

Agenda

Planning and regulatory committee

Date: **Wednesday 11 March 2020**

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.

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson Councillor John Hardwick
Vice-Chairperson Councillor Alan Seldon

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Bernard Hunt
Councillor Terry James
Councillor Tony Johnson
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor Yolande Watson

Agenda

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST 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.	
4.	MINUTES To approve and sign the minutes of the meeting held on 11 February 2020.	11 - 28
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	193230 - LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE Proposed development of two residential dwellings including new vehicular access off the highway.	29 - 48
7.	193391 - HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR Proposed replacement dwelling and garage.	49 - 68
8.	193578 - BANBH FARM, BREINTON, HEREFORD, HR4 7PP Erection of an agricultural barn together with appropriate landscaping and planting.	69 - 88
9.	194064 - LARCH HOUSE, LYDE CROSS, MUNSTONE, HEREFORD, HR1 3AD Proposed change of use of agricultural land to domestic, use moving the 'native species hedgerow' to the northern boundary.	89 - 96
10.	DATE OF NEXT MEETING Date of next site inspection – 7 April 2020 Date of next meeting – 8 April 2020	

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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The 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 John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxton	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Herefordshire Independents

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 11 February 2020 at 10.00 am

Present: Councillor John Hardwick (chairperson)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Jeremy Milln, Roger Phillips, Paul Rone and David Summers

In attendance: Councillors Christy Bolderson and Kevin Tillett

83. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Millmore, Seldon, Stone and Watson.

84. NAMED SUBSTITUTES

Councillor Durkin substituted for Councillor Stone, Councillor Phillips for Councillor Millmore and Councillor Summers for Councillor Seldon.

85. DECLARATIONS OF INTEREST

Agenda item 8: 192969 – Bowling Green Farm, Clehonger

Councillor Hardwick declared an other declarable interest because he knew the applicant.

Agenda item 9: 193682 – Land Adjacent Brampton Abbots Village Hall

Councillors Durkin and Hardwick declared other declarable interests as council appointees to the Wye Valley AONB Joint Advisory Committee.

86. MINUTES

RESOLVED: That the minutes of the meeting held on 15 January 2020 be approved as a correct record and signed by the Chairman.

87. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson reported that agenda item 10: Land at Greyfriars Bridge, Hereford had been withdrawn from the agenda to allow further negotiations to take place.

He also reminded members of forthcoming planning training.

88. 183792 - LAND TO THE EAST OF BRAMBLE COTTAGE, ALLENSMORE VILLAGE ROAD, ALLENSMORE, HEREFORDSHIRE, HR2 9AG

(Proposed residential development of three dwellings.)

The Senior Planning Officer (SPO) 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 T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr T Hancox, a local resident, spoke in objection.

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

She made the following principal comments:

- There had been 32 letters of objection and one letter of objection from the Allensmore Residents Group containing a further 13 signatures. The Parish Council had also objected to the application urging that it be rejected to safeguard the amenity, character and local landscape of the village and the road safety of local residents.
- The application was at odds with every relevant planning policy in the Allensmore Neighbourhood Development Plan (NDP). The NDP was a material consideration in determining the application.
- The application also contravened several policies within the Core Strategy. She outlined each policy in turn to demonstrate the cumulative demonstrable harm.
- NDP Policy A1 – and Core Strategy Policy RA2: The application was not in keeping with the local built character and the linear nature of the village. Policy RA2 recognised and valued the character and uniqueness of small settlements across the county and sought to ensure this was protected.
- NDP Policy A2 – & Core Strategy Policy LD2: priority for new development should be to avoid harmful impact on biodiversity. The Hereford Wildlife Trust had identified a pond 300m away with Great Crested Newts. This did not appear to be considered in the ecological assessment and therefore it may not be compliant with Core Strategy Policy LD2 in relation to biodiversity
- The application was contrary to policy A2. The drainage arrangements were not in accordance with the Binding Rules as treated effluent would be going to a dry ditch. The drainage consultant had stated that if the current proposals were implemented there was a likelihood of pollution on third party land.
- NDP Policy A3 – The site was outside the planning envelope and had been rejected by the independent assessors AECOM, due to its harm to the character of the settlement. Allensmore had already significantly exceeded the minimum 14% target growth of 32 new dwellings, 41 having been built or approved. On its own this was not a reason for refusal provided the application was acceptable in all other regards, which it was not. There were further site allocations within the Allensmore NDP. Further housing growth could be achieved without the significant harm that the application would cause.
- NDP Policy A4 –The application was not within the settlement boundary, not of single depth, and not a brownfield site. An independent report demonstrated that there was not a suitable and safe access.

- NDP Policy A5 – The application did not demonstrate how it helped to maintain a suitable mix of tenure, type and size of dwelling in Allensmore. It was also questioned how the drainage strategy could be properly assessed if the size and consequent load of the properties was unknown.
- NDP Policy A7 –& Core Strategy Policy SD3 & SD4: With no mains drainage and high-water tables, the ground was known to drain very poorly across the parish. The drainage solution was not compliant with the Binding Rules, there was likelihood of pollution and heightened risk of flooding elsewhere as identified by the drainage consultant. Although the applicant claimed that the current arrangements were not technically illegal, at least 3 recommendations from the drainage consultant did not appear to have been acted on: the discouragement of pumped systems because residents would suffer from localised flooding or backed up drains whenever the pumps break down or the power fails; the Introduction and realignment of a reed bed so that it was less likely that effluent would bypass into the dry ditch and clarification as to the adoption and maintenance of the proposed drainage systems.
- MT1 - In relation to highway safety, it was considered that the development was not designed and laid out to achieve safe entrance and exit. An independent traffic consultant employed by local residents stated that visibility from the proposed access could not be achieved in accordance with National Policy, Guidance from Manual for Streets 2 and the Council's local adopted standards if measurements were from a point set back by 2 meters per the guidelines.

The Council's visibility splays were not taken from a point set back by 2 meters, but had a 1m running lane. Even with a 1m running lane, the Council's Transportation Manager indicated in the schedule of updates that there was a reduction in visibility below recommended levels.

Residents believed that a 1m running lane was not achievable at the access point to the site and the required visibility splays could not be achieved without access to third party land.

The Council's Strategic Housing Land Availability Assessment in March 2019 concurred with the conclusions of the independent traffic consultant as it identified this site as low potential with major access issues due to the need for third party land to achieve a suitable access.

In relation to promoting active travel, the development was situated within an unsustainable location, with limited access to public bus services. There were no services and facilities within the local area. The development would therefore be reliant on the private car contrary to the National Planning Policy Framework.

- Due to the length of the private road, the site would be in breach of national Manual for Streets guidance and the maximum drag distances for refuse collection which was confirmed in the schedule of updates. This would be particularly harmful for any disabled residents.
- In conclusion she stated that although the Council was unable to demonstrate a 5 year land supply and there was a presumption in favour of sustainable development it was considered that the cumulative adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- Local residents urged the Committee to reject the application with the aim of safeguarding the amenity, character and local landscape of the village and the road safety of local residents. This was on the grounds that the application was contrary to NDP Policies A1, A2, A3, A4, A5 and A7 together with Core Strategy Policies RA2, LD2, SD3, SD4 and MT1.

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

- Allensmore was a linear development and the protection of this character, avoiding double depth development, was supported by the NDP. The NDP was at examination stage and attracted moderate weight. NDPs deserved appropriate consideration.
- Recent extreme weather conditions had reinforced the importance of satisfactory drainage arrangements. It was noted that there had been several attempts to find a drainage solution. The Land Drainage Consultant maintained his objection to the proposals. Whilst a proposed condition required a permit to be obtained from the Environment Agency prior to any development, and planning permission could be granted subject to that condition, there was concern that this was not a sufficiently robust solution.
- There was concern about the access to the site. It was remarked that there was limited visibility to the right when exiting the site. It was noted that reference had been made to an independent report produced by a consultant engineer objecting to the application on highway grounds. However, it was suggested as the author declined to sign it this could not be given weight.
- The Team Leader Area Engineer explained how the technical assessment had been carried out. In the context of the character and usage of the road network and the relatively minor intensification of use the proposal entailed it had been concluded that the access was acceptable. The effect was not severe enough to warrant an objection given the relatively high threshold for objections set out within the National Planning Policy Framework (NPPF).
- There was support for the grounds for refusal advanced by the local ward member.
- The Parish Council objected to the proposal.

