with this type of development.
- 6.30 Herefordshire has a distinctive and varied landscape, much of which is rural in nature, however it is varied in character. Paragraph 5.3.7 of the CS recognises the importance of the landscape, not just as scenery but because it links culture with nature, and the past with the present. The Polytunnel guidance acknowledges this in more detail.
- 6.31 The NPPF in section 15 emphasises the importance planning policies and decision have in contributing and enhancing the natural and local environment. This is achieved by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It can also be achieved by recognising the intrinsic character and beauty of the countryside.
- 6.33 Policy LD1 in the CS requires all development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection. It also requires proposals to conserve and enhance the natural, historic and scenic beauty of important landscape and features and incorporate new landscaping schemes and their management to ensure developments integrates appropriately into its surroundings.
- 6.33 Policy OPG11 in the OPNDP deals specifically with the natural environment and requires all new proposals to demonstrate that they protect, conserve and enhance the natural environment in accordance with the principles in Local Plan Core Strategy policies LD1, LD2 and LD3. This includes the following, as is relevant to the proposal the protection and recovery of European and nationally protected species; and ensuring that proposals respect the prevailing landscape character, as defined in the County Landscape Character Assessment, including associated views, trees and hedgerows and local features of interest
- 6.34 The proposed polytunnels, seasonal workers accommodation and attenuation pond are all contained within existing fields, as is shown on the block plan above. The 19.71ha of year-round polytunnels are all to be located on the lower slopes within the site, with the 17.31ha of seasonal coverage on the upper slopes. The land occupies the north-western side of a small valley and the land slopes gently in a north-west/south east direction towards a small unnamed watercourse that runs along the valley bottom. The A465 acts as a local ridgeline with the land falling gently down in a southerly direction to the water course, then rising again in a easterly and southerly direction towards Ocle Pychard Church and Westhide.
- 6.35 The site is not located within a landscape with any national designation and is largely characterised as 'Principle Settled Farmlands' in the Council's Landscape Character Assessment. These are areas that are often found in the rolling, lowland area of Central

Herefordshire and which are described as being resilient to change. These are settled agricultural landscapes of dispersed, scattered farms, relic commons and small villages and hamlets. Networks of small winding lanes nestling within a matrix of hedged fields are characteristic. Tree cover is largely restricted to thinly scattered hedgerow trees, groups of trees around dwellings and trees along stream sides and other watercourses. Hop fields, orchards, grazed pastures and arable fields, together make up the rich patchwork which is typical of Principal Settled Farmlands. It is also recognised that the site is in close proximity to Principal Timbered Farmlands to the south.

- 6.36 The application is accompanied by a Landscape and Visual Assessment which assesses the impact on landscape and visual amenity. The assessment is based on a site visit from the consultant and takes account of the 'Guidelines for Landscape and Visual Impact Assessment: Third Edition 2013'. The assessment considers the visual amenity value, visual receptors susceptibility, scale of effect, geographical extent duration and reversibility of the development on a number of public vantage points including highways, footpaths, bridle path and residential properties.
- 6.37 The Landscape Officer has fully considered the Landscape and Visual Impact Assessment submitted and has made several visits to the site and surrounding area, accompanied by the case officer, to assess the impact of the landscape character and visual amenity. Whilst Officers disagree with the LVIA in that this landscape has undergone considerable change thereby implying a reduction in its quality, they do in essence draw the same conclusion that the overall sensitivity impact on this undesignated landscape is medium. Officers agree with the assessment in that the structure of the landscape is still reasonably intact with the strength of the rural character retained.
- 6.38 The proposed polytunnel development with all the associated infrastructure and seasonal workers accommodaion is considered to be of a significant size and scale for its location. However, the site itself due to its topography and exisiting vegetation, is considered to be contained visually. This is further assisted by the local ridgeline that follows the line of the A465. From a number of site visits made it is clear that views from the A465 will be limited as the land falls away to the south with the only views afforded from occasional views from the breaks in roadside hedges. However, footpaths to the south on the opposite side of the valley do allow for views into the site. This includes the Three Choirs Way, and the bridlepath and Footpath which run directly through the site.

Landscape Impact of Polytunnels

- 6.39 Paragraph 8.3.2 of the Landscape and Visual Impact Assessment states the following:
- 'Polytunnels do have very different characteristics to other types of structure. Whilst the support hoops would be permanent, they can easily be removed should the land be required for alternative agricultural uses at some point in the future. Their effect is therefore reversible. The same applies to the seasonal workers accommodation where static (but moveable) caravans would be utilised.'*
- 6.40 The Polytunnels are divided up into the seasonal polytunnels to the north of the site and the all year round in the fields to the south. The application doesn't require any existing trees or hedgerows to be removed from the site with all the development contained within the existing field pattern. The Tree Officer considers that the proposals are acceptable, however to safeguard both the visual amenity and to ensure compliance with policy LD1 of the CS a condition is recommended that to ensure that no existing trees or hedgerows are removed or destroyed on the site. New apple orchards have also been planted to the north of the site along the A465. These will, in time, provide a buffer with neighbouring residential properties.

- 6.41 During the application, the layout of the Polytunnels and landscaping proposals have been amended following discussions with the Councils Landscape Officer and Planning Ecologists. This includes the reduction of Polytunnels in the field directly adjacent to the seasonal workers accommodation.
- 6.42 There is a strong tree cover along the watercourse and tree and hedgerows in the wider landscape which will assist in providing screening to the year round tunnels in the bottom fields. These lower slopes are considered to be well contained, whilst the upper slopes where the seasonal tunnels are to be located are evident from the Three Choirs footpath on the opposite side of the valley and footpaths in the local area. However, these views will be broken up by the intervening vegetation that exists. The impact on visual amenity and landscape character is not considered to be severe. It is noted that there are other similar Polytunnels developments further along the footpaths to the west, although at no point are another Polytunnel development seen in conjunction with that proposed. Mitigation is proposed in the form of reinforcement of the existing hedges and their management, which is welcomed and is considered to reduce the impact. A condition is recommended to ensure compliance with policy LD1 of the CS and that the landscaping scheme is maintained and implemented as approved.
- 6.43 It is acknowledged that the proposed mitigation will not fully screen the Polytunnel development. The bridle path and footpaths that run through and adjacent to the site are where the impact will be most severe with the impact on footpaths to the south considered to be moderate. Views from the surrounding highways will be limited due to the high dense mature hedges which exist on field boundaries. High hedges are a typical feature of Herefordshire, especially in this area.
- 6.44 The applicant engaged in pre-application advice with the Council and the proposed scheme follows the advice given reducing the coverage of tunnels from what was originally suggested. The fields along the A465 and on the eastern boundary have been planted with apple trees. These fields were not only considered to be on higher ground therefore visually more prominent, but cumulatively would have made the visual impact too great. The seasonal fields which have been positioned across the middle section of land where in winter months when there is less vegetation on the hedgerows and trees would visually be prominent from the footpaths and public vantage points to the south. However the impact of those proposed under this application is considered to be localised and the extent of their impact will not detract from the overall landscape character and visual amenity. Overall it is considered that the proposed scale of Polytunnel development is acceptable and appropriate for the location.
- 6.45 It is accepted that Polytunnels can, even when the plastic is removed, represent an unnatural feature within the rural landscape. However, Polytunnels have become an established feature within the Herefordshire landscape following changes in agricultural practices. A representation received on behalf of the Ocle Pychard residents raises the matter of some appeal decisions within Herefordshire and neighbouring counties and how the matters have been considered by inspectors. Whilst these are noted, and whilst there may be some similarities about the nature of the development, each application must be considered on its merits having regard to its locality, context and constraints as well as the requirements of the development plan and any other material considerations.

Seasonal Workers Accommodation

- 6.46 The seasonal workers accommodation is to be contained within a field directly south of Lodge Farm. The site has been chosen due to the existing buildings at Lodge Farm lending themselves for the conversion and use as amenity buildings. The adjoining field is also capable of accommodating the required number of caravans, with direct access from Monkton Farm Lane through Lodge Farm. The caravans will meet the definition of caravans as set out in section 29 (1) of the Caravan Sites and Control of Development Act 1960:

“... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted”

- 6.47 Amendment of the definition of caravan in 2006 stipulates that the length shall not exceed 20m or width 6.8m. The overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft).
- 6.48 The application includes utilising the existing building at Lodge Farm to provide a meeting room, office, games room, laundry and gym for the workers to use. The majority of the building at Lodge Farm however will remain for continued agricultural storage, therefore requiring minimal alterations to existing buildings.
- 6.49 The applicant has amended the proposed landscaping during the application process to incorporate more substantial planting along the southern boundary of the field to assist in screening the caravans from view within the landscape and from the neighbours at Monkton Farm. The landscape officer has confirmed they have no objection to the latest plans and that they are satisfied the harm to the overall landscape character will be minimal. The caravans will be seen from a number of public vantage points to the south, mainly footpaths, and the scattering of dwellings; however they will be seen in conjunction and as an integral part of the overall Polytunnel soft fruit enterprise.

Public Rights of Way

- 6.50 The Polytunnel Planning Guidance offers useful advice about the impacts of tunnels on Public Rights of Way. Planning guidance 16 advises that that there shall be no Polytunnels erected within 2 metres of the centre line of a public right of way or within 3 metres of the centre line of the bridleway. These guidelines are reiterated by the Councils PROW Officer in their consultation response. Polytunnels can have a significant impact of public rights of way with regards to the use and enjoyment... where distant views over polytunnels are available from PROWs, consideration needs to be given to impacts on both local tourism economy and on those who choose to live and work in Herefordshire. The application submission demonstrates achievement of these standards and a condition is suggested to ensure that these are adhered to.
- 6.51 The scale and visual effect from the Bridleway OP8 and footpaths OP10, OP12, PO6A and along the Three Choirs Way this lies to the south on the opposite side of the valley, have all been considered within the LVIA and by Officers on site. It is also noted that local residents have raised particular concern about the impact upon the bridleways, citing appeals on similar issues. The application sought to address this at the outset by ensuring that the buffers either side of the tunnels were included. The scale of visual effect along the bridleway is considered to be high, although an open corridor and adequate spacing have been provided in accordance with guidance. The Councils PROW Officer has raised no objection to the proposal and is satisfied that the plans demonstrate that acceptable distance are incorporated to ensure both PROW and Bride path will not be obstructed. The representation received on behalf of the Ocle Pychard residents raises further appeals decision within Herefordshire and surrounding Counties on the adverse impact of Polytunnels on PROWs. Whilst acknowledging that there will be some visual harm, to varying degrees, this harm must be considered in the planning balance in the decision making, and overall the harm is not considered to be substantial. Simply being able to see a polytunnel from a particular view point is not considered sufficient reason to find the visual impact unacceptable. Consideration has been given to the magnitude of the impact, and overall given the context and existing vegetation which breaks up the views, the impact is not considered to be severe.
- 6.52 The main residential property that will be affected visually from the seasonal workers dwellings is Monkton Farm. This property will have a direct view of the proposed seasonal workers

accommodation until the additional planting has been established. The scale of this visual effect will be reduced once the proposed planting has established. It is an established planning principle that there is no right to a view, however it is clear that the residents of Monkton Farm, will have views into and across the area from the front of their property and this impact, until landscaping has matured would be of moderate impact. The representation received on behalf of the Ocle Pychard residents highlights the concern that the scale of the development and its visual impact will be 'huge and overbearing' and would become an unattractive place to live. The proposed seasonal workers accommodation is a distance of 90m away from Monkton Farm. It is acknowledged that this is in excess of the 50 metres distance stated in the Polytunnels Planning Guidance that is necessary to ensure that the amenities of those living nearby are not detrimentally affected by noise and adverse visual impacts.

Conclusion on landscape impacts

- 6.53 The Landscape Officer has given full consideration to the magnitude of the impacts of the whole of the development. The main impact would arise from the introduction of the polytunnel coverage themselves, however polytunnels and caravans are temporary in nature and can be removed from site without resulting in the loss of elements within the landscape, as Case Officer for the application I would agree with the Landscape Officer and conclude that the impact is not significant. Consideration has been given to the visual intrusion on existing residents, and whilst there is acknowledged to be degree of harm, the result would not to a degree whereby the properties would be regarded as 'unattractive and unsatisfactorily places to live', as suggested in the representation submitted on behalf of the Ocle Pychard residents. The proposed site does benefit from both a varied topography and extensive vegetative cover in particular along the watercourse. The orchard planting, some of which is already in place, will mitigate these views further once fully established and with planting within the framework of the site these identified effects could be mitigated further.
- 6.54 The Landscape Officer has outlined that the mitigation measures proposed in the LVIA are sufficient to offset any adverse impacts on landscape character and visual effects, with regards to both the Polytunnels and seasonal workers accommodation. There has been a considerable amount of local representations made with regards to landscape impact and all have been fully considered during officers assessments. However, whilst the development will be visible from the PROW's and a number of residential properties, enhancement and reinforcement of existing landscaping will mature over time and reduce the impact. Overall, officers would conclude, having regard to the above advice received and assessment above, that the proposals, with the appropriate mitigation secured by the conditions suggested, would comply with the requirements of policy LD1 and LD3 of the Herefordshire local Plan – Core Strategy, Policy OPG11 of the Ocle Pychard NDP and with the guidance contained within the NPPF.

Surface water run off, flood risk and drainage

- 6.55 The impact of the proposal upon surface water run-off rates and the implication for localised flooding is a material planning considerations which many of the representations have raised. The application has been supported by a Flood Risk Assessment and Surface Water Management Plan for the polytunnels and the associated proposed development. The application site is located within flood zone 1 and therefore has a low risk of flooding and the sequential and exception tests required by policy SD3 of the CS and chapter 14 of the NPPF are not required.
- 6.56 Policy SD3 in the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.

- 6.57 It is recognised that water availability is fundamental to the success of soft fruit businesses and therefore it is common for rainfall to be captured and recycled to ensure sufficient water is available for irrigation throughout the growing season. The proposal is to install two attenuation ponds and the strategic use of French drains to discharge water collected to wetland area to mitigate flood risk to 1 in 100 year event with 70% climate change allowance. Permission has already been granted under application P180712 for a water reservoir on land south of Monkton Farm. Water pumps will be installed in the proposed attenuation ponds to transfer runoff water to the reservoir for irrigation. The applicants have confirmed that the reservoir and attenuation ponds will be constructed prior to any Polytunnel covers being installed and a condition is recommended to this effect.
- 6.58 Policy SD4 of the Core Strategy provides guidance on wastewater treatment and river quality. The policy requires that assessments are made to demonstrate that development will not undermine the achievement of water quality targets within the county, in particular the treatment of waste water. Developments should seek to incorporate measures to achieve water efficiency. Herefordshire SuDS Handbook also provides clarity on the treatment that is required and recognises that there is considerable pressure of farmers to capture and store surplus water for future use, thereby reducing the need to abstract water from other sources, whilst enhancing biodiversity.
- 6.59 The applicant has confirmed that the treated foul drainage from the seasonal workers accommodation is proposed to be used to irrigate the apple trees, by pumping the treated effluent into the existing 17.1m diameter tanks at Lodge Farm and then using a trickle irrigation system to irrigate the trees. The EA have been consulted on this aspect and confirmed that a bespoke permit would be required and that the soakaways would need to be designed in such a way that it was discharging continually to the ground.
- 6.60 During the application process, as a result of comments made by the Councils Land Drainage Engineer, the applicant has provided a revised FRA and further information and clarification of the overall surface water runoff. The Councils Drainage Consultant is of the opinion that the Applicant has submitted sufficient information regarding flood risk and drainage aspects for planning permission to be granted.
- 6.61 The Councils Land Drainage Engineer has recommended conditions be imposed that seek to ensure the submission of detailed drawings of proposed surface water attenuation features, wetlands and outfall structures prior to the commencement of development. This approach is considered to be acceptable and along with other information highlighted in their report, will be subject to conditions to ensure that maintenance of this approach is undertaken. It is considered that, subject to the submission of satisfactory detailed drainage drawings, the proposal would not lead to an increase in flooding on adjoin land and can protect the availability and quality of water resources and groundwater. The application has demonstrates that the scheme is capable of delivering sustainable water management throughout which will protect and enhance groundwater resources. The Drainage Consultant has concluded that the scheme is, having regard to SD3 and SD4 of the CS and NPPF section 14 principally, are acceptable and capable of being approved subject to conditions. Informatives are recommended below to highlight the comments of the Lugg Drainage Board and the requirements of the Board's Bye Laws and S15 of the Land Drainage Act 1991.

Impact on Ecology/Biodiversity.

- 6.62 In accordance with CS policy LD2 – Biodiversity and geodiversity and section and section 15 of the NPPF the application has been supported with an Ecological & Resources Protection Assessment and Ecological Enhancement & Management Strategy for the project which include mitigation techniques. The CS objectives relating to environmental quality are to be delivered through supporting development proposals that add to Herefordshire biodiversity.