The Development Manager confirmed that moderate weight could be given to the NDP. In terms of drainage the committee had been advised of the regimes that applied to granting approval for a drainage solution. The view was that there was a technical solution. Whilst the land drainage consultant did not consider a compliant proposal had so far been advanced it was possible that the Environment Agency, as the responsible body, could grant a permit if a solution satisfactory to it were to be forthcoming. That would have to be provided before any development commenced on site. There was therefore some caution about refusing the application on drainage grounds. Similarly, there had not been an objection from the Transportation Manager and there was also caution about proposing refusal on that ground. The independent report objecting on highways grounds submitted by objectors was unsigned and could therefore only be given limited weight.

The local ward member was given the opportunity to close the debate. She reiterated the strength of local opposition to the proposal and the extent to which it was considered to be contrary to NDP and Core Strategy policies. The cumulative adverse impact of granting permission would significantly and demonstrably outweigh the benefits.

Councillor Phillips proposed and Councillor Foxton seconded a motion that the application be refused on the grounds that it was contrary to Core Strategy policies RA2, LD1, LD2, SD3, SD4 and MT1 and Neighbourhood Development Plan policies A1, A2, A3, A4, A5, and A7. The motion was carried with 13 votes in favour, none against and 1 abstention.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the proposal

was contrary to Core Strategy policies RA2, LD1, LD2, SD3, SD4 and MT1 and Neighbourhood Development Plan policies A1, A2, A3, A4, A5, and A7.

(The meeting adjourned between 10.55 am and 11.10am.)

89. 191173 - LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORDSHIRE.

(Application for approval of reserved matters following outline approval 163364/O (site for 3 detached dwellings with garages and access).

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

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr B Thomas, the applicant's agent, spoke in support of the application.

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

She made the following principal comments:

- There had been strong local opposition to the outline application granted by the Committee in April 2017.
- Unfortunately neither the Parish Council nor an objector had been able to attend the meeting to speak on the reserved matters application.
- The Parish Council had submitted a detailed and considered response objecting to the reserved matters application. They had commented that the reserved matters application did not observe the spirit of the outline permission.
- The proposal was for 3x4 bed dwellings. This was in conflict with the Neighbourhood Development Plan (NDP). Within the Ross Housing Market Area the most required size was 3 bedrooms followed by 2. Residents were objecting to the scale of the application.
- She referenced some letters from local residents. These highlighted concerns about:
 - Scale: low rise, well-spaced, dormer cottage style 3-bedroom houses had initially been proposed. The current proposal was for 3 large two storey houses with double detached garages. Because of the sloping topography of the site the first floor levels of the properties would be the same height as the eaves of the bungalows opposite the site. The ridge height was 7m. The increased scale could have a greater impact on the environment than had been predicted.
 - Design: the houses were of urban design and not in keeping with the area. They would be intrusive and screening would be ineffective.
 - The dwellings would be overlooked by most of the village.
 - The hedgerow to the fore of the site would be at the first floor level of the properties making the development overbearing.
 - Most of the ancient hedgerow would be removed to provide the three driveways.
 - Drainage – several concerns remained over drainage issues. It was noted, however, that this issue had been discussed at the outline application stage.

- Traffic – concerns similarly remained over highway issues.
- Working hours – the outline permission had permitted construction work between 7am-6pm Monday to Friday. 8am-1pm Saturday. This would have an unacceptable impact on residents.
- The National Design Guide 2019 supported paragraph 130 of the National Planning Policy Framework (NPPF) which stated that, “permission should be refused for development of poor design that failed to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Referring to the three objectives of sustainable development, economic, social and environmental she commented that the proposal was contrary to both the social and environmental objectives.
- The proposal was contrary to policy LD1. The height, scale and massing of buildings was out of keeping with the spirit of the outline planning application and the identity of that part of Kingsthorne.
- The application appeared to be driven solely by the economic objectives and did not take account of the social and environmental objectives and the views of the local community.
- The houses did not integrate with or relate well to the surroundings because of the topography and the ground conditions.
- The nature of the landscape posed problems for drainage and this meant that the ridge height had had to be elevated. The height of the first floor would be equal to the ridge height of the nearest neighbour. If the proposed dwellings took proper consideration of their surroundings they would be of a smaller scale and footprint and consequently have less of a negative impact.
- She questioned whether the development met the requirements of policy RA2, providing the size, type, tenure and range of housing to reflect local demand.
- She also questioned whether the proposal complied with policies SS6, LD1 and SS1.
- There were policies to protect the identity of a villagescape from development that was out of scale and context.

The Chairperson emphasised that the application before the committee was a reserved matters application. The question of drainage had been addressed as part of the outline permission. Working hours if the development proceeded had also been conditioned as part of the outline application.

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

- The development was sustainable providing family homes. There was a good bus service and the junior school was a short walk away.
- The local reservations about the scale of the properties were recognised.
- The builder had recently delivered a scheme in Pembridge that had been sensitive to the requirements of the NDP.
- Much Birch like other settlements benefitted from an assortment of house styles.
- The developer had reduced the ridge height as requested.

- The 3 double garages at the front of the properties would be dominant, compromising the design of the development. Despite the available bus service the development would be car centred.

The Development Manager reiterated that the application was a reserved matters application. The principle of development had been established. The application form had suggested that four bedroomed properties would be proposed. In terms of complying with the spirit of the outline permission negotiations had taken place to reduce the ridge height to 7m, which was realistically the minimum height for a two storey dwelling. The dwellings were of a cottage style. The development was in keeping in terms of scale and design with the local vernacular.

The local ward member was given the opportunity to close the debate. Noting that the Committee appeared minded to approve the application she requested that consideration be given to rainwater harvesting on the houses and garages, the provision of a hedgehog corridor, and revisiting the working hours for construction amending them to 8am to 6pm on weekdays.

Councillor Rone proposed and Councillor Johnson seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, none against and one abstention.

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

1. **C07 - Development in accordance with approved plans and materials**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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. **For the avoidance of doubt, conditions 1, 2, 5, 7, 8 and 18 on outline permission ref: 163664 are all matters of compliance. This reserved matters application approves the details under conditions 6, 9, 10, 11, 12, 13, 14, 15, 16 and 17.**

(The meeting adjourned between 11.45 am and 11.52 am.)

90. 192969 - BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE, HR2 9SJ

(Site for poultry manager's dwelling.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs J Whittal, the applicant, spoke in support of the application.

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

She made the following principal comments:

- When the poultry units had been approved there had been over 100 objections, together with objections from local parish councils. In contrast, the application for the poultry managers dwelling had attracted 23 letters of support, from residents, Allensmore Parish Council and Clehonger Parish Council, veterinary professionals and other experts.
- It was relatively uncommon to see poultry units of this scale without a manager's dwelling. This was due to the type of operation, their size, the need for security and management of animal welfare. Both the Madley and Kingstone poultry units had manager homes on site and they were just as close, if not closer to available housing stock.
- There had been no objections from consultees.
- The officer's report outlined that in relation to Policy RA3 and RA4 of the Core Strategy there was considered to be a functional need for there to be somebody based close to the site; it was clear that the proposed dwelling was for a full-time employee based on the scale of the investment and enterprise, establishment and viability requirements were proven; and the functional need could not be fulfilled by another existing dwelling on the unit. The only question for the Committee therefore to consider was over whether a manager needed to reside on the site itself
- She gave two examples where the Committee had recently agreed that there was an essential need for workers to live on site. She noted that there had been other applications for managers dwellings that had been approved by officers under delegated authority.
- The applicants had always envisaged providing the manager with a dwelling on site, believing this to be by far the best means of ensuring animal welfare and site security. They considered there was an essential need for the manager to be housed on site for the following reasons: to comply with the Defra code on chicken welfare – when alarms go off or there are system failures, it often needs an immediate response. The difference in minutes when responding to alarms at different times of the rearing cycle, can make a massive difference on livestock welfare; managers living on site are able to monitor smell and noise more closely and potentially detect and resolve issues before alarms are triggered improving the overall welfare of the birds; access roads to the farm had been affected and at times closed during recent flooding events and past snow falls. A manager living in a dwelling in Clehonger, as suggested by the agricultural business consultant, would have to contend with these issues. Minutes lost in such an event could have a significant impact on the welfare and even life of the flock; the applicant had had numerous security issues on site. A manager was needed on site to ensure security and bio-security; and it would eliminate driving backwards and forwards to alarms which could go off 2, 3 or even more times during the night. It was unsustainable to require this level of commitment from the manager.
- The Applicant was willing to accept the normal recommended conditions applied to such applications such as an agricultural tie. In addition, the development would benefit from sustainability measures such as ground source heat pumps and solar panels.
- The application would benefit the chickens, the farm as a whole and the broader community.
- The application caused no landscape, ecological, drainage or highway harm. The only issue at dispute was whether the agreed functional need had to be met on site.

In the Committee's discussion of the application there was a consensus that there was an identified functional need and that accommodation could not be provided in an

existing building. The presence of a manager on site for a poultry unit, available at short notice, was essential to ensure its good management, animal welfare and security. The scale of the particular unit was also noted.

In addition, there were no local objections. Both relevant Parish Councils supported the application. The council had generally supported the provision of such dwellings for poultry units and had also supported their provision for other farming enterprises. The proposed house was not a dwelling in the open countryside but would be a dwelling with an agricultural tie close to the poultry units. It was consistent with policies RA3, RA4, RA6, SS5 and E1.

The local ward member was given the opportunity to close the debate. She reiterated the functional need for accommodation to be provided on site.

The Development Manager commented that each application had to be assessed on its own merits. The Committee was clearly of the view that there was a functional need, the remaining question was whether this could be met by existing accommodation as argued in the report.

Councillor James proposed and Councillor Phillips seconded a motion that the application be approved on the grounds that there was an identified functional need, that accommodation could not be provided in an existing building and the proposal was consistent with Core Strategy policies RA3, RA4, RA6, SS5 and E1. The motion was carried unanimously with 14 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted on the grounds that that there was an identified functional need, that accommodation could not be provided in an existing building and the proposal was consistent with the Core Strategy policies RA3, RA4, RA6, SS5 and E1, and officers named in the Scheme of Delegation to officers authorised to detail the reasons put forward for approval by the committee and attach any conditions considered necessary by officers.

91. 193682 - LAND ADJACENT BRAMPTON ABBOTTS VILLAGE HALL, BRAMPTON ABBOTTS, HEREFORDSHIRE, HR9 7JD

(Variation of condition 2 of 171321/F (proposed residential development of 2 new dwellings). To allow revised drawings, with new access with drives and garages re-positioned at dev 1.)

(Councillor Durkin fulfilled the role of local ward member and accordingly had no vote on 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 D Teague, of Brampton Abbots and Foy Parish Council spoke in opposition to the scheme. Mr B Miller-Hall, a local resident, spoke in objection. Mr P Smith, on behalf of the applicant, spoke in support.

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

He made the following principal comments:

- The site was within the Wye Valley AONB. It was important that the AONB was protected.

- The Conservation Manager (Ecology) had objected to the proposal commenting that there was no evidence of there being an overriding public interest in allowing the additional loss and impacts on existing hedgerow. He considered the proposal to be contrary to policies SS6, LD1, LD2, LD3 and LD4.
- It was stated that 3m of hedgerow would need to be removed. It was likely that the impact would be more severe. The existing proposal had involved the removal of 20m of hedgerow.
- There had been 36 objections from 24 households.
- The provision of an additional access created additional risk.
- The NDP was at Regulation 16. It attracted limited weight. Policy BAF4 was relevant.
- Weight should be given to the protection of the AONB. The proposal should be refused on the grounds that it was contrary to policies LD1, LD2, LD3 and BAF 4.

The legal adviser commented that references to uplift clauses and financial gain in the context of the proposal were not relevant and could not form part of the Committee's consideration.

In the Committee's discussion of the application the consensus was that there appeared to be no sound reason in support of the application. The proposal would damage more hedgerow. There was local objection to it. It appeared to be of benefit to no one except the developer. The existing access was large and more than adequate.

The Development Manager commented that it was not for the Conservation Manager (Ecology) to judge whether or not there was an overriding public interest in support of the application. The proposal would provide benefit by improving public safety on the footpath. The plans showed that 3m of hedgerow would be removed and the application had to be judged on that basis. There would be new hedgerow planting along the existing boundary with the public footpath, so offsetting the hedgerow loss. He noted the visual and ecological concerns expressed about losing the roadside hedge

The local ward member was given the opportunity to close the debate. He questioned the extent of the effect on the footpath of the existing access. Noting a comment made by the objector during public speaking suggesting that the two houses for which the new access was intended were incorrectly sited he requested that this be reviewed.

Councillor Johnson proposed and Councillor Polly Andrews seconded a motion that the application be refused on the grounds that the existing access was adequate and it was unnecessary to remove additional hedgerow contrary to policies LD1, LD2, LD3 and BAF4. The motion was carried with 12 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the existing access was adequate and it was unnecessary to remove additional hedgerow contrary to policies LD1, LD2, LD3 and BAF4.

92. 184520 - LAND AT GREYFRIARS BRIDGE, HEREFORD

(Replace the demountable flood defences with permanent glass panel flood walls and flood gates. This aims to reduce the whole life costs of the defences and reduce the risk of failure to deploy during flooding. The new passive defences will be located entirely along the within the footprint of the existing defences, and will be designed to fit into the

existing supports. When open the floodgates will maintain current access routes for pedestrians and maintenance.)

The application was withdrawn from the agenda at the applicant's request to allow further negotiations to take place.

93. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.09 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 11 February 2020

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

183792 - PROPOSED RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS. AT LAND TO THE EAST OF BRAMBLE COTTAGE, ALLENSMORE VILLAGE ROAD, ALLENSMORE, HEREFORDSHIRE, HR2 9AG

For: Mr & Mrs Nahorniak per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

An additional representation has been received from two neighbouring occupants since the publication of the officer report. The full representation reads as follows:

We have read your report to the planning committee dated 11th February 2020 recommending approval for the proposed three residential dwellings at land to the east of Bramble Cottage in Allensmore.

Having forwarded this report to our consultant he believes you are severely under-estimating the impact the development will have on Highway Safety and the points raised in our objection letter dated 20th January 2020 have not been thoroughly considered either by yourself or the county's Transport Manager.

The Consultant Engineer who prepared that report on our behalf is a Director of a Transport Consultancy based in the Midlands. He has an MSc in Transport Planning and Engineering and conducts work throughout the UK, including in Herefordshire and Shropshire so, understandably in our view, is reluctant to damage future work prospects and therefore does not wish to be identified. It should be clear to anyone however that the survey work and the report he prepared has been thoroughly and professionally completed.

He would like to make the key points in relation to the decision notice.

1. *Visibility from the proposed access cannot be achieved in accordance with National Policy, Guidance from Manual for Streets 2 and the Council's local adopted standards. The access would need to achieve a visibility of 43m, to accord with achieving a 'safe' visibility. Whereby, it has been demonstrated that a maximum visibility of 21m to the south and 13m to the north can be achieved, providing a shortfall in excess of 20m in both directions. Even with a 1m running lane, which the council are suggesting is available, the required visibility cannot be achieved.*

Measurements taken whilst on site to Manual for Streets standards, demonstrate that circa 25m to the north and 28m to the south can only be achieved with the addition of a 1m running lane. Given the lack of information presented by the client and applicant it is difficult to see why highways are so quick to accept intensification through a substandard access.

An intensification of the access point which is substandard and suffering from a chronic lack of suitable visibility will only be to the detriment of highway safety. The attitude and decision of The Local Highway office to simply outweigh the lack of a safe access point in favour of the development is not only extremely worrying but would be (if approved) in breach of the National Planning Policy Framework, whereby 'Safe and suitable access to the development cannot be achieved' (Para 108) and the 'development should be refused on highway grounds if there would be an unacceptable impact on highway safety' (Para 109).