- 6.63 Policy LD2 of the CS requires development proposals to conserve restore and enhance the biodiversity and geodiversity assets of Herefordshire through ensuring new development does not reduce the coherence and effectiveness of the ecological networks of sites and through the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological network. The policy also seeks to support the creation of new biodiversity features and wildlife habitats where possible.
- 6.64 The reports identify that the land at Ocle Pychard comprises mainly long established habitats including species-rich native hedgerows together with several mature infield oak trees. The site comprises mainly improved pasture land grazed by cattle and sheep together with three arable fields that contained a crop of forage maize at the time of the survey. It is noted that the most of the hedgerows are managed and trimmed to a height of between 1.5 and 5m.
- 6.65 There are no statutory protected sites within the survey area. The Withington Marsh Brook eventually flows into the River Wye via the Little Lugg and River Lugg, approximately 16 km to the south west of the land.
- 6.66 The reports take account of national and local policies which relate to the protection and enhancement of biodiversity and green infrastructure. The reports assess the potential impact of the development on the soil and water, habitats and wildlife corridors.
- 6.67 Two UK BAP priority habitats were recorded on site namely; hedgerows and a stream. The proposal does not propose any removal of hedgerow or biodiversity features. To improve visibility at the entrance to Highways Farm it is proposed to realign a length of roadside hedgerow extending to approximately 100m, which will involve the removal of a section of species-poor hedgerow. A species-rich native hedgerow will be planted along the new boundary line. Elsewhere it is proposed to retain other existing boundary hedgerows and trees within the development site, except for the removal of small sections of hedgerows (<5m lengths) to allow the construction of the access track through the site.
- 6.68 Results from an extended phase 1 habitat survey are presented within the Ecological and Resource Protection Assessment and identify species within the vicinity from the record search and desktop study. The Council's Planning Ecologist has agreed with the findings of the reports in that the proposed development will not have an adverse impact on protected species and that no BAP habitats will be lost on the site except for the section of hedgerow at the entrance, however there is proposed landscaping through reinforcement and additional hedgerow planting which will outweigh this small loss.
- 6.69 Representations raised the issue of the presence of badgers in the locality. Legislation seeks to protect Badgers from harm and is therefore different to the way in which other species are protected in legislation. Officers have taken steps to aid protection by not disclosing the size and location of any potential setts into the public domain such as the website, as this provides information to persons that may wish or seek to cause them harm. This is best practice. Nonetheless, officers have fully considered the matter, and the applicant has also taken steps to address the issue. Officers have also raised the issue with Natural England, no objections are raised and an informative is suggested.
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- 6.70 The ecological enhancement through the proposed landscaping is outlined in the LVIA and design and access statement. The Council's Ecologist has examined the submitted documents and raised no objection subject to a condition relating to a habitat protection and enhancement scheme which can be conditioned. I consider there is no conflict with policy LD2 of the CS and am satisfied that there has been detailed consideration to the natural environment to allow the scheme is capable of being delivered in compliance with policies LD2 and LD3 of the CS.

Impact on Heritage Assets

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 6.71 The application is supported with a Heritage Impact Statement that identifies the designated and non designated heritage assets within a wider study area. The application site does not lie within a Conservation Area but representation has been made about the impacts upon its setting. There are also a number of Listed Buildings within the vicinity including the Church of St James the Great, Remenham House and Ocle Court
- 6.72 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.73 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.74 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.75 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance
- 6.76 Paragraphs 193 - 196 of the NPPF (2018) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.
- 6.77 Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.78 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the setting to any of the listed buildings within the local area, especially that of St James Church, or whether the harm falls within the purview of paragraph 196.
- 6.79 The HBO has confirmed that the heritage statement meets the requirements of para 189 of the NPPF as it has describe the significance of the heritage assets and the contribution made by setting.
- 6.80 The setting of a Conservation Area has been fully considered and Officers do not feel that the setting of the Conservation Area would be affected in such a way that less than substantial

harm would occur. In terms of the setting of the Church, it is not felt that those aspects of its setting which contribute to its significance would be harmed by the proposals. It is not strongly visible within the Landscape from the North, and only glimpsed views would be possible from the Church. In conclusion officers are therefore satisfied that in the absence of any harm to the significance of any of the heritage assets or Conservation Areas the proposal is compliant with CS Policy LD4 and the NPPF. It is noted further that Historic England record no objection to together with the Councils Historic Buildings Officer.

Archaeology – buried heritage assets

- 6.81 The application has been supported by an archaeological and built heritage advice document on the programme of Archaeological Field Evaluation carried out in preparation of a full technical report which will be prepared on approval of the application. Policy LD4 in the CS recognises that the historic environment is of cultural value and where proposals effect the wider historic environment proposals should record the understanding of the significance and assess its value. Representations raise concerns about the matter.
- 6.82 The results have confirmed the presence of archaeological features, however only limited evidence of prehistoric activity has been recorded to date on the Herefordshire HER within the vicinity. The Councils Planning Archaeologist has confirmed that the archaeological interest and sensitivity of the site have been considered and identified through the defined field evaluation and confirmed that there is actually low potential for any finds of significance. The evaluation and other evidence indicates extensive loss through agricultural disturbance over the last decade or so, to the extent that little remains of the medieval 'settlement' features hitherto recorded within the western parts of the wider site.
- 6.83 Having regard to the evidential value found, and the circumstances of the case, the Archaeologist regards the finds as being of local to regional importance. Whilst no objections are raised to the scheme as a whole, it is considered necessary to achieve mitigation via archaeological recording prior to any development. The agent has confirmed that a full archaeological excavation will be carried out as required and this will be secured through a condition. Such an excavation would accord with Core Strategy Policy LD4, and with Para 199 of the NPPF.

Impact upon local Highway network

- 6.84 Traffic generation arising from the proposed polytunnels in connection with the construction, servicing, labour and produce movements also forms a key issue that needs considering. Policy MT1 of the CS requires all new development to demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.
- 6.85 It is recognised that the site has as existing established agricultural access off the A465 into Highway Farm where all deliveries and collections in connection with the polytunnels development will use. This was a key consideration when the applicant was purchasing the site and considering the proposed development. Site meetings and discussion with the Councils Highways Engineer took place at the pre-application stage and advice was followed with regards to utilising the existing farm access and the carrying out of speed surveys at locations along the A465. As a result of the information obtained visibility splays are provided that equate to 160m in each direction, which are compliant with standards DMRB (Design Manual for Roads and Bridges). This will require a small section of hedgerow to the west to be translocated.
- 6.86 When considering the highways impact of the development the starting point is the consideration to the existing lawful use across the site and the traffic generation. Lodge Farm was a working dairy farm with feed Lorries and milk lorries on a regular basis, along with the

tractor and trailer movements with manure and silage. Highways Farm has also historically been farmed with livestock.

- 6.87 Highway Farm allows direct access into all the fields at Lodge Farm. All produce from the polytunnels have direct access through fields into the cold store and dispatched building. Harvested fruit will be moved by articulated lorries from Highway Farm to Wye Fruit packhouse at Ledbury, with a maximum of 2 lorries per day, in peak season.
- 6.88 The proposed seasonal workers accommodation is located at Lodge Farm and once the site is in full operation, the development will accommodate a maximum of 330 workers which will arrive and leave via a mini bus service. Mini buses will also be used to transport workers in to and out of Hereford for shopping on their days off, however there is also local bus services which travel through Ocle Pychard which workers would be able to use.
- 6.89 A number of the representations submitted have raised concerns with regards to traffic generation, however on the information that has been submitted the traffic generation is not considered to impact significantly upon the highway. No material change to parking and manoeuvring is required at Highways Farm and the application has demonstrated that acceptable visibility splays can be supplied.
- 6.90 It is accepted that the proposed additional tunnels will generate an increase in vehicle movements to and from the site above those that have been generated in recent years. However access is directly from the A road and can provide acceptable visibility in line with current standards. I consider that the volume of traffic that the proposal will generate can be accommodated upon the local highways network safety and overall subject to the inclusion of appropriate conditions, the scheme complies with CS Policy MT1.

Impact upon the Residential Amenity

- 6.91 Policy SD1 in the CS deals specifically with sustainable design and energy efficient and requires proposals to make efficient use of the land. The policy also requires safeguarding the residential amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.92 The main impact on the amenity on existing residential properties in the area will be from the presence of seasonal worker is in the area, and in particular from the noise and nuisance generated from their presences. There are a number of residential properties around the perimeter of the site, however those of particular concern are those located at the bottom of Monkton Lane which will have to travel past Lodge Farm where the seasonal workers accommodation will be located to access their properties. Monkton Farm in particular is the closest at a distance of around 90m and will have a direct view of the site until landscaping mitigation has established.
- 6.93 It is acknowledged that the potential for Ocle Pychard's population to be swelled by up to 330 people has given rise to grounds for concern as evidenced by the letters of representation, especially with regards to noise and disturbance arising from the general occupation of the accommodation, and more particularly when the workforce are relaxing in the evening. It is important to note that whereas occupants of a dwelling are normally answerable for their behaviour to no one save themselves (within the confines of civil and criminal law) in this case all the occupants of the proposed accommodation are subject to the management and control of their employer. Consequently it is considered that the impact in terms of noise or other disturbance can be appropriately controlled through a 'Site Management Plan' and an appropriate condition is duly recommended to secure the submission of such a plan for approval of the local planning authority.

- 6.94 The applicant has submitted a noise management plan for the site which confirms that deliveries to the site will be between 8am and 6pm weekdays and confirms that workers will not be allowed any cars on site. The plan also outlines restrictions on music, fireworks, smoking and a complaints procedures.
- 6.95 The applicant has also submitted a traffic management statement at the request of the Environmental Health Officer due to concerns raised at Highway Farm with regards to frequency and timings of movements. The statement confirms that fruit picking will commence at dawn with tractors and trailers starting to arrive from the internal tracks within the site at around 7am to deliver the fruit to the coldstore. Picking will finish around 4pm collections of the fruit, to which there will be no more than 2 HGVs a day, will be between the hours 9am and 6pm.
- 6.96 The Environmental Health officer has confirmed the further information supplied is acceptable and that from a noise and nuisance perspective no objection is raised. However this is subject to conditions controlling the management of the caravan site as outlined in the noise management plan. The Officer has highlighted the importance of securing the proposed additional planting along the southern boundary of the season worked accommodation to assist in militating against the impact of potential noise from the seasonal workers accommodation on Monkton House.
- 6.97 It is considered that subject to appropriate conditions relating to the management of the site and control on noise and operation, the proposal would have a relatively low impact on the amenity of nearby dwellings, and is capable of being compliant with policy SD1 of the CS.

Planning Balance

- 6.98 The starting point for the determination of this application is the development plan and emerging OPNDP. For the reasons outlined above the proposal would accord with policies RA6 and SS5 of the Core Strategy and Policy OPG1 and OPG7 of OPNDP which support employment proposals in rural areas and the continuing development and diversification of the more traditional employment sectors such as farming and food, subject to satisfactorily environmental protection and mitigation. The proposal would support and provide employment in the agricultural sector, adding value to the local food chain and reducing the amount of overseas imports that come into this country.
- 6.99 The NPPF gives strong support to sustainable economic growth to support a prosperous rural economy and although objectors have questioned the value of providing jobs that are taken by workers from outside the UK, jobs would be open to local people, as well as those further a field.
- 6.100 This application for polytunnels is driven by the challenge faced by farmers to increase productivity and achieve maximum output whilst adapting to the changing climate. The success of the soft fruit growing industry in Herefordshire in recent years can largely be attributed to the use of Polytunnels. In the case of the proposal put forward, the development is considered to be of a moderate size that would introduce polytunnels onto a site where they have not previously been present. Ocle Prychard is a rural parish which has a living and working landscape, largely created through human intervention, where agriculture has taken place for many years and the landscape character has largely resulted through the cultivation of the farmlands. The topography an landscape profile and form would not be altered by the proposed development, rather, view across it would change. As outlined above these changes are not considered to represent substantial harm to the landscape character and visual amenity, and mitigation secured through conditions will assist in reducing the impacts. Although there will be some harm to the landscape character and visual amenity, there are strong economic reasons for allowing the development.

6.101 In accordance with policies RA3 and RA4 of the CS the seasonal workers accommodation is considered to be justified in this location as it is necessary to deliver the proposed rural enterprise and has been sited to meet the functional need of the enterprise. Conditions can ensure that should the polytunnel development cease to operate on the site then the caravans would be removed returning the land to its agriculture use.

Conclusion

- 6.102 Overall officers are content that the development is sustainable development. Across the three dimensions I consider there are positive benefits within the economic dimension and neutral impacts in relation to the social and environmental dimensions. Harm to landscape character is axiomatic, yet capable of mitigation to such an extent that objection is unsustainable.
- 6.103 Impacts arising from additional traffic movements do not amount to any contradiction of MT1 and do not amount to residual cumulative impacts that are severe enough to warrant refusal. Impacts on water resources and quality and flood risk have been fully assessed and officers have concluded that subject to conditions requiring approval of further details the proposal is unlikely to have a demonstrable effect on water quality in the area.
- 6.104 Consideration has been given to the impact on the amenity of existing residential properties that are in close proximity to the site in relation to noise and nuisance and subject to conditions to control the operation and management of the workers accommodation, the development is considered to have a minimal impact on the amenity of neighbouring residents which will be reduced by the proposed landscaping when established.
- 6.105 Full consideration has been given to the impacts on heritage, archaeological and biodiversity impacts. Conditions addressing ecological management are necessary in the interest of wildlife.
- 6.106 The proposal will have benefits in terms of its economic benefits, strengthening local agriculture and food production, and there are no other matters of such weight to warrant the refusal of the application in their own right and it is therefore concluded that the benefits that would be derived from permitting the proposed development outweigh any limited harms that might be caused. The development represents a sustainable form of development and is considered to be acceptable subject to the inclusion of the recommended conditions listed below. Officers are satisfied that the proposed development complies with the relevant policies within the Core Strategy and the application is therefore recommended for approval.

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. B01 Development in accordance with approved plans**
Pre-Commencement Conditions
- 3. G11 Landscaping scheme – implementation**
- 4. G14 Landscape management plan**
- 5. The recommendations for species and habitat enhancements set out in the ecologist's report from Chris Seabridge and Associates dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority and the**

scheme shall be carried out as approved. A working method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing prior to any works commencing on site. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

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

6. Prior to the first occupation of any of the caravans hereby approved a 'Site Management Plan' which clearly sets out the arrangements for the use and occupation of the development hereby approved (to include amongst other issues; provision of recreation facilities, contact details and address of caravan site manager, type and position of the accommodation units, the maintenance of buildings and common areas, litter collection and disposal, recreation and leisure provision including the control of amplified music, lighting, car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall thereafter be in accordance with the approved management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with PolicySD1 of the Herefordshire Local Plan Core Strategy 2011-2031

7. No development approved by this permission shall be commenced/occupied until a the following information has been submitted to and approved in writing by the Local Planning Authority:
1. Detailed drawings of proposed surface water attenuation features, wetlands and outfall structures;
 2. Demonstration that an appropriate Panel Engineer has been consulted in the design of proposed attenuation features with capacity greater than 10,000m³ set above the natural level of the surrounding land; and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
 3. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;
 4. Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
 5. If infiltration of foul water is proposed to be discharge to the ground, infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;

6. **Demonstration that the risk of water backing up the surface water drainage system from any proposed outfall has been considered and, if necessary, how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;**

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: in order to secure satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **E01 Site investigation - archaeology - It would be secured via 'programme of work'.**
9. **I33 External lighting**
10. **H03 Visibility splays – Highways Farm Access**
11. **H05 Access gates**

Restrictive conditions

12. **In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.**

Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031

13. **In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the use of the land to house seasonal workers accommodation shall also cease. Subsequent to this and within 12 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational all units of accommodation including ancillary buildings or structures on the site shall be removed and the land restored to its former condition.**

Reason: The local planning authority would not have granted planning permission for this use unless it was required in support of the polytunnel development hereby approved as it would have been contrary to policy RA3 of the Herefordshire Local Plan Core Strategy 2011- 2031.

14. **The occupation of the accommodation hereby permitted shall be limited solely to persons employed by Withers Farm Ltd to work on land at Ocle Pychard, and shall be limited to providing accommodation for no more than 330 workers at any one time, and subject to a maximum number of 72 static caravans stationed on the land at any one time. For the avoidance of doubt the development hereby permitted shall not at any time be occupied as a sole or principal residency by any individual or group of individuals.**

Reason: Planning permission has only been granted having consideration for the needs of the proposed agricultural enterprise to operate at Lodge Farm and

Highway Farm in Ocle Prychard, and to maintain control over the scale of accommodation provided in order to clarify the terms of this planning permission to conform with Policy RA3 of the Herefordshire Local Plan Core Strategy 2011-2031.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification, no caravans or any other form of habitable accommodation shall at any time be placed on the land which is under the control and/or ownership of the applicant as defined by drawing no. *PL – 01 Land Ownership Plan*, other than the 72 identified on PL-15 (Lodge Farm Landscaping details – dated 31-10-18)

Reason: In order to clarify the terms of this planning permission and to maintain control over the scale of accommodation provided in the interests of visual and residential amenity to conform with the Herefordshire Unitary Development Plan.