2. *Access into the proposed development site would remain private and therefore refuse collection vehicles will not enter the site in order to service the proposed dwellings. The distance between the village road and the proposed dwellings (85m) exceeds the required collect and drag distance of 30m and is therefore in breach of national Manual for Streets guidance and the maximum drag distances and specified in Council's guidance. Therefore, the proposed development cannot be serviced, yet another point which seems to have been glossed over in the report for committee.*

3. *The development is situated within an unsustainable location, with no dedicated provision for pedestrians and cyclists, limited and/or difficult access to public bus services and no services and facilities within the local area. The development would therefore be reliant on the private car and would be contrary to the National Planning Policy Framework where by sustainable developments should be promoted.*

4. *The access is only suitable for a single vehicle to use and therefore not suitable for two vehicles to pass. When, as inevitably would happen, two vehicles should meet, one vehicle will be required to reverse. This will increase the amount of vehicle reversing onto the local highway network, through an already substandard access. This would increase the likelihood of collisions and therefore have a detrimental impact on highway safety.*

Given the above points made by a consultant engineer in transport planning, we do not see how this development can be recommended for approval given the weight of factual evidence which has been presented. We therefore urge that you take a second look at all the factors and recommend refusal of this application on grounds of its detrimental impact on highway safety.

We fail to see how a substandard access can safely accommodate an intensification of vehicle trips without having a detrimental impact on highway safety.

OFFICER COMMENTS

In light of the additional representation the following has been received from the Council's Transportation Manager:

1. Using the recorded speeds from the application site to the north of this site, the survey recorded speeds of 24.7 mph (northbound), and 23.9 mph (southbound) this equates to 30m and 29m, however it should be noted that the location of this site is near a bend and the road narrows before the bend, therefore the speed will be significantly lower than the recorded speeds. The submitted site plan shows that visibility splays of 38m northbound and 36m southbound with a running lane can be achieved.

The NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The NPPF has not defined what severe is therefore there is no guidance in regards of this aspect. The development is for 3 dwellings, the increase in movements associated with this development would not be classed as severe, as it would not significantly increase the vehicle movements at peak times.

Manual for Streets 2 states in point 10.5.9, "The y distance should be based on the recommended sight stopping distances, however based on research, unless there is local evidence to the contrary, a reduction in visibility below recommended level will not necessarily lead to a significant problem".

Considering this in the context of what will be a 'shared private drive', the actual speeds of vehicles recorded at a nearby point and the alignment of the route there are insufficient grounds to build a highways objection to this site on the visibility point.

2. **Herefordshire Council Highways department commented:** - The development would be classed as a shared private drive, therefore this would not be adopted by Herefordshire Council. The site has provided a turning area at the end of the carriageway which meets HC

measurements, therefore it would be up to Herefordshire Council Waste department and the waste contractors where the residents present their bins.

Herefordshire Council Waste department commented - A turning head has been included, and the design and access statement specifies that the driveway will be highways standard construction. However, the council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;

and

The council receive written confirmation from the landowner/developer that the roads over which the RCV will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

And

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

If the road is not suitable for the RCV to travel, due to the length of the driveway a bin collection point would be provided 25 metres from the highway – this would reduce the carry distance for residents, however this would still remain over the 30m recommended distance based on the proposed layout.

The bins are currently present at the access to the two properties at the edge of the adopted highway.

3. There are a couple of PROW around Allensmore which connect to the National Cycle Network (Route 46) and whilst these may not reduce peak travel movements, they do provide an option for a reduction of private vehicle for recreational movements. Allensmore, like a lot of the rural highways network does not have dedicated footways and cycleways and it is not an uncommon site to see pedestrians and cyclists using the carriageway. The introduction of footways looks to urbanise rural areas and for many area this takes away from rural life.

The Herefordshire Council Core Strategy includes *Allensmore in Figure 4.15 under the title "Other Settlements where proportionate housing is appropriate, therefore previous assessment of the area have already been undertaken"*.

4. The site has been visited several times and has been visited at different times of the day. During the site visits to assess the highway, the impact of two way flows resulted in vehicles requiring to reverse to negotiate the oncoming traffic was included in the assessment and found that the proposed development and the existing movements using the highway would not bring the cumulative impact to the severe level as stipulated in the NPPF. Pedestrians and cyclists using the carriageway is not unusual sight in a rural setting and is typical for the character and usage of the highway in this area.

NO CHANGE TO RECOMMENDATION

184520 - REPLACE THE DEMOUNTABLE FLOOD DEFENCES WITH PERMANENT GLASS PANEL FLOOD WALLS AND FLOOD GATES. THIS AIMS TO REDUCE THE WHOLE LIFE COSTS OF THE DEFENCES AND REDUCE THE RISK OF FAILURE TO DEPLOY DURING FLOODING. THE NEW PASSIVE DEFENCES WILL BE LOCATED ENTIRELY ALONG THE WITHIN THE FOOTPRINT OF THE EXISTING DEFENCES, AND WILL BE DESIGNED TO FIT INTO THE EXISTING SUPPORTS; WHEN OPEN THE FLOODGATES WILL MAINTAIN CURRENT ACCESS ROUTES FOR PEDESTRIANS AND MAINTENANCE AT LAND AT GREYFRIARS BRIDGE, HEREFORD,

For: Mr Barker per Miss Eva Van Maren, Rightwell House, Bretton, Peterborough, PE38DW

ADDITIONAL REPRESENTATIONS

A letter of support has been received from a resident of Riverside Court which in summary comments as follows:

- Some objectors are claiming algae will be a problem on the glass barrier. This is a non event. Algae is formed by an excess of nutrients and light. It is only an issue in an aquarium environment. The river water will rarely be in contact with the glass (only at times of potential flood), will be fast flowing and during winter months. There are no conditions that will cause algae to grow on the glass. Based on this objection no new building should pass a planning application if it contains glass for fear of algae on the glass
- Can't live in fear of being able to build new exciting structures in case a criminal element may damage them. I will admit there is some graffiti to one section of the wall in a tricky to reach place. But I would say glass is not going to be an attractive target for graffiti- it is not a good surface for paint to adhere to, it is easily cleaned, and the person causing the criminal damage is likely to be spotted. It is then a matter for the police. I am hoping that the Council's objection is not driven out of fear of paying for cleaning this structure. If the council cleaned up the graffiti already present it may discourage further activity. To further put this in perspective, graffiti and criminal damage in Hereford and this area is minimal. We even have a little field experiment to demonstrate this. Some time ago a large metal and glass map was erected on the pavement of the old bridge, just past the Left Bank. It has been in place a while. There is no graffiti, there is no damage, it is in the same condition as when it was erected, it has not become a magnet for criminal damage, graffiti or even algae (apparently it gets everywhere).
- objectors are calling the proposal an "eyesore". I am not sure what this is based on and such opinions on architecture are very subjective. If objectors were to take a look at the glass reinforcements at Upton Upon Severn, a small town plagued by flooding in the

past, they may realise that actually these structures can enhance upon the natural aesthetics of a place

- objectors are making the assumption that the Environment Agency are always going to get the existing temporary barriers up in time. No guarantee of this. One only needs to remember the repeated flooding of Bewdley to realise that the barriers may not actually be in place in time to prevent flooding. If someone is offering to build permanent barriers that protect my property from flooding, at no cost to myself, with no environmental impact or detriment to the area, then I say thank you very much and fully embrace and support the proposal.

A letter of objection has been received from the Leader of Herefordshire Council which is set out in full below:

The Leader of the Council supports Hereford City Council and residents in this matter and wishes its objection to the Environment Agency's application for permanent glass panels alongside the riverbank in this location to be considered.

The administration sees no reason why the demountable barriers need to be replaced by permanent glass panels which are inappropriate in this historic riverbank setting. The amenity of this setting and its unrestricted views of the historic core of the medieval City of Hereford, including the Bishop's Palace and the Cathedral would be significantly harmed by modern glass panels and the river 'disconnected' from the users of the footpath and Bishop's Meadow. There has further been inadequate consultation with the Hereford and District Angling Association who own the fishing rights and object to this application.

With the support of the Cabinet, the Cabinet Member with responsibility for flood defences and the public realm has asked for this application to be deferred whilst a discussion takes place to ascertain if a more satisfactory solution could be found, such as a service arrangement between Herefordshire Council and the EA, whereby the panels are stored locally and deployed by Herefordshire Council or its contractors on request from the Environment Agency. This has been refused. This is a most unsatisfactory response considering the need for statutory agencies and local authorities to work together. Such an arrangement would be more practical and efficient than current arrangements and considerably more cost effective than the proposal for permanent glass panels. The EA has already made it clear, I believe, that local partnership with HC or its contractors or a 'volunteer' would be needed in any case with regards to its proposed scheme before you today as a 'glass door' by the tennis courts will still need to be manually closed and locked during any flood alert. It is therefore entirely sensible that a similar arrangement could be entered into to deploy the existing temporary demountable panels locally, panels which are required no more than once or twice a year for a few days each time.

The Leader of the Council urges this Committee to defer or reject this application.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	193230 - PROPOSED DEVELOPMENT OF TWO RESIDENTIAL DWELLINGS INCLUDING NEW VEHICULAR ACCESS OFF THE HIGHWAY AT LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE For: Mr Marshall per Mr Jon White, Oak House, Stockwell Lane, Aylburton Business Park, Aylburton, Lyd, GL15 6ST
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193230&search=193230
Reason Application submitted to Committee – Re-direction	

Date Received: 12 September 2019 Ward: Llangarron Grid Ref: 353176,220980
Expiry Date: 7 November 2019

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site is located in the Parish of Llangarron and comprises partly of land that has been used by the occupant of Trejenna for the growing of fruit and vegetables. As such, there has been a degree of residential use even if there was never a formal change of use application on the land. The rest of the site has been in agricultural use and forms part of a larger field.
- 1.2 The site currently benefits from a hedgerow along the boundary with the roadside and a mixture of hedgerows, gates and fences along the other three boundaries. The Garren Brook runs along the north western boundary of the wider field and is approximately 25 metres from the rear boundary of the application site.
- 1.3 The application seeks full planning permission for the erection of two detached 3 bedroom dwellings on the site and associated works including a new access point. The block plan below shows the location of the two proposed dwellings along with the neighbouring property (Trejenna):



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

- 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
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

2.2 Llangarron Neighbourhood Development Plan (NDP)

A Neighbourhood Area was designated on 6 December 2012 and a Regulation 14 draft plan was submitted on 6 February 2017. However this version of the Plan has not progressed and a resubmission and further consultation is awaited.

At this stage only limited weight can be afforded to the Plan but policies relating to housing delivery cannot be afforded any weight.

2.3 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making
Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. **Planning History**

3.1 Previous applications for dwellings on the site but all under previous planning policies (1986, 1986 and 1995). Therefore not directly relevant to this application.

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water** – no objection

We note from the application that the proposed development does not intend to connect to the public sewer network. 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.

4.2 **Natural England** – no objection

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

Internal Council Consultations

4.3 **Transportation Manager** – no objection

No objections to the proposed, whilst it would be preferred if the vehicle crossing was to a 1:12 gradient, it would not be a reason for refusal. The vehicle crossing should be built to HC road standard construction to allow for use as a passing place.

Please condition as follows: -

CAB - Visibility Splays – 22 x 2.4 m northbound, 23 x 2.4m southbound.

CAD - Access gates – 5m

CAE - Vehicular access construction – This should be built to HC road standard construction.

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CAJ - Parking - Estates

CAT - Construction Management Plan

CB2 - Secure covered cycle parking provision

- I11 - Mud on highway
- I09 - Private apparatus within the highway
- I45 - Works within the highway
- I05 - No drainage to discharge to highway
- I47 - Drainage other than via highway system
- I35 - Highways Design Guide and Specification

4.4 **Conservation Manager (Ecology)** – no objection (following the submission of additional information).

Initially commented as follows:

The site lies within the River Wye SAC catchment (Wye-Garren sub-catchment). The Garren Brook, a direct tributary of the Wye and a designated Local Wildlife Site is within 50m of the majority of the proposed development site.

As currently proposed the foul water drainage outfall fields are within the 50m buffer from the Garren Brook (aquatic Local Wildlife Site and known to support Otters, Crayfish and fish spawning for SAC species) and so are not compliant with Core Strategy SD4-LD2 (and retained biodiversity) policies. At this proximity to a direct tributary of the River Wye SAC a drainage field within 50m allows an unmitigated potential pathway for Phosphates to enter the watercourse and thus contribute to phosphate considerations within the River Wye SAC itself and likely effects on its conservation status. Currently available 'commercial' Package Treatment plants do not remove any significant % of phosphates through their process and secondary treatments or stripping involve the householder use of potentially hazardous chemicals that may also be released as part of the final outfall and have their own impacts on local and downstream ecology. The maintenance of these additional stripping systems is also not a securable option within the planning-Habitat Regulations Assessment process and so are not suitable to be considered as any mitigation to outfall phosphate levels.

Notwithstanding the above objection:

The supplied ecological report appears relevant and appropriate (excepting the references to foul water that are covered above). All proposed species specific mitigation – including external lighting scheme, working methods and enhancements should be secured through a relevant condition if planning consent is granted:

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

Following the submission of amended foul water disposal details, comments as follows:

The revised drainage scheme supplied by the applicant dated 08/01/2020 is noted. The supplied plan clearly shows that the required 50m buffer from the River Garren (LWS) and River Wye SAC tributary has been shown.

The required HRA appropriate assessment has been completed by Ecology based on this buffer either being checked and secured through approved plans or as an additional requirement on a standard 'HRA foul water' condition.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate infiltration or soakaway system; as detailed on plan reference 1491-C02-rev C dated 08/01/20, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2019), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

The supplied ecology report with details of proposed mitigation and biodiversity net gain enhancements is noted and appears relevant and appropriate. The complete report should be secured through condition on any consent granted.

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary or highway feature, adjacent habitats or areas around the approved mitigation or biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

5. Representations

5.1 Llangarron Parish Council - object

1. The application is contrary to the Core Strategy Policies.
2. The site is in open countryside, **contrary to Policy RA3** of the Core strategy.
3. It is **contrary to Policy LD1** of the core strategy as no thought has been given to reflecting the building styles and history of the local area.
 - 3.1 Policy LD1 requires development to 'conserve and enhance the natural, historic and scenic beauty of important landscapes and features' and 'ensure development integrates appropriately into its surroundings'.
4. It is contrary to **Policy SS6** Environmental quality and local distinctiveness which states 'development 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.... Development proposals should be shaped through an integrated approach to planning the following environmental components from

the outset, and based upon sufficient information to determine the effect upon each where they are relevant:'

- 4.1 landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty; biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;
 - 4.2 historic environment and heritage assets, especially Scheduled Monuments and Listed Buildings;
 - 4.3 the network of green infrastructure;
 - 4.4 local amenity, including light pollution, air quality and tranquillity;
 - 4.5 agricultural and food productivity;
 - 4.6 physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.
5. The poor and obtrusive design to out of character for the area and **contrary to Policy SD1** of the core strategy which requires that buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials.....while making a positive contribution to the architectural diversity and character of the area'. All other houses along the lane, with the exception of Trejenna, are built of local sandstone and nearly all originally formed part of the fifteenth century Treeree farmstead.
6. It is also **contrary to policy MT1** of the core strategy as the access lane to the site is narrow with no possibility of two vehicles passing each other. Traffic generated, poor visibility, substandard junctions to the adjoining road and the main road to the village and a lack of speed limit through the village make the application detrimental to highway safety.
7. **It is contrary to policy SD3** of the core strategy as the site adjacent is identified as liable to flooding. There is concern that foul water may be discharged into the Garron from water treatment areas outside the proposed garden boundaries and closer to the Garron and flood zone. Also, properties further down the Garron which have already been severely flooded will be flooded even more frequently and severely as a result of further building of houses together with their planned patios and parking areas at a steep angle above the Garron brook.
8. The site is highly visible when viewed across the village as it is set into a bank. There is also an important hedgerow running along the site frontage which is part of a field system that existed prior to the Enclosures Act and is related to a local listed building which is a fifteenth century farmstead. As the hedge contains a variety of wooded species which may date the hedge to be over 700 years old it would be an 'important hedge' as defined in the **1997 hedgerow regulations**. The proposal to remove part of the hedge would therefore be **contrary to Policy LD2** of the core strategy which states that 'Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the importance of the development outweighs the local value of the site'
9. Planting of new hedges, if completed, will not compensate for the loss of such an ancient hedge which contributes significantly to the ecology and biodiversity of the area.