16. The seasonal polytunnels hereby permitted shown on drawing PL – 04A Rev 2 (dated 16-5-2018) in fields A12, A11, A8, A3, A2 and A1 shall only be covered in polythene between 1st February and 15th November in any calendar year, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the polytunnels hereby permitted are not covered in polythene outside the growing periods, thus ensuring that the visual impact is reduced in accordance with policy LA2 of the Herefordshire Unitary Development Plan, Guideline 6 of the adopted Polytunnel Supplementary Planning Document and having regard to the aims of the National Planning Policy Framework.

17. Unless otherwise agreed in writing by the local planning authority, none of the seasonal polytunnel in fields A12, A11, A8, A3, A2, and A1 shall exceed more than 4.5 metres in height above existing ground level. No year round polytunnel in fields A10, A7, A5, A4, A1 and A2 shall exceed 5.2metres in height above the existing ground level.

Reason: To control the impact of the development within the landscape in accordance with policy LA2 of Herefordshire Unitary Development Plan 2007.

18. A buffer zone shall be installed around T5 of 15m positioned in field A12 to ensure the development does not detrimentally affect the tree condition and shall be maintained for the lifetime of the development.

Reason

To comply with part 11 National Planning Policy Framework recommendations – Conserving and Enhancing the Natural Environment.

19. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Agricultural Development at Ocle Prychard Ecological Enhancement & Resource Protection Policy May 2018.

Reason

For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance and National Planning Policy Framework.

20. Except where otherwise stipulated by condition, the development shall be carried

out in accordance with the Fruit Traffic Management Plan dated December 2018 unless agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. **G02 – Retention of existing trees and hedgerows**

22. To ensure the public right of way and bridlepath is not obstructed and to conform with the requirements of Policy MT1 there shall be no polytunnel erected within 2 metres of the centre line of any public right of way and no polytunnel sited within 3 metres of the centre line of the bridleway.

Reason: To ensure that the enjoyment of the PROW and Bridlepath is not harmed and to conform with the requirement of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

23. Prior to the occupation of any of the seasonal workers caravans hereby permitted, detailed plans and an amenity strategy shall be submitted to and approved in writing by the local planning authority which shall include, but not be limited to the following;

- Internal arrangement of the amenity building,
 - Construction details required, which should also include noise attenuation measures ;
 - The hours of use which the employees will be able to access the facilities;
- and
- Details of any external lighting required to amenity area.

The development shall be carried out in accordance with the provisions of the approved plans and details.

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

The buildings forms an integral part of the visual environment and this condition is imposed to ensure that the development conforms preserves and conforms to the requirements of Policies SD1 and LD1 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 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. **HN01 – Mud on Highway**

3. **HN04 – Private Apparatus within Highway**
4. **HN05 - Works within the Highway**
5. **HN10 – No drainage to discharge to Highway**
6. **The applicant’s attention is drawn to the comments received by the Lugg Drainage board and the requirements of the Bye Laws and S15 OF THE Land Drainage Act 1991 to leave a permanent 9 metre access strip along the Little Lugg, Kymin Section, Lateral No. 2 within the development site, for watercourse maintenance purposes. The written consent of the Board must be obtained for any structure or tree planting within 9m of any Board controlled watercourse measured from the top of the bank or on the landward side of any embankment. Clear unimpeded access for heavy plant is required to and throughout the maintenance area. Any works must not compromise the stability of the bank or create a gradient of more than 1:20 towards the watercourse**
7. **HN02 Public rights of way affected**
8. **N11C General Wildlife and Countryside Act 1981**
9. **N18 European Protected Species**
10. **The applicants are reminded that they are required to completed an application for Ordinary Watercourse Consent for any proposed structures within an ordinary watercourse or works within 8m of an ordinary watercourse**
11. **In relation to condition 23 above, the applicants are advised that should the Local Planning Authority form the opinion that the proposed alterations and chances are of such a scale and form that they alter the character and appearance of the building then a separate planning application could be required.**

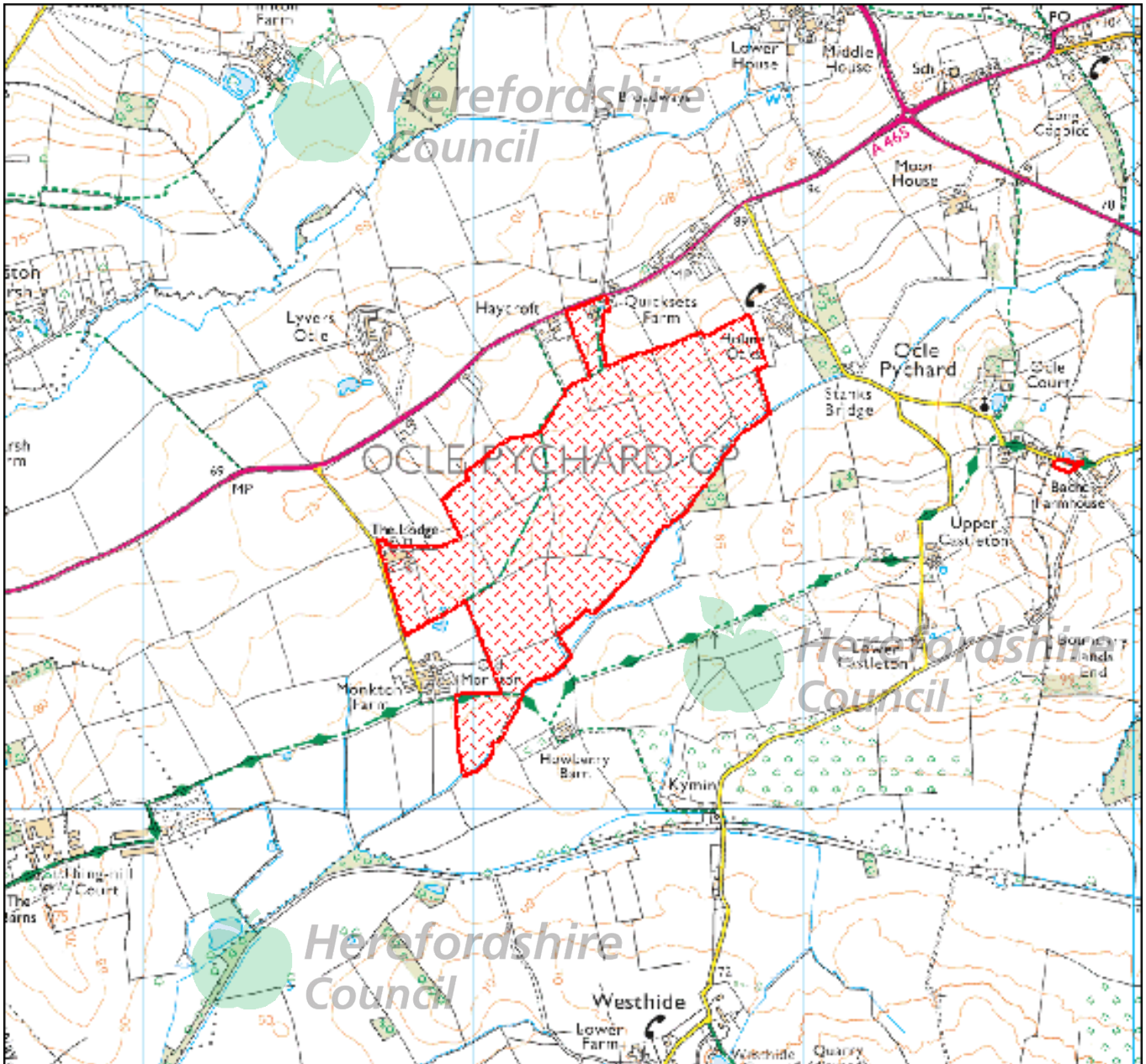
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 182191

SITE ADDRESS : LAND AT LODGE FARM AND HIGHWAY FARM, MONKTON FARM LANE, OCLE PYCHARD, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	182347 - PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDINGS TO PROVIDE TWO UNITS OF FARM MANAGERS ACCOMMODATION, RESIDENTIAL CURTILAGE AND PARKING AT LODGE FARM, MONKTON FARM LANE, OCLE PYCHARD, HR1 3QQ For: Mr Leeds per Mr Phil Plant, Offley House, 18 Church Street, Shifnal, TF11 9AA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182347&search=182347
Reason Application submitted to Committee – Re-direction	

Date Received: 25 June 2018

Ward: Three Crosses

Grid Ref: 357733,245764

Expiry Date: 26 November 2018

Local Members: Cllr Jonathan G Lester

1. Site Description and Proposal

- 1.1 The application is a full planning application for the conversion of two agricultural buildings to provide two, two bedroomed units of residential accommodation at Lodge Farm in Ocle Pychard.
- 1.2 Lodge Farm is part of a wider site at Ocle Pychard, which is farmed by the applicant as part of Withers Fruit Farm Ltd which specialises in the production of soft fruit. The applicant has recently purchased the site in Ocle Pychard, which consist of Lodge Farm and Highway Farm with the intention to develop the land to produce soft fruits. Application 182191 is also on the agenda for this meeting and proposes the erection of 37ha of polytunnels for table-top strawberry production and necessary infrastructure, including internal farm tracks, a substantial drainage scheme with attenuation ponds, seasonal workers accommodation and facilities, landscaping and environmental enhancement measures.
- 1.3 The overall land owned by the applicant in Ocle Pychard amounts to 145ha. The applicant operates a similar established operation to that being proposed at Withers Farm near Ledbury. It is intended that the proposed fruit growing enterprise will operate in conjunction with Withers Fruit Farm and will supply fruit to Wye Fruit Ltd that is proposed to run along side the existing business.
- 1.4 This application seeks planning permission for the changes of use and conversion of two agricultural buildings within the farm complex of Lodge Farm. The design and access statement has stated that the two units, which will each provide two bedroomed accommodation, are for the occupation of managers employed by the fruit farming enterprise. The buildings are located

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

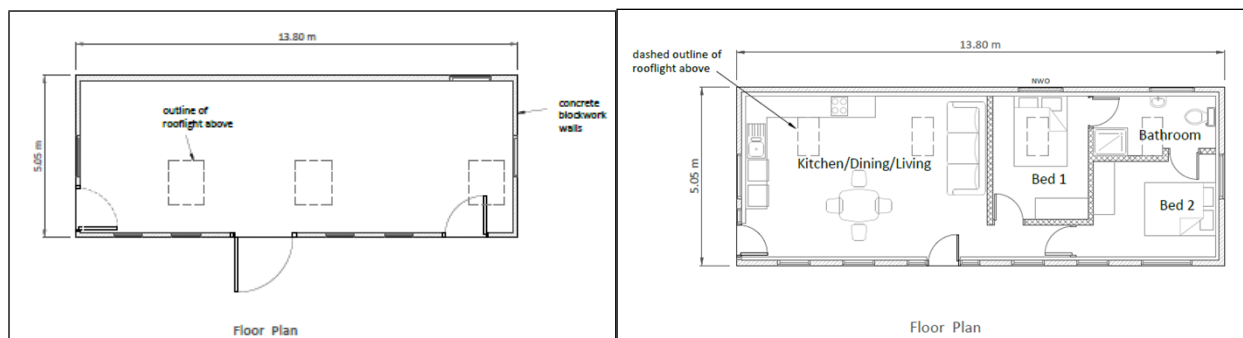
towards the western end of the farm complex with direct access to Monkton Farm Lane (no through road) which connects to the A465 to the north.

- 1.5 Unit 'A' lies to the south of the site. The building has a gross floor external area of approximately 69.69m², whilst unit 'B' has a gross external floor area of 90.00m². Both conversions require no extensions and utilise existing openings for windows and doors. Unit A is of masonry construction and single storey with a duo-pitched roof clad with corrugated asbestos/fibre cement sheets. There are no internal partitions so the integral space in one single room with a concrete floor. Unit A adjoins the main block however no structures are physically connected.
- 1.6 Unit B also adjoins the main steel portal framed agricultural buildings on the site. The structure is single storey with a duo-pitched roof, however is of steel framed construction with steel portal frames evident. There are blockwork infill panels around the building perimeter which are topped externally with corrugated steel side cladding to the gables and eaves. Internally, the barn is subdivided into four 'rooms' with blockwork internal partitions. The previous use of the barn was as a milking parlour, and the concrete floor features a step and a pit in the main milking room.



Site Plan Lodge PL-02

- 1.7 Unit A would be converted to provide modest two bed dwelling in a single storey building as detailed by the floor plan inserted below.

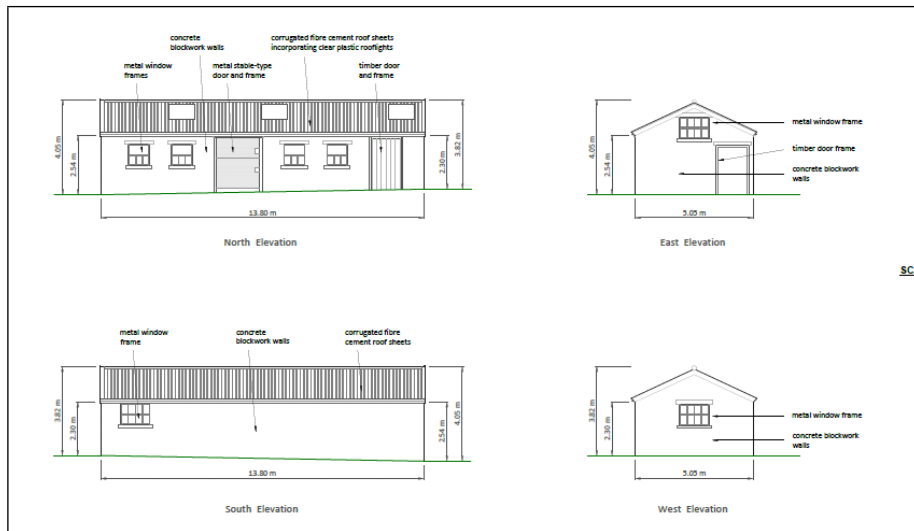


Existing Floor Plan – Unit A

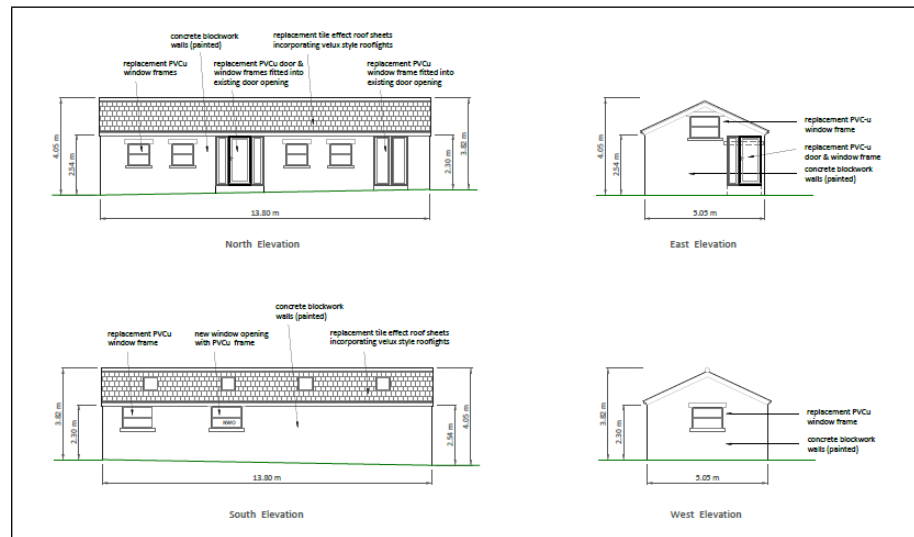
Proposed Floor Plan – Unit A

- 1.8 Externally, the alterations are limited to the replacement of doors and windows, the re-roofing of the building and inclusion of roof lights as detailed on the plan extracts of the existing and proposed buildings inserted below:

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

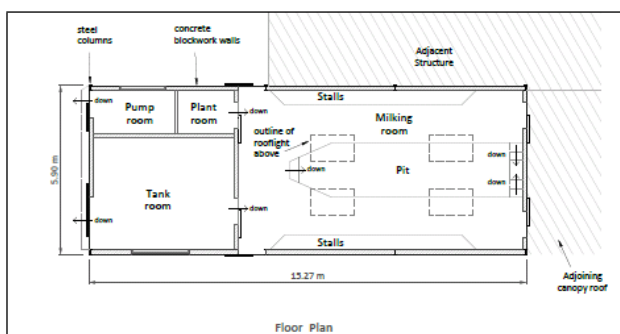


Existing Building – Unit A

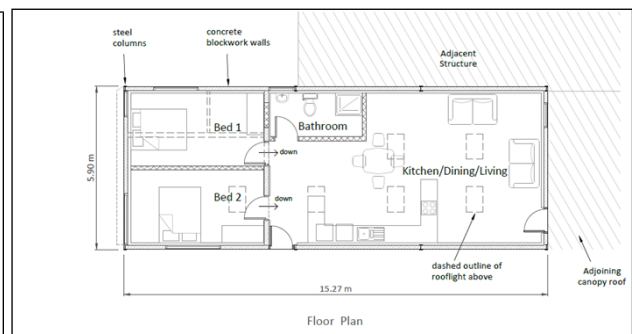


Proposed Building – Unit A

1.9 Unit B would be converted to provide a further modest two bedroom unit, within a single storey building as detailed on the floor plan inserted below.