Further comments were received following a re-consultation on amended plans:

Llangarron Parish Council considered Planning Re-Consultation 193230 on the 28th January 2020 and whilst they acknowledged and welcomed the amendments to the original application but they did not consider they addressed the objections in the response provided in October 2019 especially as the proposed development is outside the village boundary contrary to Policy RA3 of the Core Strategy.

5.2 To date a total of 85 representations have been received to the application. This is made up of 38 objecting representations and 47 supporting.

The comments within the **objecting representations** are summarised below:

- Dwellings have no individuality. Timber cladding not in keeping
- The Flood Risk & Drainage Strategy gives the occupancy as 5 when calculating drainage field size but feel it should have been 6
- Unclear if treatment plants and drainage field will be within the flood zone
- Flooding is a frequent occurrence to property upstream
- The type of house will be expensive, executive priced dwellings. There is a need for 2 bed starter homes
- None of these residents have children – we need development to encourage a balanced population
- The access to Treerece is already overloaded and causes problems for residents. Road is a no through road
- Junction at the end of the road is on a steep hill, with very poor vision in all directions
- No provision for vehicle passing in the plans. Any proposed new provision should respect the current old hedge
- Hedgerow would suffer significant damage. This is one of the oldest in the village and should be preserved as much as possible
- Entrance and egress is onto single track lane and will be difficult. Accidents have occurred here a number of times
- Will create a lot of spoil
- Field is RA3 land under AECOM report
- Llangarron is identified as a smaller settlement
- Development would adversely affect both the character and the setting of the village and its environment. Proposal would be visible and have a negative impact on the natural landscape and built form
- Site is unsuitable for development. Outside of settlement boundary
- With development on the site, flooding will be contaminated by effluent because the village is without mains drainage
- Application is without merit and both unneeded and unwelcome in hamlet without services
- Village has already absorbed six new builds. Add this to seven further planning applications in the pipeline and one can only conclude that over-development is on course to ruin traditional little village
- Parish has already met quota for new development. Not necessary to introduce two further dwellings in an area of questionable access
- The position of the proposed houses in relation to other adjacent dwellings. The compatibility of style. The distance between existing buildings
- The site is outside the boundaries proposed in the draft Neighbourhood Development Plan
- Developer produced a pre app drawing for the Council which indicated development on the entire field and may signal that this is the eventual plan
- This application is speculative and does not meet any identified local housing needs
- Site overlooks the valley to the Garron Brook and this open 'lung' of countryside is an essential feature of the village of Llangarron and its residents and should be preserved
- Highlight the issue of light pollution
- Development will increase run off
- New housing that has already been approved has yet to fully tested and experienced
- Objectors to the proposal nearly all live within Llangarron. Nearly all supporters live outside the village and in the home village of the developer
- Public health concerns following recent flooding

The comments within the **supporting representations** are summarised below:

- Llangarron has been economically neglected over the past 50 years with all development being allowed in Llangrove. New well thought development is essential to support the village
- Application is not in flood zone and any drainage will be under strict regulations
- Llangarron benefits from varied architecture and no new development will be out of place
- Housing with similar features can be quite attractive to the eye
- Would be good to get a shop back in the village, mother and baby group and revive the village with more young people
- Llangarron has the Garron Centre with local pub at Llangrove
- Already have far too many tractors and big machinery driving through the village. Keeping these small plots does not work as agriculture or for livestock any more
- If the government needs more housing, you couldn't find a better place than using some of these plots
- Very detailed and well-constructed, modest application
- Query comment of overdevelopment – could this not be said of Llangrove where a substantial proportion of the parishes need to build housing has been placed
- Previous planning history in Llangrove has tried to address issue of properties for children but parish felt at the time they did not want to build them because of the type of people that would attract
- Applicant is a long standing member of community and has actively supported redevelopment of the adjacent property where a young family now live
- Other developments in the village with single car width roads. This is on a standard road for the area and doubt it will lead to major issues
- Would offer a much needed passing point down the lane and add protection for pedestrians when walking down the lane
- Design of development sits sympathetically in the topography of the land. Layout has embraced the concept of modern family living
- The property will be dug into the gradient and appear as single storey from the road which is in keeping. Will blend into the existing roofline along this lane
- Trees are also along the river [brook] edge and these are all being retained
- Development directly addresses the need for smaller properties being of a 3 bed design. Most of houses in the parish are large 4 plus bedrooms
- Being on the fringe of the village it does not appear to impinge on the character of the village
- Application clearly represents a net ecological benefit to the wildlife through substantive planting of additional hedgerow
- We have lots of lanes with houses
- Dwellings will bring new people to our parish and enhance the social and economic platform of the parish
- Timber cladding sits well with the vernacular of the area
- Will deliver a positive impact within what is a failing community
- While there are satellite settlements within Llangarron but this site is hardly a satellite, being separated from the centre only by the presence of the Garron Brook. Would suggest it conforms to RA2
- The now closed Three Horseshoes pub was very close to the site as well as group of council houses, two of Llangarron's industrial business units and many houses
- Nearby development are of very modern construction
- Area has no clear design vernacular until you reach the stone buildings at the top of the land some considerable distance away – these buildings have no view of Trejenna or the development
- Core Strategy states that the provision of isolated homes should be avoided
- Photos submitted of flooding do not show application site

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

- In my opinion that Garron runs through the village, not around it
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=193230&search=193230

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

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 Llangarron Neighbourhood area but that the NDP is afforded limited weight at this point in time noting that the Plan is being revised and is likely to undergo a new Regulation 14 consultation.

6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. This policy states:

'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.'

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.'*

6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

'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:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. *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.*

Location of residential development

- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.7 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMAs). Llangarron is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% housing growth and is listed in Figure 4.15 under policy RA2 as a settlement where proportionate housing development will be appropriate. In terms of the Llangarron Neighbourhood Area it must be acknowledged that it has performed well in relation to its proportionate target of 64 dwellings during the Plan period. Indeed based upon the latest published figure from April 2019 there have been 27 new dwellings built and there are 44 commitments, an exceedance of 7 dwellings. I am mindful that there have been schemes permitted since this date also including 4 dwellings under ref: 191288 granted at Planning Committee in October 2019 and 3 dwellings under ref: 191276 granted at Planning Committee in December 2019. However it must also be acknowledged that the target represents a minimum growth expectation and that presently, proposals must be considered in light of the inclusion of Llangarron as a settlement where proportionate growth is appropriate and the tilted balance in favour of sustainable development as directed by the NPPF.
- 6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. Noting that the NDP is to be revised and likely to undergo another Regulation 14 consultation, the policies therein are considered to attract limited weight at this point in time as directed with Paragraph 48 of the NPPF, a material consideration.
- 6.9 Policy HOU1 of the NDP states that Llangrove village will be the main focus of housing development with some limited development in Llangarron and its surrounding settlements of Herberts Hill, Tredunnock and Langstone. For Llangrove and Llangarron there are settlement boundaries drawn within the NDP and the one for Llangarron is found below with the site indicated by the blue star.



6.10 From the above it can be seen that the site lies outside the settlement boundary and therefore within open countryside according to the NDP. Officers are acutely aware of the progression of the LNDP process and recognise that many objection letters refer to its relevance. In this context, there is no desire to undermine this process, however, whilst the LNDP in its original form has reached Regulation 14, the further work being carried out on the document, with regard to defining settlement boundaries has not been published, and as such the Neighbourhood Development Manager has opined that limited weight can be given to the original Regulation 14 version. In this context and in common with the CS, the ongoing inability of the Council to demonstrate the required 5 year housing land supply, renders the settlement strategy related policies out of date and as such, Members are advised that it is the requirements of CS policy RA2 that carry the most significant weight.

6.11 Policy RA2 goes on to outline that housing proposals will be permitted 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. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;
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 development 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 a particular settlement, reflecting local demand.

6.12 It is acknowledged that Llangarron is a settlement identified under figure 4.15 (a smaller settlement) where particular attention should be paid to the form, layout, character and setting of the site and its location in that settlement. A map of Llangarron without the constraints is found below (again the site is indicated by the blue star):

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894



- 6.13 Llangarron as a settlement benefits from development largely centred around the Church of St Deinst and the Garron Centre, a local community building. There is evidence of sporadic development in all directions away from these facilities however, and policy RA2 makes it clear that a settlement can benefit from more than one built up area. There is a clear cluster of buildings located around the junction between Parkmill Road and the C1248 to the north of the site and former local authority housing to the east of the junction. The road off which the application site is located then runs along a north-south axis away from Parkmill Road. The site will be directly adjacent to the residential dwelling, Trejenna, and a replacement dwelling behind that which is currently being constructed. With this in mind, it is clear that the site would not be isolated in the truest sense. While the roads back to the Church and Garron Centre do not benefit from footpaths or streetlighting, this is not uncommon for the majority of Llangarron village.
- 6.14 The majority of the dwellings within Llangarron benefit from a street presence and the proposed development would be similar in this respect with a shared access between the properties. In landscape terms, the proposal will appear as single storey dwellings to the front when viewed from the roadside, and two storey to the rear owing to the natural topography of the site which falls from south east to north west and down to the brook. While views can be gained back from C1248 to the north west of the site, there is natural screening in place given the vegetation along the boundary of the wider field and a distance of approximately 180 metres to the nearest dwelling in this direction (Meadow Bank Thistle). Furthermore, the dwelling will be read in conjunction with the existing built form in this location (Trejenna and the replacement dwelling) and is not considered out of keeping with the character of the wider landscape as a result. Amendments to the plans were sought, particularly in relation to the rear elevations and these will be touched on in detail below. However, it is suggested that the broad principle of residential development acceptable in principle.
- 6.15 Given the foregoing, while it is acknowledged that the site lies outside the settlement boundary indicated for Llangarron within the NDP, this does not automatically direct the decision maker to refuse the application, noting the weight of that Plan at the present time. In assessing the application against policy RA2 of the CS, the site is located directly adjacent to existing built form and arguably adjacent to a built up area of the settlement. The facilities within Llangarron would still be accessible by any future occupants on foot and there are not found to be wider landscape implications as a result of two dwellings in this location, particularly noting that the site does not lie within or adjacent to any landscape or heritage designations. With this in mind, the proposal is found to accord with the aims of policy RA2 and does not result in unnecessary isolated, non-characteristic development. As such, the principle of residential development on the site is found to be acceptable.

- 6.16 The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design and amenity

- 6.17 The detailed design of the dwellings is assessed by reference to CS policy SD1 (and to a limited extent by LNDP policies ENV1 and ENV2). In essence these policies state that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.18 The two dwellings progressed under this application are detached properties benefitting from a kitchen/dining/living area, utility and office/snug on the ground floor with three bedrooms all with en-suites on the first floor. They will be handed versions of one another. While the bedrooms are undoubtedly large, three bedroom properties are the most required within the Ross Housing Market Area Study. The form of the detached properties is not out of keeping with the majority of the dwellings within Llangarron and having regard to the single storey scale to the front, they respect the character of the lane and the neighbouring dwellings without being over dominant. The height of Trejenna has also been used as a guide and the proposals are no higher than the ridge of that property (as indicated on the proposed sections plan).
- 6.19 The properties are proposed to be constructed from natural stone, render and timber cladding with slate on the roof. Appreciating the variety in the materials used across the settlement as whole, those proposed are not found to be out of keeping or unacceptable. The exact details would be conditioned on any approval however.
- 6.20 While Llangarron benefits from several historic buildings, there is evidence of newer buildings, particularly along the C1248 to the north west and to the north of the Church (as well as directly north of the site with the replacement dwelling) and so modern buildings in this vicinity are not found to be at odds with the form of buildings within the wider village. The provision of garage buildings to the front of the site is also not uncommon and these will sit lower than the ridge of the host dwellings so that they remain subservient features.
- 6.21 Noting the topography of the site, a retaining wall will be required within the centre (between the proposed garages and dwellings) and along a north-south axis. Subject to appropriate details being brought forward through condition, this is not found to be detrimental to the wider landscape and would in the main only be visible within the site itself.
- 6.22 As touched on above, the rear elevation of the proposals has been changed in order to reduce the impact of the dwellings when viewed from the other side of the valley. As part of these amendments, the projecting gable to the rear has been removed and a lower eaves height introduced along the same elevation so that some of the bulk is reduced. The materials have also been changed to include stone elevations rather than a split between render and cladding. Dormer windows are also introduced as a result of the lower eaves. Noting the presence of dormer windows on Trejenna next door, these are characteristic features. As a result of the amendments, the landscape impact is reduced.
- 6.23 With regard to amenity impacts, the proposed dwellings would benefit from private garden space to the rear of an adequate level for 3 bedroom detached properties. Subject to appropriate boundary treatments which will be conditioned on any approval, there are no overriding concerns in relation to the amenity for any future occupants.

- 6.24 Moving to existing residents, with regard to plot 1 (the one sited on the left when viewing from the roadside) the windows will look onto the driveway and garden associated with the dwelling. The windows on the south west elevation will look onto the wider field and agricultural land. As such, issues of overlooking or overshadowing as a result of this plot are not anticipated.
- 6.25 In relation to plot 2, again the windows sited to the front and back will look onto land associated with the plot and are therefore considered acceptable. The windows in the north east elevation do look in the direction of Trejenna and therefore need to be fully assessed. With regard to those on the ground floor of this elevation and serving the living area and office/snug, subject to adequate boundary treatments, these are unlikely to lead to unacceptable overlooking. The first floor window on this elevation will serve the master bedroom and will be located approximately 16 metres from the southern elevation of Trejenna. While the dormer window on the facing elevation of Trejenna is noted, the distance of 16 metres between the two is not found to be an unacceptable level and with this level of separation there would be no unacceptable overbearing effect or loss of daylight.
- 6.26 CS policy SD1 also encourages the incorporation of on-site renewable energy generation linking to policy SS7 which seeks to mitigate the impact on climate change. The Design and Access statement that accompanies the submission states that the proposed dwellings will utilise low energy fittings throughout and car charging points within the garages are proposed.
- 6.27 In light of the foregoing, whilst comments have been received in relation to the design of the properties, given the wide variety within Llangarron, the proposed dwellings would not be out of keeping with the surrounding built form and will blend into the wider landscape subject to adequate landscaping details being conditioned on any approval.

Highways

- 6.28 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.29 The proposal will require a new access to be created in the centre of the site and approximately 45 metres of hedgerow would be removed as a result. While this is unfortunate it is not considered to be detrimental. There will also be the mitigation of new hedgerows along the boundaries of the site. The Council's Ecologist has confirmed specifically with regard to the hedgerow:

The hedgerow on the opposite side is much better condition, and appears more 'traditionally' managed to a taller height with an odd hedgerow tree etc as additional features and better links.

The hedge on the application side is already not linked to any biodiversity feature by the ad' house, hedge is hard cut and kept, low, no indication through ecological features of being important in any form. Adding an access is not creating any significant changes or breaks at this edge of existing development location.

- 6.30 From a highways perspective, the Transportation Manager has visited the site and while the narrow nature of the lane is appreciated, this is not uncommon for the location. With the entrance to the site being constructed in accordance with design standards, it will perform a function as an informal passing place and improve the lane as it currently is. It will also provide some relief for pedestrians.

- 6.31 Moving to the internal layout of the proposal, with the dwellings accommodating 3 bedrooms, a minimum of 2 car parking spaces are required to meet the standards contained within the Council's Highways Design Guide. The proposed block plan indicates adequate provision in this regard as well turning space so that any vehicle can enter the highway in a forward gear. The comments from the Transportation Manager in relation to the gradient of the access are noted but as acknowledged, at the level proposed this would not represent a reason to refuse the application as a whole.
- 6.32 The concerns in relation to the utilisation of the lane are noted, but the proposal for two dwellings is not found to result in severe residual highways impacts. This view is endorsed by the lack of objection from the Transportation Manager and subject to the conditions recommended being attached to any approval the proposal is found to be compliant with policy MT1 of the CS and the guidance contained within the NPPF.

Ecology

- 6.33 CS Policies LD2 and LD3 are applicable (as is LDNP policy ENV1 to a limited extent) in relation to ecology and the impact on existing hedgerow and identified biodiversity value. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.34 The application is accompanied by an Ecology Appraisal which has been viewed by the Council's Ecologist. He is content with the conclusions therein and recommends that the mitigation is conditioned on any approval. As such, the aims of policies LD2 and LD3 are found to be met. It is considered that all reasonable and responsible measures such as to ensure the LPA have fulfilled our legal duty of care have been undertaken.