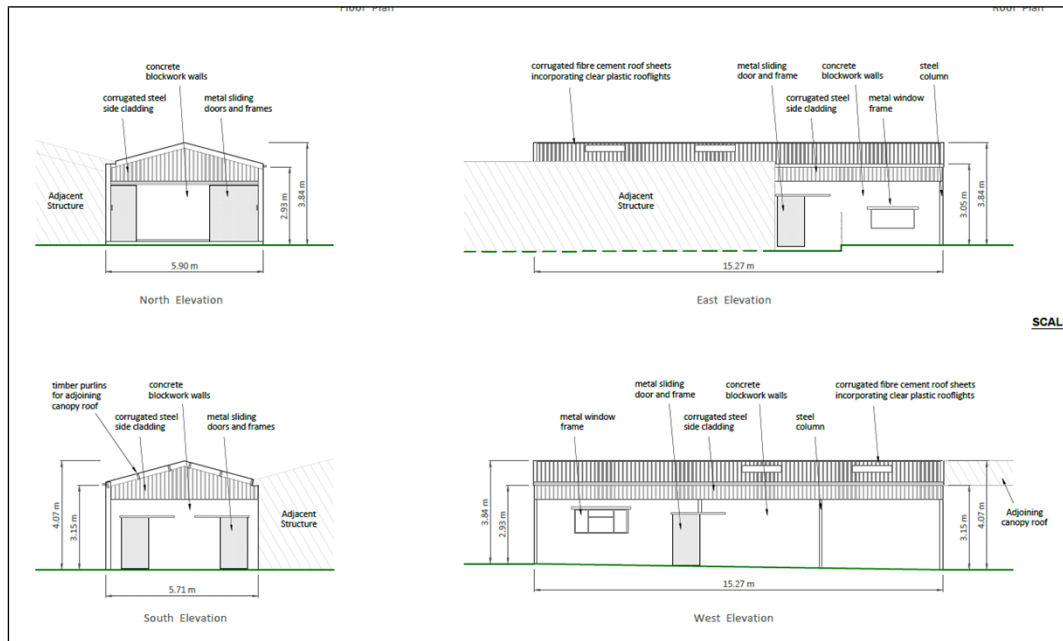
Existing Floor Plan – Unit B



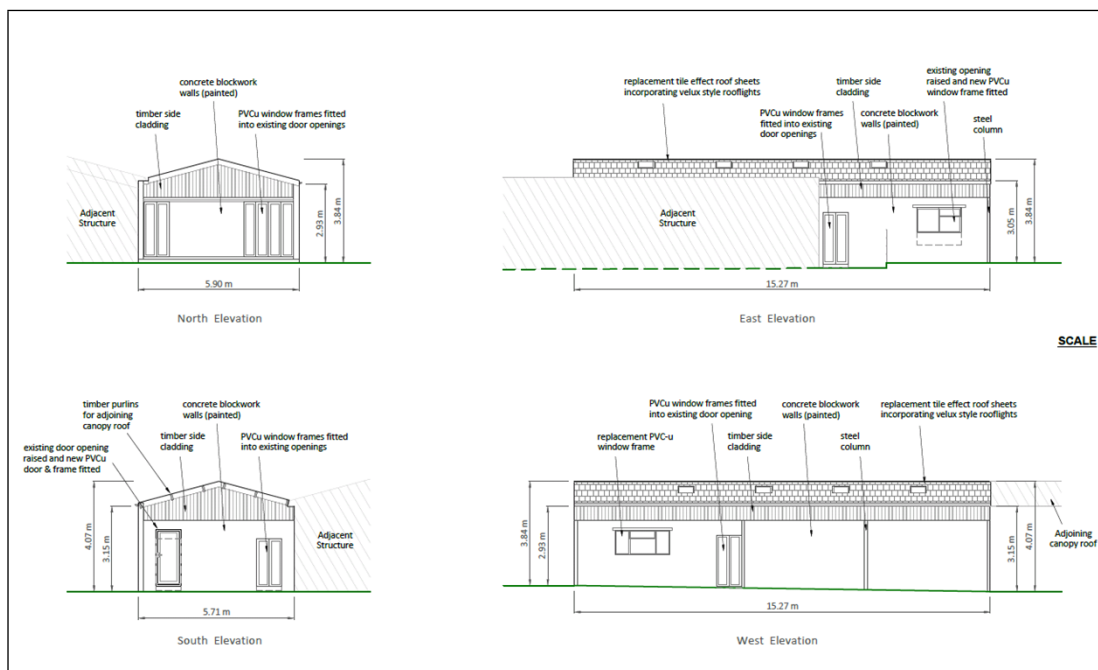
Proposed Floor Plan – Unit B

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

1.10 Externally, the alterations are limited to the replacement of doors and windows, the re-roofing of the building and inclusion of rooflights as detailed on the plan extracts of the existing and proposed buildings inserted below:



Existing Building – Unit B



Proposed Building – Unit B

- 1.11 The properties would be accessed via the existing access into the farmyard with parking provided within the curtilage. A small area of private amenity is provided with for each unit.
- 1.12 Both units will connect to the package treatment plants proposed under application P182191 with regards to the treatment of foul waste.
- 1.13 In addition to the plans, the application submission is supported by the following documents:
- Design and Access Statement
 - Ecological Enhancement and Resource Protection Policy (Chris Seabridge and Associates)

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- Structural Appraisal Report (J Holmes BEng(Hons), CEng MIStructE, Mid West Planning Ltd)
- Sewerage System Specification

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA2	-	Housing in Settlements Outside of the Hereford and the Market Towns
RA3	-	Herefordshire’s Countryside
RA5	-	Re-use of Rural buildings
H1	-	Affordable Housing – Thresholds and Targets
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Ocle Pychard Neighbourhood Development Plan (OPNDP)

A Neighbourhood Development Plan has been drafted and was sent for examination on the 22nd May 2018. The examiners report was received on the 17th December 2018 and recommended that the NDP progresses to referendum which is scheduled for the 14th February 2018.

As the NDP has progressed this far, officers consider it should be given significant weight in the determination of this planning application. Submission objectives and policies of particular relevance to this proposal are summarised below:

- Objectives for Economic and Social Development
- Objectives for the Environment
- Policy OPG1: Sustainable Development
- Policy OPG2: Development Needs and Requirements
- Policy OPG5: Ocle Pychard
- Policy OPG7: Economic development in Ocle Pychard Group
- Policy OPG11: Natural Environment
- Policy OPG12: Historic Environment
- Policy OPG13: Design and Access

The emerging Ocle Pychard Neighbourhood Development Plan can be seen online at:

https://www.herefordshire.gov.uk/directory_record/3091/ocle_pycharde_group_neighbourhood_development_plan

2.3 National Planning Policy Framework (2018) (NPPF)

Chapter 2	–	Achieving Sustainable Development
Chapter 4	–	Decision Making
Chapter 5	–	Delivering a Sufficient Supply of Homes
Chapter 9	–	Promoting Sustainable Transport
Chapter 12	–	Achieving Well-Designed Places
Chapter 15	–	Conserving and Enhancing the Natural Environment
Chapter 16	–	Conserving and Enhancing the Natural Environment

3. Planning History

- 3.1 P182191 (on land adjoining application site by same applicant) - Proposed erection of polytunnels for strawberry table top production and the necessary infrastructure, including internal farm access tracks, a sustainable drainage scheme with attenuation ponds, seasonal worker accommodation and facilities, fruit chiller, cold store and loading bay with landscaping and environmental enhancement measures. (19.71 Ha of polytunnels with all-year round covers and 17.31 with seasonal covers.)
- 3.2 N102161/F - Cover two concrete areas and erect one feed shed / livestock building – approved with conditions October 2010
- 3.3 DCNC0009/1274/F - Installation of above ground slurry store.- Approved with conditions (adj site)

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No Objection

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of River Wye Special Area of Conservation
- Damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Natural England's advice on other natural environment issues are set out in full in their response

Internal Council Consultations

4.2 Service Manager Built and Natural Environment (**Historic Buildings Officer**) – **No objection**

We have no objection to this proposal, but feel that to better meet Herefordshire Council's Core Strategy Policies RA4 and RA5, the design could respect the buildings rural character more, and be of higher quality and more appropriate to its rural context.

To meet these policies, we would recommend that a more agricultural material such as the existing fibre cement sheets, or a metal roof be used instead of the proposed tile effect sheeting. The tile effect brings in a domestic look not suitable for the rural setting.

Similarly, the new plastic doors and windows would look very domestic if white in colour, a darker solid colour would be more appropriate for the rural context, so the colour of the plastic openings should be specified.

4.3 Service Manager Built and Natural Environment (**Ecology**) – **No objection**

With regard to site ecology I would suggest that, if given approval, the following non-standard condition is attached:

The recommendations for species and habitat enhancements set out in the ecologist's report from Chris Seabridge and Associates dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

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

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

The Habitats Regulations Assessment issues highlighted by Natural England should be addressed with adequate mitigation outlined in Natural England's response and the HRA screening document for inclusion in an Appropriate Assessment. Clarification of the management of foul water discharge and surface water should be provided to mitigate any hydrological pollution impacts on this stream which links to the R Lugg – part of the R. Wye Special Area of Conservation.

4.4 Environmental Health Officer (**Housing**) –**Summary of advice given**

Any application to increase housing in the Herefordshire is to be welcomed. However, accommodation must be decent, safe and comply with the Housing Act 2004, and be appropriate for 21st Century living.

The comments below from Environmental Health Housing, are informative/advisory only. However they become very relevant if these properties are rented out. They are to assist the applicant, and to save time and money in the future, should the application go ahead: This advice can be seen in full at:

<https://myaccount.herefordshire.gov.uk/documents?id=180c3724-b0f7-11e8-81b3-0050569f00ad>

5. **Representations**

5.1 Ocle Pychard Parish Council – **Objection**

Following their meeting last night, the Parish Council wish to object to the above application - It is linked to application 182191 to which they have objected for the following reasons:

“Ocle Pychard Group Parish Council wish to object to this application for the following reasons:

- The overbearing nature of the proposal
- Loss of local ecological habitats and wildlife
- Access and highway safety on the A465
- Traffic generation in a small community
- Noise and disturbance from the scheme
- Detrimental effect on the public visual amenity of the area.

Should Herefordshire Council decide to approve this application regardless of the significant opposition to it, the Parish Council wish the following statement to be taken into consideration.

Whilst the council welcomes the mitigating factors included in the plan, and are not opposed in principle to agricultural development, we remain concerned that more could be done to mitigate the impact that such a large development will have on the local area.

We recognise that there is considerable community opposition to this proposal. National, county and local planning policies suggest that developments should protect and enhance the distinctive natural and historic environments, with development avoiding undue loss of visual amenity or impacts on landscape character and biodiversity. A significant proportion of the local community feel that any polytunnels, or certainly this large acreage of poly tunnels, will conflict with this policy.

Therefore, after listening to our parishioners and reviewing the documents we suggest:-

Additional tree lines to break up the public visual amenity impact and reduce soil erosion, and associated flood risk from the top fields could also be provided. We suggest along the boundaries between fields:-

- A1 and A2,
- A2 and both A3 and A4
- A3 and A4.

Reviewing the supporting documents the council feel that additional bird nesting boxes could be provided - 5 being very meagre for such a large development and insufficient to offset the loss of natural habitat. Naturally the proposed extra tree lines would also provide sites for extra bird boxes to be sited.

Whilst we note that there will be enhanced buffer strips along the edges of the development, the importation of native species/colonies of bees should also be a feature of this development, which is a common factor in many poly tunnel developments to ensure the local species are enhanced or replaced should they be (inevitably) disturbed during the development of this project. This could be built into the first 5 years of the development.

Following on from that, the EIA should also look carefully at the site for badger setts, brown hares and curlews which have all been historically noted as being present.

The application provides for new and wider splays at entrance points in particular the packing plant. We would welcome limitations on the hours of working for that facility to reduce noise and traffic along the A465 to avoid the risk of road traffic incidents and disruption to existing domestic and agricultural activities.

We also note that the county council should monitor and enforce the implementation of the various laws and codes of conduct for this development rigorously, and we will be following this up should this development go ahead. The applicant has additional land adjacent to this proposed development (west of Monkton Farm) which could be developed in the future so adherence to planning laws and codes of conduct should be considered for any future development.”

5.2 **21 letters of objection** have been received. All of them reference application P182191 for the polytunnel development and much of the content relates specifically to the polytunnel development. However a summary of the objections which specifically reference the proposal under this application are given below;

- The development is of a monumental scale in such a small village such as Ocle Pychard
- The proposal will have a detrimental effect on the local community
- The scale of this operation will have an horrendous blot on our very beautiful land
- Detrimental to rural agricultural landscape
- Application presumptuous ahead of gaining permission for 182191
- The conversion of rural barns do not meet the needs of the local community and contrary to the NDP
- Application should be considered as part of application P182191 not separately
- The application does not meet the requirements of policy RA5 and is not large enough to accommodate a family.
- The scale and design of the property are insufficient and not adequate
- Insufficient ventilation in the lounge and bathrooms.

5.3 **One letter of support** has been received and is summarised below:

- Farmers must adapt to change in farming methods
- The local community will benefit in a number of ways directly and in indirectly

5.4 **Campaign To Protect Rural England (CPRE)** have made a representation to objection to this application as in their opinion should have been submitted as part of application P182191 and cannot be seen in isolation.

5.5 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=182347&search=182347

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

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

Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Ocle Pychard Neighbourhood Area, which published a draft Neighbourhood Development Plan (NDP) for Regulation 16 consultation on 23rd March 2018. Following the consultation on the draft plan the Ocle Pychard Group Neighborhood Development Plan was sent for examination on 22 May 2018. The examiner's report was received on 17 December 2018. The referendum for voters within the Ocle Pychard Group Neighborhood area will be held on 14 February 2019. At this stage, the plan can be afforded significant weight in the decision making process.

6.3 Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the NPPF. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.4 At paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.

6.5 It is acknowledged that, at this point in the time, the Council is unable to demonstrate a five year supply of deliverable housing sites. The most recent supply statement outlines that the supply position in Herefordshire stands at 4.55 years. As a result, the presumption in favour of sustainable development set out in the Framework is fully engaged. Notwithstanding this, recent Supreme Court judgements and subsequent appeal decisions have confirmed that the absence of a 5 year housing land supply does not render policies related to the supply of a housing an irrelevance for the proposes of decision taking. Rather, it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. In this case, given that the shortfall in supply is relatively low and the relevant housing supply policies of the core strategy (notably RA2 and RA3) are in general conformity with the NPPF in terms of promoting sustainable patterns of development, I attribute the policies significant weight.

6.6 Policy RA1 relates to the provision of housing in rural areas outside of Hereford and the market towns, and states that across the plan period 5,300 new dwellings will be provided across 7 Housing Market Areas. The site here lies in the Bromyard HMA, which has an indicative growth target of 15% (equivalent to delivering 364 new dwellings). In the Ocle Pychard Parish, this equates to delivering 48 new houses.

- 6.7 Policy RA2 follows and identifies 119 rural settlements which are to be the main focus of proportionate housing development, and a further 98 smaller settlements where some proportionate growth is considered to be appropriate. The policy goes on to states that proposals for new residential development will be supported when they are located within or adjacent to the main built up area of the settlement. At 4.8.23, the CS states those settlement boundaries (or a reasonable alternative) for RA2 villages will be defined by neighbourhood development plans or Rural Site Allocations DPD.
- 6.8 The nearest identified settlement to the site in this instance is Ocle Pychard. The main built up form of the village lies a significant distance to the east, and the proposal site falls outside of the draft settlement boundary for the village in the emerging NDP. The proposal site is hence in open countryside and has not been identified as a location which is sustainable for new housing growth.
- 6.9 Paragraph 79 of the Framework subsequently advises that in isolated countryside locations such as this, new homes should be avoided unless there are special circumstances. This is reflected by Core Strategy policy RA3, which states that in rural areas outside of settlements new residential development will be limited to proposals which satisfy one or more of a number of criteria. Amongst other things, the policy supports the sustainable re-use of rural buildings where the proposals would (i) comply with the requirements of policy RA5 and (ii) lead to an enhancement of its immediate setting.
- 6.10 Policy RA5 sets out a number of criteria for proposals for the re-use of rural buildings, and states that such proposals will be supported where;
1. Design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;
 2. Design proposals make adequate provision for protected and priority species and associated habitats;
 3. The proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
 4. The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction and
 5. The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting
- 6.11 Policy OPG2 of the OPNDP identifies that a minimum of 36 new dwellings will be delivered throughout the Neighbourhood Area in accordance with the Local Plan Core Strategy. This will be enabled and demonstrated by primarily defining settlement boundaries for Burley Gate, Ocle Pychard and Ullingswick. However, the policy also acknowledges the potential for new residential development in the countryside, outside the defined settlement boundaries, including where this meets the requirements of Local Plan Core Strategy policy RA3 and allied policies. The policy offers support for proposals that generate employment and which support and diversify the rural economy.
- 6.12 The nature of the existing building and its suitability for conversion to a residential use is first considered against the criteria set out by bullets (4) and (5) of Policy RA5 in the CS. A structural report has accompanied the application. Officers would consider, having visited the site and viewed the supporting documents, that the buildings are both of substantial construction that are capable of conversion without major or complete reconstruction. The works proposed to convert the building are considered to be sympathetic to the character of the existing building. The Councils historic buildings advisor has considered the proposals and raised no objections

subject to ensuring that the materials used are re-considered and the applicant is agreeable to this. This is a matter that can be readily resolved through an appropriately worded condition as suggested below. This would, in turn ensure that the design proposals respect the character of the building for its long term conservation. A condition that removes permitted development rights to extend or alter the properties without planning permission is also suggested to ensure that the character of the building is preserved in the long term. As such, the proposal would comply with criterions (5) above.

- 6.13 Turning to criterion (3) of policy RA5 that considers the compatibility with neighbouring uses, including the continued agricultural use of the site. Policy SD1 of the Herefordshire Local Plan – Core Strategy also seeks to ensure that development proposals create safe, sustainable, well integrated environments for all members of the community. This policy also seeks to ensure that the amenities of existing and proposed residents are maintained. The proposal also provides modest garden areas to the front of the dwellings, and parking for occupants adjacent.
- 6.14 Whilst the proposal complies with the other requirements of policy RA5, there is the residual concern about the proximity of the amenity buildings associated with the proposed seasonal agricultural workers dwelling which related to criterion (3). The concern is that the buildings are immediately adjacent to the amenity areas of the proposed seasonal workers accommodation and other buildings that would maintain their agricultural use. Due to the very close proximity of the buildings, this could give rise to an adverse impact upon amenities of occupants.
- 6.15 However, these buildings would also be in the control and ownership of the applicant and the supporting documents indicate very clearly the intention for the properties to provide management accommodation associated with the proposal for the polytunnels and seasonal workers and the continued agricultural use of the land. It is therefore suggested that, in order to address concerns about the potential impact upon amenity, a condition tying the occupation of the two properties hereby proposed to Lodge Farm and the soft fruit enterprise. Subject to this condition, officers would be satisfied that the requirements of policy SD1 and criterion (3) of RA5 of the Core Strategy are met. It is also considered that the principle of the development is accepted by policy OPD2 of the OPNDP.

Ecology

- 6.16 Criterion (2) of policy RA5 and Policy LD2 of the Herefordshire Local Plan - Core Strategy address matters of biodiversity. It is a requirement that development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The advice in the NPPF reinforces this as well as policy OPG11 in the emerging OPNDP.
- 6.17 The application has been supported by the relevant ecological reports and the Councils Ecologist has confirmed that subject to the inclusion of a condition, as suggested below, the appropriate mitigation and enhancement measures can be secured. As such the proposal would comply with the requirements of policy LD2 of the Herefordshire Local Plan, Core Strategy and guidance contained within the NPPF and policy OPG11 in the OPNDP.

Drainage

- 6.18 Policy SD4 of the Herefordshire Local Plan – Core Strategy addresses matters of wastewater treatment and in the first instance seeks connection to the existing main wastewater infrastructure network. Where it is evident that connection is not practical, alternative foul drainage options will be considered in the following order:
1. Provision of or connection to a package sewage treatment works;
 2. Septic tank.

- 6.19 The application confirms that the foul water from the proposed dwelling would be managed through a new Package Treatment Plant where the treated effluent will then be pumped to existing tanks on the site where it will then be used to irrigate existing apple trees on the site at the roots. This will require an Environment Agent bespoke permit. In the absence of a mains sewer this is considered to be acceptable with regards to the hierarchal approach set out in SD4. There would be no increase in impermeable areas as a result of the scheme and therefore the existing arrangements of soakaways will be used for the management of surface water.
- 6.20 It is recommended that conditions be imposed to ensure the submission of detailed drawings of the proposed foul and surface water management for the two proposed dwellings prior to the commencement of development. This approach is considered to be acceptable and along with other information highlighted in their report and be subject to conditions to ensure that maintenance of this approach is undertaken. It is considered that, subject to the submission of satisfactory detailed drainage drawings, the proposal would not lead to an increase in flooding on adjoining land and can protect the availability and quality of water resources and groundwater. The application has demonstrated that the scheme is capable of delivering sustainable water management through out which will protect and enhance groundwater resources. The Drainage Consultant has concluded that the scheme is, having regard to SD3 and SD4 of the CS; policy OPG11 of the OPNDP; and NPPF section 14 principally, acceptable and capable of being approved subject to conditions. Informatives are recommended below to highlight the comments of the Lugg Drainage Board and the requirements of the Board's Bye Laws and S15 of the Land Drainage Act 1991.

Highways Matters

- 6.21 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in section 9 of the NPPF, in particular Paragraphs 108-9 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an severe impact on highways safety. Similar principles are also found within policy OPG13 (criterion 4) of the emerging NDP which requires proposals to be capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated.
- 6.22 The proposed dwellings would be served by existing access onto Monkton Farm Lane, which have for many years been used in connection with the farm. As mention at paragraph 6.15 above, the supporting documents indicate very clearly the intention for the properties to provide management accommodation associated with the proposal for the polytunnels and seasonal workers. This will be controlled through conditions. Its considered that the provision of the two relatively small residential units will lead to a minimal increase in vehicle movements, and the layout of the access and nature of the highway is not such that any concerns arise in respect of highway safety. Each of the units will be served by appropriate parking and manoeuvring space to serve each of the dwellings. No conflict with policy MT1 of the Core Strategy and policy OPG13 of the emerging OPNDP has been identified.

Other matters

- 6.23 Policy LD1 of the Core Strategy requires development proposals to demonstrate that the character of the landscape and townscape has positively influenced the design and scale of the proposal. The proposed buildings which are subject to this application are contained within the historic context of the farm and are not considered to be seen in isolation. The context and character of the location and setting will be maintained and there is considered to be no conflict with policy LD1 of the Core Strategy or need for any further mitigation.
- 6.24 The proposal does not impact upon any designated or non designated heritage assets or wider historic environment. Therefore no conflict with policy LD4 has been identified.
- 6.25 Policy SD1 of the Herefordshire Local Plan – Core Strategy seeks to ensure that development proposals create safe, sustainable, well integrated environments for all members of the community and will need to be carefully considered. This policy also seeks to ensure that the amenities of existing and proposed residents are maintained. The nearest existing dwellings which are not in the ownership of the applicant are North Monkton which adjoins the farm complex to the north, and Monkton Farm which is located around 320m to the south. The proposal is not considered to harm the amenity of either dwelling. No conflict with policy SD1 have been identified with regards to residential amenity.

Planning Balance and conclusions

- 6.26 This application seeks permission for the conversion of two modest single storey agricultural buildings into dwellings. Whilst a number of the representations have made reference to the justification and need for the dwellings given the rural business they intend to serve has not yet gained approval, the proposal, as with any application, needs to be determined on its own merits. Therefore, officers have determined this application against the information which has been submitted in support of the proposal and the relevant policies which are considered appropriate, having regard to policy RA3 and in turn, policy RA5 that relates to the re-use of redundant building.
- 6.27 Policy RA5 recognises that the re-use of existing rural buildings has an important role to play in promoting economic prosperity and sustainable development in rural areas. Redundant rural buildings in Herefordshire vary greatly in terms of scale, design and materials depending on their former use and many are former agricultural buildings that are no longer required for original purpose or are not of a scale that meets modern standards. The buildings subject of this application are typical of this.
- 6.28 Whilst the existing buildings are not considered to be of any specific architectural merit or historic interest other than their group value within the existing farmstead, policy RA5 does not specifically exclude such buildings from being converted subject to the buildings being structurally sound. This matter has been confirmed with the provision of a structural report and both buildings are considered to be capable of being converted and accommodating the new use without the need for substantial alteration and extension.
- 6.29 The design proposal respects the character of the redundant buildings and considering all matters together would not adversely affect the character or appearance of the building or have a detrimental impact on the surroundings and landscape setting. It is considered that there would be economic and sustainable benefits in terms of securing a viable use for the buildings as dwellings that can also weigh in favour of the development in decision making having regard to the shortfall in a five year land supply.
- 6.30 In terms of design, subject to the approval of the roofing material, the proposal is considered to be acceptable in terms of its appearance and the scheme respects the form of the existing buildings in accordance with policies RA5 and SD1 of the Core Strategy.

- 6.31 Policy RA3 also requires that proposals for the re-use of rural buildings lead to enhancement of the building's immediate setting, which is consistent with the advice at Paragraph 79 of the Framework. The building and the wider site here are agricultural in character and typical of what one would expect to find in a rural location such as this. The conversion of the two buildings provides the opportunity to broadly enhance the setting of site, by bringing the buildings into use and would also provide opportunities for biodiversity enhancement in accordance with policy LD2 of the CS. Overall the proposal is considered to contribute positively to the overall site and rural setting. No conflict with policies RA3 or RA5 or the advice contained within the NPPF has been identified.
- 6.32 In accordance with policy RA5, the conversion of the buildings will make a positive contribution to the proposed soft fruit business and is well placed for the intended occupiers to manage and oversee activities at the farm. However, officers would also consider that the proposal to re-use the buildings for small scale dwellings would be compliant with policies RA3 and RA5 and that of paragraph 79 with or without the presence of the soft fruit enterprise, providing the occupiers were connected to the adjoining buildings to address concerns about amenity. A suitably worded condition attached to the permission can successfully address this aspect and ensure compliance with the requirements of policies RA5 and SD1 of the Herefordshire Local Plan – Core Strategy.
- 6.33 Overall, the proposal is considered to represent a sustainable form of development. The proposed conversion and re-use of the buildings is acceptable in the context and character within which they located, and it is considered that they will contribute positively to the wider site and rural setting. Conditions will ensure that the proposal does not conflict with any adjoining land uses. Officers would therefore conclude that the application is compliant with relevant policies within the Core Strategy, advice within the NPPF and the policies within the emerging Ocle Pychard NDP and approval is recommended subject to the conditions set out below.

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. B01 Development in accordance with approved plans**
- 3. C01 Samples of external materials**
- 4. F14 Removal of permitted development rights**
- 5. The occupation of the dwellings (unit A and Unit B) hereby permitted shall be limited to a person solely or mainly employed or last employed in the business occupying the buildings and land edged in blue on land ownership plan ref. OCLE PYCHARD PL-01 dated 24-05-18**

Reason: In order to conform with Policy SD1 of the Herefordshire Local Plan – Core Strategy, OPG13 of the Ocle Pychard Neighbourhood Plan and the National Planning Policy Framework so as to safeguard the residential amenity of the occupants.

- 6. Prior to the commencement of development, a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include / address the following;**

1. Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;
2. Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
3. If infiltration of foul water is proposed to be discharge to the ground, infiltration rates at the location(s) and proposed depth(s) of any proposed foul water drainage fields, undertaken in accordance with BS6297 and Building Regulations Part H;
4. Confirmation of ongoing management of drainage systems.

The drainage strategy shall be implemented before the first occupation of the dwellings hereby approved and maintained thereafter in accordance with the approved details.

Reason: in order to secure satisfactory drainage arrangements are provided and to comply with Policies LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy OPG11 of the Ocle Pychard Neighbourhood Development Plan and the National Planning Policy Framework.

7. The recommendations for species and habitat enhancements set out in the ecologist’s report from Chris Seabridge and Associates dated July 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A working method statement for any protected species present together with an enhancement plan integrated with the landscaping scheme should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

To comply Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031, Policy OPG11 of the Ocle Pychard Neighbourhood Development Plan and to meet the requirements of the National Planning Policy Framework (NPPF).

8. I16 Restriction of hours during construction
9. I42 Scheme of refuse storage (residential)

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. **HN10 No drainage to discharge to highway**
3. **HN01 Mud on highway**
4. **N11A Wildlife and Countryside Act 1981**
5. **N18 European Protected Species Licence**

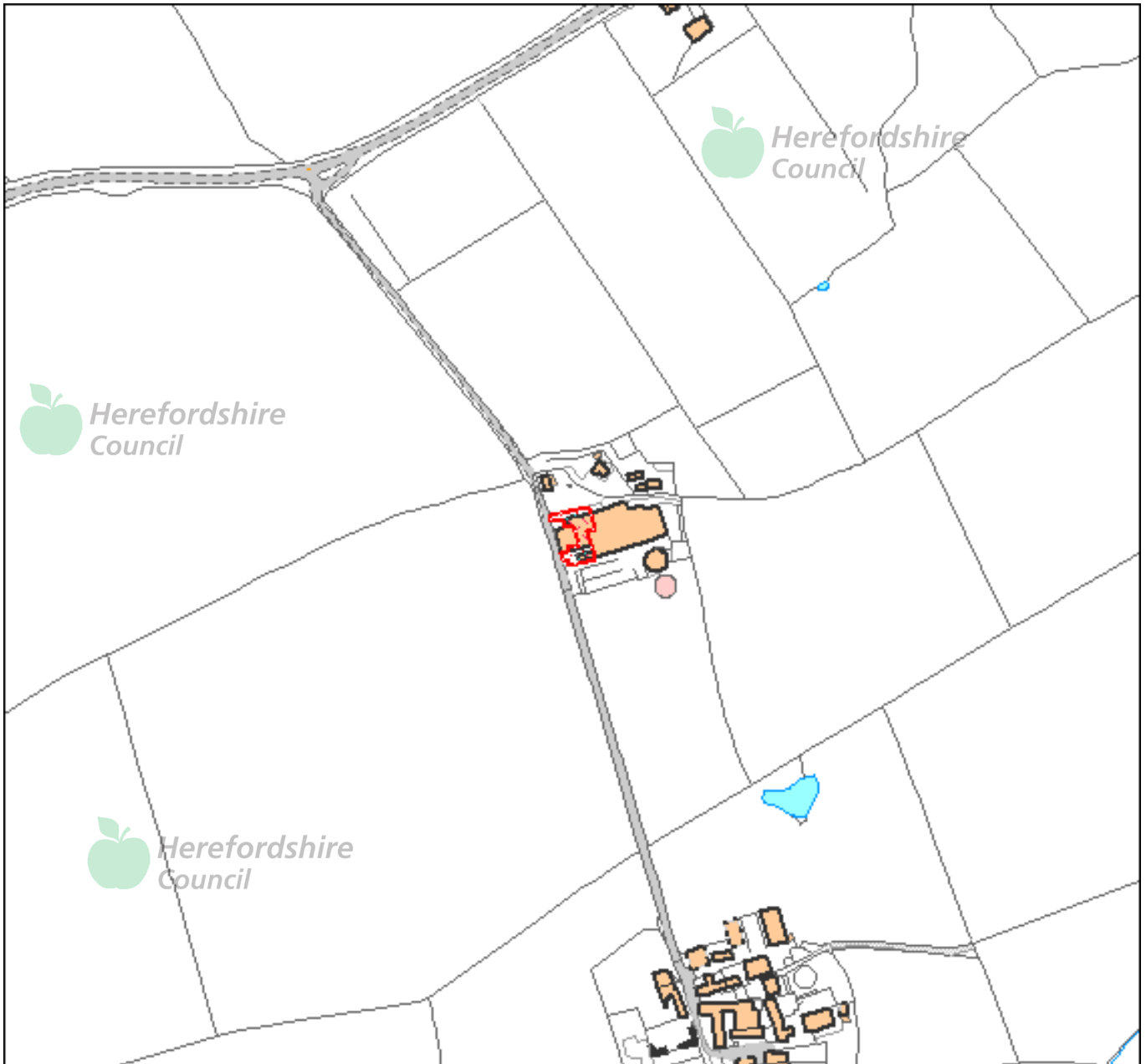
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182347

SITE ADDRESS : LODGE FARM, MONKTON FARM LANE, OCLE PYCHARD, HR1 3QQ

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	182775 – PROPOSED ERECTION OF FIVE RESIDENTIAL DWELLINGS (C3) ALONG WITH ASSOCIATED PARKING, ROADS, NEW HIGHWAY ACCESS AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF THE ROYAL ARMS, LLANGROVE, HEREFORDSHIRE For: Mr Lane per Mr Stuart Leaver, Singleton Court Business Park, Monmouth, NP25 5JA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182775&search=182775
Reason Application submitted to Committee – Redirection	

Date Received: 26 July 2018

Ward: Llangarron

Grid Ref: 352427,219355

Expiry Date: 21 September 2018

Local Member: Councillor EJ Swinglehurst

1. Site Description and Proposal

- 1.1 The site is currently used for agricultural purposes with no right of public access and is an undeveloped green field located within the main built form of Llangrove, a settlement designated under Core Strategy policy RA2 as one for appropriate growth. There are no landscape or heritage designations on or immediately adjoining the site, however, the Grade II listed Llangrove Cottage is located 35 metres away to the south west and the site forms part of the approach to the Grade II listed Church. The topography of the site slopes down from approximately 149m AOD in the west to approximately 143.5m AOD in the northeast.
- 1.2 The application is a full application for residential development and associated landscaping and infrastructure. The proposal offers five no. dwellings with a mix of 4 no. four bed units and two design styles, both providing 162 square metres of accommodation and one no. five bed unit offering 181 square metres of accommodation.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development

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

SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Water Quality

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

2.3 The Neighbourhood Development Plan (NDP) reached the Regulation 14 draft plan stage, however, it is being reevaluated with regard to its Housing chapter. Llangarron Parish Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 6 February 2017. The consultation ran from 6 February to 20 March 2017.

It is emphasised the NDP has very limited weight due to the Parish Council reviewing the document and thereafter will go through a second Regulation 14, however the following extracts are provided for reference –

The site subject of this application is allocated within the Draft NDP under policy HOU1 and HOU3, where the former states –

This site lies within what is perceived to be the centre of the village and within easy walking distance to existing community facilities. It is surrounded by residential properties which have grown on an incremental basis with more recent small scale development adjacent to the public house. The most recent being 6 large 3 storey, 4 bedroomed properties which dominate the surrounding homes. This development has resulted in an increase in traffic on this narrow section of the road and there is concern that a further estate scale development would put undue pressure on this section of the highway, leading to conflicts between existing vehicular and pedestrian traffic. Furthermore, development to the rear of the site could result in unacceptable levels of overlooking and loss of amenity to residential developments. It is therefore considered that frontage only development along this site would be most appropriate.

Policy HOU3 – *Land opposite the Royal Arms Public House* outlines the 0.63 hectares of land is allocated for approximately 10 dwellings subject to the proposed development, conforming to all policies contained in the Llangarron Parish Neighbourhood Plan, the HC Core Strategy and the following site specific requirements:

- The site shall be developed for frontage development only
- The creation and implementation of a traffic-widening scheme to improve the existing highway including a proposed footway and traffic calming measures
- Two single points of access to minimise the number of vehicular access on to the public highway
- A Sustainable Surface Water Drainage (SUDS) Scheme
- Appropriate landscaping to the front and rear of the site to minimise the impact of development on the street scene, to mitigate the loss of the existing hedge and to minimise any loss of residential amenity from adjacent properties
- All development shall be no higher than 2 storey development
- The Provision of affordable housing in accordance with the requirements of the Core Strategy
- Any planning application should be supported by evidence of current demand for the type and number of houses proposed and accompanied by a working method statement showing how development should be brought forward in phases to minimise any adverse effect on the village as a whole.

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Natural England has no objection, based on the additional information submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

Natural England notes *The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI).*

European site – River Wye SAC – No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI – No objection

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

4.2 Welsh Water has no objection, commenting:

We have reviewed the information submitted as part of this application with particular focus on drawing reference 18-02-05 01 Rev A which shows both foul and surface water communicating to the public sewer.

We have had the opportunity to assess this proposal as part of a direct request for pre application advice from the applicant and advised that a foul water only connection could be made to manhole reference SO52194302. The proposed foul water arrangement as shown on drawing reference 18-02-05 01 Rev A is acceptable, however we cannot accept surface water into a sewerage system which is designated to receive foul water only. This matter was also outlined in the pre planning response and we suggest that an alternative option to address surface water is explored and new plan submitted to the council.

Notwithstanding the above, if you are minded to grant planning permission we request that the stated Conditions and Advisory Notes are included within any subsequent consent.

Internal Consultations

4.3 The Transportation Manager states:

As previously mentioned the site and village would benefit from the provision of a footway along the front of this site, this is to allow pedestrians a section of highway which is not level with the carriageway, therefore increase both the safety of the pedestrians and the distance between pedestrians and vehicles. There is not a significant amount of footways within the village, therefore new developments should look either provide footways along the highway or give the land for future use. The provision of any footways will depend on the level of development proposed.

The site in question is located to the north of the village; therefore the number of pedestrians will be reduced. It should be noted that there is a small section of footway opposite the site in front of the Royal Arms. Whilst the site and surrounding village would benefit from a footway provision the carriageway through the village is not different from other rural village settings

If the applicant is unwilling to provide such a footway, then ultimately it is not considered to form a basis for refusing planning permission therefore please condition as requested.

4.4 The Conservation Manager (Built Conservation) states I can confirm that the submitted Heritage Statement satisfies the *Further Information Required* request made in my previous comments.

There are a number of points which I feel the statement has not satisfactorily addressed, and I have concerns that the removal of a significant proportion of hedgerow along the southern boundary will dramatically alter the character of the western end of the settlement; such an expansive, landscaped, opening can only draw attention to the schemes presence, and I consider this approach *suburban* in character and not reflective of Llangrove's established distinctiveness.

Whilst I feel that a revision of this aspect would help minimise the visual impact this scheme will have, and would be welcomed, I do not feel that an objection would carry sufficient weight to outweigh the benefits of the scheme which have no doubt been identified.

4.5 The Conservation Manager (Ecology) has no objection.

Natural England have now confirmed that they approve the required HRA appropriate assessment. Requested Conditions should be attached to any permission to secure mitigation. Based on this there are no ecology objections to this application.

4.6 The Conservation Manager (Trees states):

I have no objection to the proposed design. To ensure that the design is compliant with LD1 & LD3 of the Herefordshire Core Strategy there will be a requirement for a tree protection plan which is in accordance with BS58372012 – trees in relation to design, demolition and construction.

This is to ensure that the retained boundary hedge is protected throughout the development process. There is also a requirement for details regarding the planting scheme. My requests can be supplied as a condition.

4.7 The Public Rights of Way Manager has no objection.

4.8 The Drainage Engineer comments as follows:

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application has not been supported by a Flood Risk Assessment (FRA). The finished floor levels have been set at between 149.00m AOD and 145.20m AOD.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at significant risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches. If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Applicant is proposing to manage surface water runoff using a dry balancing pond. The use of a flow control to direct the water into the pond is not sustainable because the pipe will silt up, this is because it needs to be laid at the correct gradient. We consider it more sustainable to install a pipe into the pond with a headwall, this would ensure that both pipes entering and leaving the pond could be laid at the correct gradient. An outlet pipe featuring a flow control would be needed at the same location shown on the plan.

The drainage layout states that it has been sized for the 1 in 100 year + 40% event however no evidence has been provided. If flows are to be attenuated, the flows should be restricted to the Greenfield runoff values. The Applicant must also demonstrate where flows are to be discharged.

We note that the surface water is proposed to outfall into the foul network. This is not acceptable and Welsh Water will not accept surface water flows into the foul network. The Applicant should explore the presence of any drainage ditches into which the surface water could discharge. Alternatively, the Applicant could explore the option of an infiltration pond.

It is not clear how the roof water will be disposed of. The pond appears to only take water from the road. The private drives could be constructed of permeable paving. As the road is serving less than 6 houses, the road could be constructed of permeable paving also.

The Applicant should provide a more detailed surface water drainage strategy. Please review the below advice:

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

Where possible, betterment over existing conditions should be promoted. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. The assessment of pre and post-development runoff rates should consider a range of storm durations to determine those which are critical for the site and receiving watercourse or sewer and demonstrate sufficient storage has been provided. Allowances for climate change would not typically be included in the calculation of existing discharge rates.

The Cranfield University Soils Map identifies the soils within the proposed development area to be freely draining thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Consideration should also be given to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. SUDS treatment of surface water is considered preferential. Permeable paving could be used for the private road as it is serving less than 6 houses.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

Foul Water Drainage

Existing foul water easement is being retained. There are two separate points of connection due to the steep site. The Applicant should provide evidence of confirmation from Welsh Water that a connection onto the public foul sewer is a feasible option.

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information provided within suitably worded planning conditions:

- Redesign of the surface water drainage strategy in line with our comments above;
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;

- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Demonstration that appropriate pollution control measures are in place prior to discharge;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;

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

4.9 The Waste Manager comments:

Each property will be provided, as standard, with 1 x 180 litre black general rubbish bin and 1 x 240 litre green recycling bin.

The area is currently accessed by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the private road it would need to be constructed to the specification for adoptable roads as specified in “Highways Design Guide for New Developments” and “Highways Specification for New Developments”. A risk assessment would also need to be passed.

If road is not to be constructed to adoptable standard, a suitable site needs to be identified where bins can be placed on collection day, for example an area of hard standing to one side of the entrance to the development. Collection points should be in accordance with ‘Guidance Notes for storage and collection of domestic refuse and recycling’.

5. Representations

5.1 Llangrove Parish Council comments:

Whilst there is no objection to the application and the reduction of houses from 10 to 5 is supported, it is strongly suggested that the hedge be kept to retain the rural character of the area as well as the public house. A country feel is vitally important for the economic viability of the public house which fears for its future if it’s outside area faces an urban view of buildings and tarmac rather than the current countryside hedgerow. Furthermore, on the grounds of road safety it is suggested that the proposed access should be moved to a more suitable area.

5.2 28 letters of objection have been received, comments are summarised as:

- The area has been ruined by development
- Impact on landscape
- Impact on character of village
- Llangrove has taken enough development
- Concern regarding access
- Loss of hedgerow
- Impact on viability of the public house
- Highway and pedestrian safety
- Loss of amenity
- Criticism of developer consultation exercise
- Concern regarding sewerage and surface water drainage
- Impact on heritage assets
- Loss of open green space
- Housing proposed does not meet needs of Llangrove
- Loss of views

- Impact on area during construction phase
- Should be left as open space
- Impact and harm to ecology and biodiversity

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=182775&search=182775

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

Legislation

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” The development plan is the Herefordshire Core Strategy.

With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the build its setting or any features of special architectural or historic interest which it possesses.”

Herefordshire Local Plan Core Strategy

6.2 Core Strategy Policy SS1 – Presumption in favour of sustainable development, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.

6.3 Core Strategy Policy SS2 – Delivering new homes sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.

6.4 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.

6.5 Core Strategy policy SS7 – Addressing climate change describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:

- Focussing development to the most sustainable locations
- Delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport

6.6 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.

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

6.7 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Llangrove is one of these settlements and is within the Ross on Wye HMA. Policy RA2 sets and housing proposals will be permitted in the identified settlements where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

Core Strategy policy LD1 criteria require new development must achieve the following:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management.

National Planning Policy Framework

- 6.8 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.
- 6.9 Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.10 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.11 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.12 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.13 This position was crystalised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasise here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*
- 6.14 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.15 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.16 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

- 6.17 Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.18 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Background

- 6.19 It is important the Committee is aware of the circumstances which have led to the proposal taking the form, scale and layout proposed. Extensive pre-application discussions for ten dwellings, which included consultation with the local community, has underpinned the proposals. Through this process the density of development has halved and open space and landscaping components significantly increased.
- 6.20 The Housing Market Area Assessment (HMA) for the Ross on Wye HMA within which Llangrove is located, identifies particular need as follows:

<u>Type/size</u>	<u>Additional homes 2011-2031</u>
1 bedroom	80
2 bedroom	303
3 bedroom	703
4 bedroom	31

- 6.21 It would normally be anticipated that an application site of this size would deliver a higher density of development than that proposed. Furthermore in line with CS policies SS1, SS2, H3, RA1 and RA2, a greater mix, so as not to be conflict in with those policies, particularly in the context of the not insignificant delivery of four bed units both within Llangrove and the Ross on Wye HMA.
- 6.22 In the context of the initial pre-application discussion, the salient points were confirmed to the applicants as follows:
- Ten houses represented a potential under development of the site and an avoidance of triggering affordable housing and s106 contributions and the housing mix proposed would not have satisfied CS policies
 - 'open space' should be coherent with the village and be usable to the wider community
 - Development here must enhance the setting of the village or act or reinforce a gateway location
 - A high quality proposal that enhances the village in appearance and functionality is crucial and expected
- 6.23 This informal advice notwithstanding the current proposal was evolved following careful consideration of the community's aspirations and to meet competing demands. The result was that a far lower density of development was preferred with more open space proposed both for functional and contextual gains.

Assessment

- 6.24 The site is by virtue of its location and context clearly within the main built form of Llangrove (described by the emerging NDP(Reg 14) as being within the village centre). Furthermore the site is allocated within the emerging NDP for housing development. Upon assessment of the site and Core Strategy policy RA2, the site is considered to be appropriately and sustainably located and suitable for development. In principle development would also satisfy the sustainability aims and objectives of the Core Strategy and NPPF.
- 6.25 There are several historic, although undesignated, buildings located around the proposed site boundary which are detailed on the earliest Ordnance Survey mapping. Given their age, historic associations, and evidential value, they are considered non-designated heritage assets in planning terms. They include the Royal Arms public house; Hazelnut Cottage; The Sycamores; Bannut Tree; Oak Cottage; and Wyeside.
- 6.26 It is considered that the proposed layout echoes aspirations of the emerging NDP, featuring a linear form of two storey development, set back from the road behind significant green landscaping which along with ecological and drainage benefits, has the dual purpose of creating a sense of width along this section of road, where currently there is a feeling of enclosure and a 'tunnel' like effect. The layout allows both suitable visibility splays and pedestrian refuge. It also maintains the amenity of the existing frontage dwellings and public house on the south side of the road opposite the site. The layout arrangement also protects and retains numerous views through and across the site.
- 6.27 In respect of the public house, which is considered to be an undesignated heritage asset by virtue of its age and historic social function, and its outdoor patio area which fronts the highway, significant separation between it and the proposed dwellings is afforded. The nearest dwellings on plot 2 and 3 being 23 – 25 metres away on the opposite side of the highway with a planted green landscape buffer in-between. It is also noted there is a 16 metre width gap between plot 3 and 4 due to a sewer easement which enables views from the patio area to the countryside beyond.
- 6.28 The setting and amenity of Oak Cottage and Bannut Tree, located to the north east of the site has been an important consideration based upon the local heritage value of the dwellings and their size, scale and relationship to the application site. There is separation of some 30 metres between the cottage and nearest proposed dwelling on plot 5, with retained hedgerow and significant open green space areas providing further screening and protection of setting and amenity.
- 6.29 In addition to the frontage open space, significant land is given over to the eastern section of the site which features a balancing pond and fully accessible amenity landscaping.
- 6.30 It is considered that a positive sense of openness and greenness is retained despite accommodating vehicular access and five dwellings. It is considered in both landscape and built form terms that the proposal provides not only an appropriate response to context, but also enhances what is a gateway location and wider setting of Llangrove. The removal of the existing hedgerow enables an enhanced visual experience, and sense of widening the road. Whilst valued by many objectors, the hedgerow is of limited and low ecological merit and the compensatory and overall planting and landscaping offered represents a significant enhancement in ecological and landscaping terms. Indeed, the existing hedgerow obscures mid and long range views whilst the proposal opens up the site and enables these views to be experienced from street level.
- 6.31 The five dwellings are formed of three different designs all with a rural vernacular aesthetic with a common use of materials – coursed stone, render, fibre cement slates, stained timber and design detail elements for a cohesive appearance.

- Design Type A (Plot 2 and 4) has a T shape plan with asymmetric front gable design and dormer window on the principal elevation. The dwellings measure 11.2 x 9.9 metres over maximum extent with a height to ridge 7.9 metres.
 - Design Type B (Plot 3 and 5) has a broadly square plan, with principal elevation featuring bay windows linked to an open timber framed porch with three dormers within the eaves line. The dwelling measures 10.9 x 9.2 metres over its maximum extent with a height to ridge 7.9 metres.
 - Design Type C (Plot 1) has a rectangular plan, with principal elevation featuring stone porch with dormers at first floor level incorporated flush into the principle elevation. The dwelling measures 11.9 x 9.6 metres over its maximum extent with a height to ridge 8.1 metres.
- 6.32 It is considered that the design and form is of a scale, mass and appearance reflective and responsive to its rural context and is of a suitably high standard so that the design aims and objectives of CS policies RA2, LD1 and SD1 are satisfied. Combined with the landscaping and layout details this provides a positive contribution to the character and appearance of the village. Conditions ensure the materials and finishes proposed are utilised.
- 6.33 The nearest listed buildings are some distance from the site. The nearest is the Grade II Llangrove Cottage, a former rectory, now farmhouse dating from 1824, set back on the south side of the highway and around 50 metres from the nearest proposed dwelling with intervening buildings obscuring direct visibility. The Grade II listed Christ Church dates from 1854/6. The nearest part of the site is around 150 metres from the Church with nearest proposed dwelling over 180 metres distant, with no direct views due to intervening development and landscaping.
- 6.34 On the basis of the above there is no harm to the setting of designated heritage assets and with regards to all of the above, no heritage grounds to resist the development. As described above, the setting of unlisted heritage assets, particularly the public house and Oak Cottage, has been taken into account and informed the proposal. Indeed it is considered with regards the public house and Hazlenut Cottage, their setting has been enhanced. The proposal is therefore considered to satisfy the heritage criteria of policies RA2, LD1 and LD4 and the relevant heritage aims and objectives of the NPPF.
- 6.35 Technical matters regarding highway safety, access and drainage have been assessed and no technical grounds identified to resist development. The proposal, through its proposals and conditions listed below, will mitigate its impact and in a number of scenarios, be an improvement over the existing situation. Although the road is not to be widened, the opening of the site reduces the enclosed nature of the pinch point hereabouts, pedestrians are able to walk off the road and the access would act as an informal passing place.
- 6.36 With regards to impact on the viability of the public house no evidence is provided to support these claims. Housing is directed to RA2 settlements such as Llangrove in part to support local services and facilities. As Llangrove is neither in an AONB, on the main tourist routes or a main tourist location within the county, Officers are not convinced given no evidence has been provided, that the development would undermine any perceived tourist enjoyment of the village or its facilities.

Summary

- 6.37 As outlined within the background section above, to deliver the preferred low density of development and retain more open space the delivery of smaller and affordable units could not be secured. A number of highway and pedestrian improvements have been secured. It is noted in addition to the above, emerging aims and objectives regarding development of the site as

one designated within the emerging NDP are also met with regards form, layout, drainage and landscaping.

- 6.38 The ecological enhancements and infrastructure are of an exemplar nature and combined with landscaping and built form design, are considered to result in a high quality development which enhances the gateway nature of this part of the village and setting of Llangrove. The loss of hedgerow to facilitate the access specification is more than compensated for by comprehensive new planting, improvements to the experience of the immediate area and is considered to contribute to the overall raft of enhancements from the proposal.
- 6.39 As such the proposal is considered to be a high quality response to context which delivers tangible enhancements to the character, appearance and setting of Llangrove. There are no technical reasons to resist development, and given the Council's housing land supply position, limited weight to the emerging NDP and locational sustainability of the proposal, approval is recommended.

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. Development in accordance with the approved plans**
- 3. All foul water from the dwellings approved under this Decision Notice shall discharge through a connection to the local Mains Sewer network unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

- 4. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

- 5. The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended in the submitted ecology report by AVA Ecology dated July 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 6. Prior to commencement of any site clearance or works on site a detailed hedgerow translocation and establishment plan; and a Wildlife Pond Method and Management**

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

Statement, should be supplied to this planning authority for approval. The approved plans shall be implemented in full as stated and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA.

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 7. H03 - Visibility splays, 2.4m X 42m eastbound, 35m x 2.4m westbound**
- 8. H06 - Vehicular access construction**
- 9. H09 - Driveway gradient**
- 10. H13 - Access, turning area and parking**
- 11. H20 - Road completion in 2 years**
- 12. H21 - Wheel washing**
- 13. H27 - Parking for site operatives**
- 14. H29 - Secure covered cycle parking provision**
- 15. C01 - Samples of external materials and finishes**
- 16. F14 - Removal of permitted development rights**
- 17. F16 - No new windows, dormers or rooflights in any elevation or roof slope**
- 18. G02 - Retention of trees and hedgerows**
- 19. G04 - Protection of trees/hedgerows that are to be retained**
- 20. G10 - Landscaping scheme**
- 21. G11 - Landscaping scheme – implementation**
- 22. G14 - Landscape management plan**
- 23. G15 - Landscape maintenance arrangements**
- 24. G16 - Landscape monitoring**
- 25. Drainage condition**

INFORMATIVES:

- 1. IP1 - Application approved without amendment**
- 2. HN01 - Mud on highway**
- 3. HN04 - Private apparatus within highway**

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

- 4. **HN05 - Works within the highway**
- 5. **HN10 - No drainage to discharge to highway**
- 6. **HN24 - Drainage other than via highway system**
- 7. **HN28 - Highways design guide and specification**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	23 January 2019
TITLE OF REPORT:	<p>172076 – SITE FOR PROPOSED ERECTION OF NINE DWELLINGS. CONSTRUCTION OF NEW VEHICULAR ACCESS, TURNING AREA AND PRIVATE ROADS. LAYOUT AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE</p> <p>For: Mr Jackson per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172076&search=172076
Reason Application submitted to Committee – Redirection	

Date Received: 2 June 2017

Ward: Llangarron

Grid Ref: 355955,222246

Expiry Date: 1 February 2018

Local Member: Councillor EJ Swinglehurst

1. Site Description and Proposal

- 1.1 The site is located adjoining existing residential development at Glewstone, a settlement designated under Core Strategy policy RA2 as a suitable location for appropriate residential development. The site, as is the whole of Glewstone and surrounding area, is within the Wye Valley Area of Outstanding Natural Beauty. The site is a sloping undeveloped greenfield site and covers an area of 0.8 hectares. It comprises a former orchard delineated by well-maintained hedgerows on three sides and open on the remaining eastern site boundary. Its western site boundary coincides with its sole road frontage with a single-width lane. A public footpath runs along the length of the eastern site boundary. Existing vehicular access to the site is achieved via a gap in the western boundary.
- 1.2 The proposal is an outline application for the erection of nine dwellings, comprising 2 no. 3 bed units and 7 no. 4 bed units further mixed to feature 5 no. dwellings and 4 no. bungalows.
- 1.3 Access and layout are to be assessed and considered, with appearance, landscaping and scale reserved matters. Highways improvements in the form of a pedestrian refuge and formation of passing places are proposed.

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

The following policies are considered to be relevant to this application:

SS1	–	Presumption in Favour of Sustainable Development
SS2	–	Delivering New Homes
SS3	–	Releasing Land for Residential Development
SS4	–	Movement and Transportation
SS6	–	Environmental Quality and Local Distinctiveness
SS7	–	Addressing Climate Change
RA1	–	Rural Housing Distribution
RA2	–	Herefordshire's Villages
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space, Sport and Recreation
OS2	–	Meeting Open Space, Sport and Recreation Needs
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
LD1	–	Landscape and Townscape
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic Environment and Heritage Assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
SD4	–	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving Sustainable Development
- 5. Delivering a Sufficient Supply of Homes
- 11. Making Effective Use of Land
- 12. Achieving Well-Designed Places
- 15. Conserving and Enhancing the Natural Environment
- 16. Conserving and Enhancing the Historic Environment

2.3 There is no designated Neighbourhood Planning Area and as such no emerging Neighbourhood Development Plan for Marstow Parish, which contains Glewstone. Glewstone will be considered within in the Rural Areas Development Plan Document (RASADPD) which will potentially allocate sites and settlement boundaries. The RASADPD options consultation for settlement boundaries and sites is likely to go out for consultation in summer 2019.

2.4 Wye Valley AONB Management Plan

3. Planning History

3.1 SH871253PO – Erection of 4 no. dwellings, Refused. Appeal dismissed.

4. Consultation Summary

Statutory Consultations

- 4.1 Natural England has no objection, based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites.
- 4.2 Natural England notes *The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI).*

European site – River Wye SAC – No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI – No objection

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

- 4.3 Welsh Water comments *We have reviewed the information submitted as part of this application with particular focus on Section 11 and 12 of the planning application form and note that the intention is to use a private treatment plant for foul water and soakaway to dispose of surface water. As the sewerage undertaker we have no further comments to make, however, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.*

Internal Council Consultations

- 4.4 The Transportation Manager has no objection, commenting –

As shown in previous consultations there have been a number of issues which have been raised, these are follows –

1. *The proposed visibility splays for the site are not measured to the edge of the carriageway, as is standard practise. If the visibility splays are taken to the edge of the carriageway there additional hedgerow removal is required.*

Whilst it is standard practice for visibility splays to be measured to the edge of the carriageway, Manual for streets 2 does allow for visibility splays to be measured to the nearside edge of the vehicle track, therefore this is allowable

2. *The lane is narrow with only small sections of carriageway which can accommodate two way vehicle movements. The lane does not have any passing bays to allow for vehicles to negotiated oncoming vehicles. The site does not allow for a passing bay to be incorporated on site due to the gradient and back fill required for the visibility splays.*

The provision of passing bays allows for the increase in vehicles to be accommodated.

3. *The school transport is provided for the local children to Goodrich primary school and John Kyrle high school. The pickup point for the school transport which will be associated with this development is located on the cross roads. Due to services being merged to meet the demand the route has been altered and children now wait on the cross roads. If the development is permitted there is potential for the number of school children to increase requiring school transport therefore increasing the number of children waiting at the cross roads which does not provide suitable facilities for children waiting.*

The provision of a section of footway/waiting areas around the crossroad will provide a safe area for children to wait for school transport.

4. *The crossroads which is associated with development has restricted visibility therefore increasing the number of vehicles using the cross roads, however it is noted that there are no recorded accidents at this junction within the last 5 years.*

It should also be noted that Manual for streets 2 states that a reduction in visibility below recommended levels will not necessarily lead to a significant problem.

With the additional facilities provided, the scheme is now acceptable subject to requested conditions and informatives.

4.5 The Conservation Manager (Landscapes) comments –

I note the amended plans submitted January 2017 including the proposed cross sections which were helpful. The proposed revision to the entrance and turning head is welcomed, the crib wall will be reduced from 4m to 2m with the soil graded back behind it to account for the remaining difference. This will reduce the visual impact of the proposal from the site entrance. A further measure in my view would be to introduce stone walling with planting in front.

I recognise the measures taken to ensure every effort has been made to comply with LD1 of the Core Strategy, given the topography of the site the proposal will inevitably required engineering works.

At this point therefore I defer to the planning officer who's role it is to weigh up the planning balance of the various benefits against the associated impacts.

As previously stated 29th August 2017, On balance therefore, whilst I do not object to the principle of development upon the site, the necessary engineering works to facilitate the access in conjunction with the loss of hedgerow will have potentially harmful effects to both visual amenity and landscape character and is therefore not considered to comply with LD1 of the Core Strategy.

4.6 The Conservation Manager (Ecology) has no objection commenting –

The updated foul water management strategy is noted. Subject to approval of the required Habitat Regulations Assessment Appropriate Assessment by Natural England this application can be determined if subject to approval a number of Conditions are suggested to secure the approved mitigation. The supplied ecology report is noted and a Condition is suggested to secure relevant mitigation, compensation and biodiversity enhancements.

4.7 The Drainage Engineer comments –

Overview of the Proposal

The Applicant proposes the construction of 9 dwellings and vehicular access. The site covers an area of approx. 0.80ha and is currently used for agricultural purposes (previously an orchard). The topography of the site slopes down from approx. 75m AOD in the southeast to approx. 67m AOD in the northwest. An ordinary watercourse is located on the western side of the adjacent road.

Other Considerations and Sources of Flood Risk

Local residents have raised concerns in regards to surface water flooding of the adjacent road (to the west of the proposed development site). It has been stated by members of the public that the stream flood frequently due to silt build up and causes to get onto the highway. The Applicant has taken measures to ensure that no additional surface water runoff will get onto the highway.

The adjacent lane (to the west of the site) reaches a low point. Surface water on the road may naturally flow to the lowest point. The surface water flood map reflects the presence of the stream. Maintenance of the watercourse lies with the riparian owners.

Surface Water Drainage

The Applicant has given consideration to the management of overland flow as this site is sloping.

- Infiltration channels are placed along the South and East boundaries to intercept and infiltrate the off-site water flows coming from top slope.
- Open channels will be placed at the bottom of the orchard to intercept and infiltrate the surface water runoff from higher land.
- Humps alongside the northwest boundary are placed under trees to be consistent.
- Channel drain across the entrance to prevent runoff onto highway.

Runoff from the impermeable access road will be managed by two chamber soakaways which have been designed in accordance with the Herefordshire SuDS handbook. It is stated that the soakaway serving the road is to be the responsibility of Herefordshire Council.

It has been clarified that the section of road serving plots 6 to 9 will be constructed of permeable paving. A low road hump will be constructed between the permeable section and tarmac road to allow water to infiltrate in the permeable section and prevent water getting onto the tarmac road. Responsibility of the permeable paving will fall with the property owners.

Foul Water Drainage

Plots 1 – 5:

Foul water outflow from the sewer treatment plant (or eventually reed bed) for plots 1-5 will be discharged into the Luke Brook by pipework under the road. Interface between conveyance pipework and the watercourse will be designed in accordance with HC standards.

Plots 6 – 9:

It is proposed that foul water from dwellings 6 – 9 will be directed individual package treatment plants served by individual drainage fields of approx. 30.53m² for each dwelling. The drainage fields are to be located in the orchard to the west of the proposed dwellings. It has not been demonstrated on the foul drainage layout that the spreaders will be laid out in the following:

- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

The Applicant has provided a cross section showing the drainage field, sandstone bedrock. This demonstrates that a minimum of 0.6m of soil will be below the gravel bed of the drainage field (minimum of 0.95m from the base of the perforated pipes). This cross section does not demonstrate all drainage fields. It should be demonstrated that each drainage field proposed has sufficient depth of soil above the sandstone bedrock.

Overall Comment

We request that a cross section of all drainage fields serving plots 6-9 is provided to demonstrate that the sandstone bedrock is sufficiently far below the drainage field. This can be conditioned.

4.8 The Public Rights of Way Manager has no objection. The development would not appear to affect public footpath M015.

4.9 The Waste Manager has no objection, commenting –

The collection vehicle will not travel the private drive to the properties. Due to the gradient, collection points are needed for all properties to place bins on collection day. This should be adjacent to the turning head. A collection point(s) is needed for all properties to place bins on collection day. This should be an area of hard standing that is large enough to accommodate the required number of bins on collection day and be located adjacent to the turning head.

5. Representations

5.1 Marstow Parish Council objects, commenting –

A special planning meeting was held on 18 July 2017 where 21 residents from Glewstone attended. The main concerns given to the Council were as follows:

1. Traffic and road visibility. The road is narrow and the proposed development would generate further traffic to this area.

2. The nearby cross road is a problem with poor visibility - again increased traffic flow will further add to this problem.
3. Regarding items 1 and 2 this adds greater concerns for the safety of school children who have to use this area to meet the school run bus.
4. Road surface water concerns. Surface water occurs on the road of the intended development and freezes during the winter months. Drainage from this road is poor.
5. The proposed development is basically in a valley and there are concerns as to water drainage from this land.
6. There appears to be 1 sewage treatment plant for the proposed development and concerns were given as to where any overspill / soak away will go. The stream can regularly dry up in summer months.
7. There is no public transport for Glewstone and subsequently private transport has to be used.

The Parish Council support these concerns and objections.

However should planning permission be granted the Parish Council strongly recommend that items 2 and 4 are addressed before any build work and associated work is started.

5.2 31 letters of objection have been received, comments are summarised as:

- The site is in an AONB
- The site is in open countryside
- It is an unsustainable location
- Concerns regarding highway and pedestrian safety
- Increase in traffic on local roads
- Capacity of local road network and local roads used as a cut through
- Sewerage and surface water
- Houses proposed are not needed
- Other sites in and around Glewstone suggested as preferable locations
- Reference to 1987 refusal and appeal decision
- Impact of adjoining residential amenity
- There are no services or facilities at Glewstone
- Impact on biodiversity and ecology
- Does not meet local housing requirements
- Only land owner and developer will benefit
- Proposed highway improvements do not address highway safety and capacity concerns
- The existing road floods

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=172076&search=172076

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

Policy context and Principle of Development

Legislation

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan is the Herefordshire Core Strategy.
- 6.2 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. Of particular relevance to the proposal are the following sections:
- Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.
 - Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.
 - Section 85 places a duty on all public bodies and statutory undertakers to ‘have regard’ to the ‘purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 6.3 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Herefordshire Core Strategy

- 6.4 Core Strategy Policy SS1 – *Presumption in favour of sustainable development*, in line with the NPPF, has a positive approach to such development. Furthermore, planning permission will be granted unless the adverse impact of the permission would significantly and demonstrably outweigh the benefits of the proposal.
- 6.5 Core Strategy Policy SS2 – *Delivering new homes* sets out Herefordshire is to deliver a minimum 16,500 dwellings during the plan period and that designated rural settlements play a key role in that delivery and support the rural economy, local services and facilities. Such settlements will deliver a minimum 5,600 dwellings.
- 6.6 Core Strategy policy SS6 describes proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. Policy SS6 then states in its list of criteria that development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.
- 6.7 Core Strategy policy SS7 – *Addressing climate change* describes how developments will be required to mitigate their impact on climate change, and strategically, this includes:
- focussing development to the most sustainable locations

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

- delivering development that reduces the need to travel by private car and encourages sustainable travel options including walking, cycling and public transport

6.8 Core Strategy policy RA1 – Rural housing distribution sets out the strategic way housing is to be provided within rural Herefordshire and to deliver a minimum 5,600 dwellings. Herefordshire is divided into seven Housing Market Areas (HMAs) in order to respond to the differing housing needs, requirements and spatial matters across the county.

6.9 Core Strategy policy RA2 – Housing outside Hereford and the market towns identifies the settlements in each HMA area where the main focus of proportionate housing development will be directed, along with other settlements where proportionate housing growth is appropriate. Glewstone is one of these settlements and is within the Ross on Wye HMA. Policy RA2 states housing proposals will be permitted in the identified settlements where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area;
2. Their locations make best and full use of suitable brownfield sites wherever possible;
3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.

6.10 Core Strategy policy LD1 criteria require new development must achieve the following:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

National Planning Policy Framework

6.11 The NPPF has 'sustainable development' central to planning's remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life.

6.12 Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

6.13 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.14 Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.
- 6.15 Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.
- 6.16 This position was crystalised at the Appeal Court prior to the NPPF 2018 coming into effect and the implications of this position following the *Suffolk Coastal DC v Hopkins Homes & SSCLG* and *Richborough Estates v Cheshire East BC & SSCLG*[2016] EWCA Civ 168 were described by the Court thus *We must emphasize here that the policies of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision-maker (as described the speech of Lord Hoffmann in Tesco Stores Ltd. v Secretary of State for the Environment [1995] 1 W.L.R. 759, at p.780F-H).*
- 6.17 Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.
- 6.18 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.19 Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172. This states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*
- 6.20 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.21 Paragraph 193 advises that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.22 Paragraph 197 states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Wye Valley AONB Management Plan

- 6.23 The Wye Valley AONB Management Plan is a material consideration in the assessment of this application. The following policies are particularly applicable –
- 6.24 WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment. *[see also WV-L3, WV-D4, WV-U1, WV-U3, WV-T2, WV-S4 and WV-P5]*
- 6.25 WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important. *[see also WV-L3, WV-F3, WV-U1, WV-U3, WV-T2 and WV-S4]*

Assessment

- 6.26 Marstow Parish is within the Ross on Wye Housing Market Area (HMA) and Glewstone is its only settlement designated under CS policy RA2. The parish has an indicative minimum delivery target of 24 dwellings for the Plan period. As there is no NDP proposed there are no forthcoming allocations to meet this target. There were 6 completions between 2011 – 2018 with a further 4 commitments as dated 1st April 2018. As such there is a remaining shortfall of 14 dwellings to be delivered within the parish.
- 6.27 The proposal is for 9 no. dwellings comprising of 2 no. 3 bed units and 7 no. 4 bed units, with a mix of 5 no. dwellings and 4 no. bungalows. The location is set within Glewstone, on a site that is located within in the Wye Valley AONB. The proposal lies within landscape character type *Principal Settled Farmlands* where *'a dispersed pattern of farmsteads and hamlets capable of accommodating limited new development... low densities of dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside pattern.'*
- 6.28 The site is currently a pasture field, formerly orchard, bounded by hedgerow on 3 sides. The landform rises significantly from the western field boundary which runs parallel with Glewstone

Road before reaching a plateau along the eastern section of the site. The original field pattern which was once subdivided has altered over time with the infill of 20th century residential development.

- 6.29 The site by virtue of its location and context is considered to be adjoining the main built form of Glewstone, which with its dispersed settlement pattern has no clear core. The site is however adjoining an established cluster of existing housing and is readily accessible to the limited services and facilities the village has. On this basis, the principle of development is considered acceptable and satisfies the sustainability aims and objectives of CS policies SS1 and RA2 and the NPPF. The overall acceptability of the proposal is therefore assessed against material considerations, including but not limited to highway safety, landscape impact, ecology and drainage.
- 6.30 Officers conclude on the basis of the scale of the scale of the proposal and existing scale of housing at Glewstone, the proposal does not represent major development in an AONB.
- 6.31 The housing mix in terms of size and type proposed is considered to satisfy CS policy RA2 and H3. Although the proposal is not obligated to and makes no provision of affordable housing, it includes two smaller semi-detached dwellings providing more affordable houses in this location. It is suggested permitted development rights are removed from these units so to ensure such smaller affordable properties remain available within the locality. The provision of bungalows whilst not a policy requirement does meet a demand that officers and committee will be aware of from previous experience. Furthermore the proposal will deliver a significant contribution to the Parish's housing delivery target.
- 6.32 Dwellings 1-5 of the proposal continue the roadside pattern which exists either side of the site, Dwellings 6-9 are 3 to 4 bedroom bungalows. It is noted housing already exists hereabouts in the form of *Lambourne* and *Ribstone*, however the existing properties are accessed via a track immediately to the east. The new proposals will necessitate a new access road cutting through the site. Whilst it is noted that dwellings 6-9 are bungalows and that the surrounding landscape, whilst sloping is well contained by orchard, there are a number of key considerations.
- 6.33 The PROW MO15 runs parallel with proposals 6-9, the containment provided by adjacent orchard could potentially be removed and views opened up if suitable conditions are not imposed and enforced. If the proposed community orchard were removed at a later date it would be difficult to avoid incremental increase in housing which would result in a housing estate at odds with the settlement pattern.
- 6.34 The proposal has a number of positive landscape elements to recommend it. In terms of location it relates well to the existing built form and follows the established linear settlement pattern. The consideration given to the heights of buildings thereby minimising the visual effects of the proposal is welcomed, as is the proposed reinstatement of both the orchard and the hedgerow along the eastern boundary in line with management guidelines for its landscape character type.
- 6.35 However, several aspects of this proposal have the potential to be detrimental to local character and must be considered in the planning balance against accepted gains and wider compliance with policies:
- The proposed private drives dilute the existing linear pattern along Glewstone Road, creating two cul de sacs.
 - The additional private drive which cuts across the field is an incongruous feature within this natural landscape and whilst visual effects can be confined to near views it does represent an erosion of the character of the landscape.

- The addition of a retaining wall –cross sectional drawings illustrate a minimum of 3m – at the entrance to the site to allow for the proposed private drive and turning head, indicate extensive engineering works which conflict with this predominantly rural landscape.
- Finally whilst the Landscape Visual Impact Assessment (LVIA) indicates minimal loss of hedgerow along the western boundary, the highways engineer’s comments indicate the visibility splays required will result in extensive hedgerow loss, with potential for further loss if passing places are added.

6.36 The landscape impacts identified are noted. However, these must be balanced against the planning merits of the case and other material considerations. The most prominent landscape impact is that of the access and private drive, however this is confined to localised views as one passes the site along the lane. Equally the engineering works and retaining wall, whilst impactful, are reduced to a localised impact with the retaining wall designed to enable green growth, overtime, to reduce its impact.

6.37 Given the sensitivity of the AONB generally hereabouts, the site is well contained and enclosed in terms of mid and long range views and adjoins existing development. Indeed from the elevated eastern public footpath there is an unimpeded view of the eastern and mid- sections of the field but not of the road frontage due to the site gradient descending steadily down to the road. From the road frontage, the open field is screened in large part by the tall roadside hedge and embankment and views are only made through the access point, where a passing view of the western sector of the field is available. As noted, it is the change to the latter situation around the access point where the most change to and experience of the locality will occur in landscape terms.

6.38 The layout has bungalows on the highest part of the site thus further integrating the development into its setting, working with the landscape and preventing intrusion into wider views from afar. Conditions are recommended to restrict these plots to bungalows. Furthermore, substantial landscape planting is proposed in the form of an orchard, which would have public access, over a significant part of the site. The orchard would create an appropriate backdrop to the road frontage development and screen the bungalows above.

6.39 With regard to existing adjoining amenity, Officers are satisfied by the combination of the layout proposed which features separation between existing and proposed dwellings, careful orientation, landscaping zones and differing house types, recommended conditions, and the reserved matters process, this will be protected to satisfactory levels and standards.

6.40 The historic refusal of planning permission and Inspector’s decision from 1987 is noted, however there has been significant change in planning policies at local and national level since then. Most significantly Glewstone is now allocated as a settlement where appropriate development is directed. This leads the decision of this application not to be bound by those previous findings.

6.41 The Drainage Engineer is satisfied with the drainage details provided, which will form part of the approved plans and details if permission is granted. On this basis and with the conditions requested by the Drainage Engineer and other technical consultees, there are no technical grounds to resist the proposal on highways, ecological and drainage matters.

Summary

6.42 The proposal will deliver a significant amount of the Parish’s housing requirements for the Plan period and includes a range of house types and, albeit limited, mix of house sizes. Technical matters regarding highways, drainage and ecology have been assessed as being acceptably addressed and mitigated and a number of planning gains and enhancements are secured, including but not limited to highway upgrades, ecological and biodiversity and a public orchard. Whilst the houses themselves are of an appropriate form and they can be successfully designed

and mitigation incorporated to respond to and respect the existing context and AONB location, it is acknowledged that to facilitate the access arrangements through the associated engineering requirements, there will be landscape harm.

- 6.43 Weighing the planning balance, the harm identified is localised to the immediate area around the access point and the enjoyment and experience of that limited location. The provision of housing within a settlement designated for such development, which has some way to go to meet its indicative Plan period target and the Council's lack of an up to date housing supply weigh heavily in favour of the development. The lack of an emerging NDP or technical objections regarding highways, drainage and ecology also weigh in the proposal's favour as do the enhancements and planning gain identified.
- 6.44 On the basis of all of the above, the merits of the proposal are considered to outweigh the identified localised landscape harm and approval is recommended.

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. A02 - Time limit for submission of reserved matters (outline permission)**
- 2. A03 - Time limit for commencement (outline permission)**
- 3. A04 - Approval of reserved matters**
- 4. A05 - Plans and particulars of reserved matters**
- 5. All foul water from the dwellings approved under this Decision Notice shall discharge through a Package Treatment Plant with additional phosphate removal system and reed bed before final discharge to local watercourse as indicated in the supplied Foul Drainage Strategy dated September 2018, unless otherwise agreed in writing by the Local Planning Authority. All works must also be compliant with Building Control and General Binding Rule requirements. The installed system shall be hereafter maintained in compliance with manufacturer specifications.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

- 6. Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within development on land under the applicants control as detailed in planning application form and approved plans and documents. The surface water management shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

- 7. The ecological protection, mitigation, compensation and working methods scheme including the detailed biodiversity enhancements as recommended in the submitted ecology report by Wilder Ecology dated January 2017 shall be implemented in full as stated and hereafter maintained unless otherwise approved in writing by the local planning authority.**

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 8. H03 - Visibility splays, 2.4 x 60M**
- 9. H06 - Vehicular access construction**
- 10. H09 - Driveway gradient**
- 11. H13 - Access, turning area and parking**
- 12. H11 - Parking - estate development (more than one house)**
- 13. H17 - Highway improvement/off site works**
- 14. H18 - On site roads - submission of details**
- 15. H20 - Road completion in 2 years**
- 16. H21 - Wheel washing**
- 17. H27 - Parking for site operatives**
- 18. H29 - Secure covered cycle parking provision**
- 19. G02 - Retention of trees and hedgerows**
- 20. G04 - Protection of trees/hedgerows that are to be retained**
- 21. G10 - Landscaping scheme**
- 22. G1 - Landscaping scheme – implementation**
- 23. G14 - Landscape management plan**
- 24. G15 - Landscape maintenance arrangements**
- 25. G16 - Landscape monitoring**
- 26. Restriction on Density**
- 27. Drainage condition – demonstrate that the sandstone bedrock is sufficiently far below the drainage field**
- 28. Restriction on house types and height to ridge**

INFORMATIVES:

- 1. IP1 – Application approved with amendment**
- 2. HN01 - Mud on highway**

- 3. **HN04 - Private apparatus within highway**
- 4. **HN05 - Works within the highway**
- 5. **HN10 - No drainage to discharge to highway**
- 6. **HN24 - Drainage other than via highway system**
- 7. **HN28 - Highways design guide and specification**
- 8. **HN07 - Section 278 agreement**

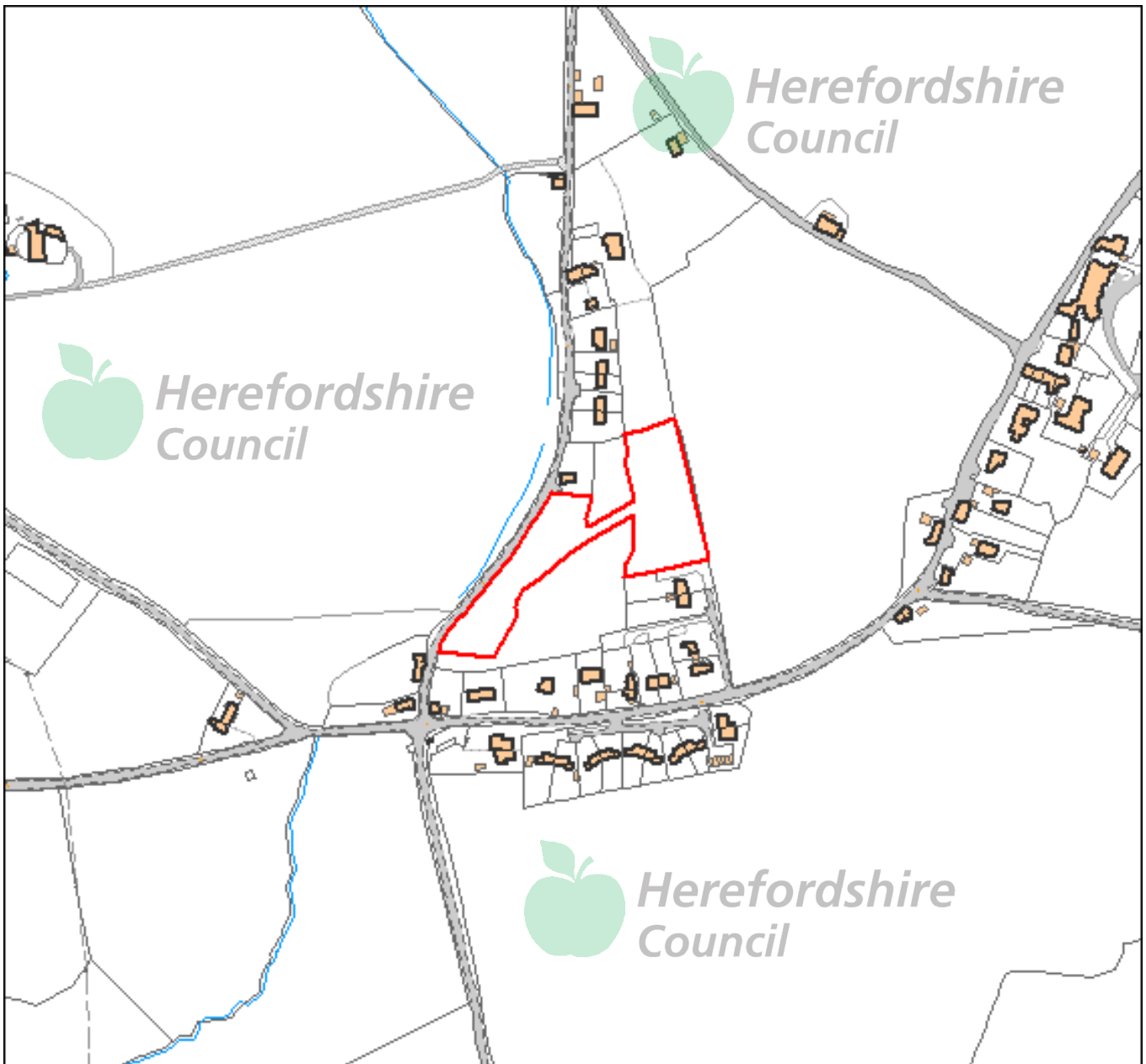
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172076

SITE ADDRESS : LAND ADJACENT TO HERRIOT COTTAGE, GLEWSTONE, ROSS-ON-WYE, HEREFORDSHIRE

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