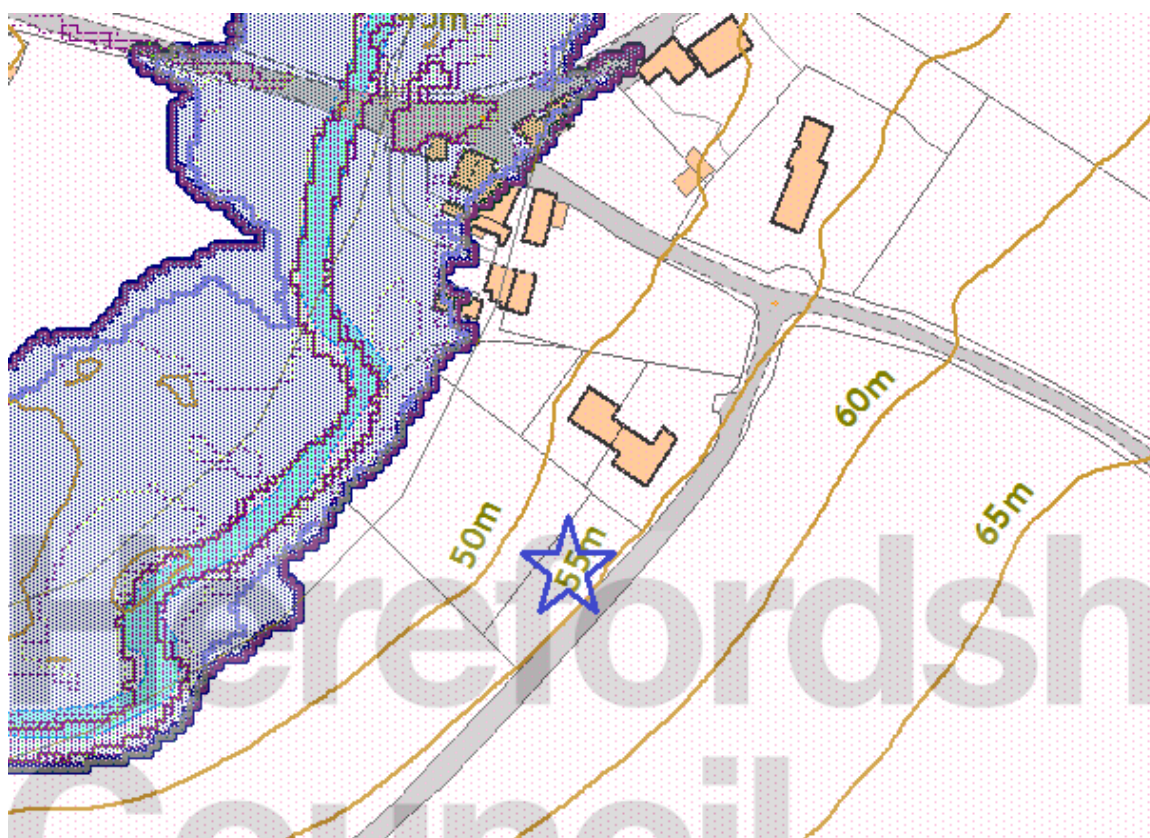
Drainage

- 6.35 CS Policy SD3 (and LDNP policy ENV3 albeit limited in weight at this stage) states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk and avoid an adverse impact on water quality. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.36 In the absence of a mains connection, the proposal looks to utilise package treatment plants with final outfall into drainage fields and surface water disposing into soakaways. These methods accord with the aims of CS policies SD3 and SD4 but noting the proximity to the flood zone and the local concerns in this regard, I find it appropriate to condition a full drainage strategy as part of any approval.
- 6.37 In light of the initial comments from the Council's Ecologist, amendments were sought in relation to the drainage fields to ensure that they are sited a minimum of 50 metres away from the Garren Brook (aquatic Local Wildlife Site and known to support Otters, Crayfish and fish spawning for SAC species). Amended plans have been received to demonstrate this and the development has subsequently been the subject of an Appropriate Assessment under the Habitat Regulations. Natural England has raised no objection to this Appropriate Assessment subject to the condition recommended by the Council's Ecologist.

6.38 The strategy conforms with CS policies SD3 and SD4 and will have no unmitigated effects upon the River Wye Special Area of Conservation/Site of Special Scientific Interest in accordance with CS policy LD2.

Other matters

6.39 A number of representations have touched on the site flooding and photos have been submitted to demonstrate this. However, while it is appreciated that closer to the brook there is an area of land that is located within Flood Zones 2 and 3, the site is wholly outside of these (see diagram below). Furthermore, there has been exceptionally abnormal weather during the application process that has seen many places flood that have not historically. As such, and with a compliant drainage scheme in place that will add some control and mitigation to drainage routes I do not find the provision of 2 dwellings in this location, to be unacceptable in this regard.



6.40 While the presence of the Grade II listed building at Three Horse Shoes (to the north west) is noted, given the intervening buildings and the distance from the site, the proposal is not found to result in harm to the setting of either designated or undesignated heritage assets. It is therefore considered that the statutory duty of the decision-maker would be fulfilled should permission be granted and that there would be no requirement to assess the public benefits of the proposed development in the context of its impact of heritage assets. In this regard CS policy LD4 (and emerging LNDP policy ENV2) is satisfied.

Planning balance and conclusions

6.41 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where it accords with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

6.42 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Paragraph 14 of the NPPF is not engaged given that there are no site allocations within the NDP. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole. In assessing the three elements of sustainability:

Economic

6.43 Economic benefits would be derived from the construction of two dwellings and associated infrastructure through both the supplies and employment of the required trades. After completion the occupiers would contribute some disposal income to the local economy.

Social

6.44 The provision of housing, in the context of a shortfall, would contribute to the supply of housing and the social needs of the county. Future occupants would add to village life by utilising the village hall, Church and Garron Centre and while there is arguably a lack of facilities in terms of schools and public houses within Llangarron itself, there would be social benefit for surrounding settlements. The NPPF makes it clear that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Environmental

6.45 The proposed dwellings would be located adjacent to existing residential properties and would not be isolated in the truest sense. While the site would be located outside the settlement boundary indicated within the NDP, the site is adjacent to another built up part of Llangarron and policy RA2 of the Core Strategy makes it clear that a settlement can benefit from more than one built up part. In landscape terms, the site is not in a protected landscape nor is it the subject of any site specific heritage designations but the dwellings have been amended in order to respect that views can be gained of the rear elevations from across the valley. However, noting the variety across Llangarron as a whole, those proposed are not found to be detrimental to the character of the wider landscape. While the removal of the hedgerow to accommodate the access is noted, this is found to be mitigated for with the additional planting around the site.

6.46 In terms of technical consultee responses, no objections have been received to the proposal.

6.47 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward two dwellings with the associated economic and social benefits that small developments in rural settlements support.

RECOMMENDATION

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

1. **C01 - Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**
3. **C13 - Samples of external materials (including retaining wall)**
4. **CE6 - Efficient use of water**

5. **CBK - Restriction of hours during construction**
6. **All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant's control; and all surface water shall discharge to appropriate infiltration or soakaway system; as detailed on plan reference 1491-C02-rev C dated 08/01/20, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2019), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

7. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by James Johnston Ecology dated September 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary or highway feature, adjacent habitats or areas around the approved mitigation or biodiversity net gain enhancement features.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

8. **CAB - Visibility Splays – 22 x 2.4 m northbound, 23 x 2.4m southbound.**
9. **CAD - Access gates – 5m**
10. **CAE - Vehicular access construction – This should be built to HC road standard construction.**
11. **CAH - Driveway gradient**
12. **CAI - Parking – single/shared private drives**
13. **CAJ - Parking - Estates**
14. **CAT - Construction Management Plan**
15. **CB2 - Secure covered cycle parking provision**
16. **CBM - Foul and surface water drainage strategy**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **I11 - Mud on highway**

- 3. **I09 - Private apparatus within the highway**
- 4. **I45 - Works within the highway**
- 5. **I05 - No drainage to discharge to highway**
- 6. **I47 - Drainage other than via highway system**
- 7. **I35 - Highways Design Guide and Specification**

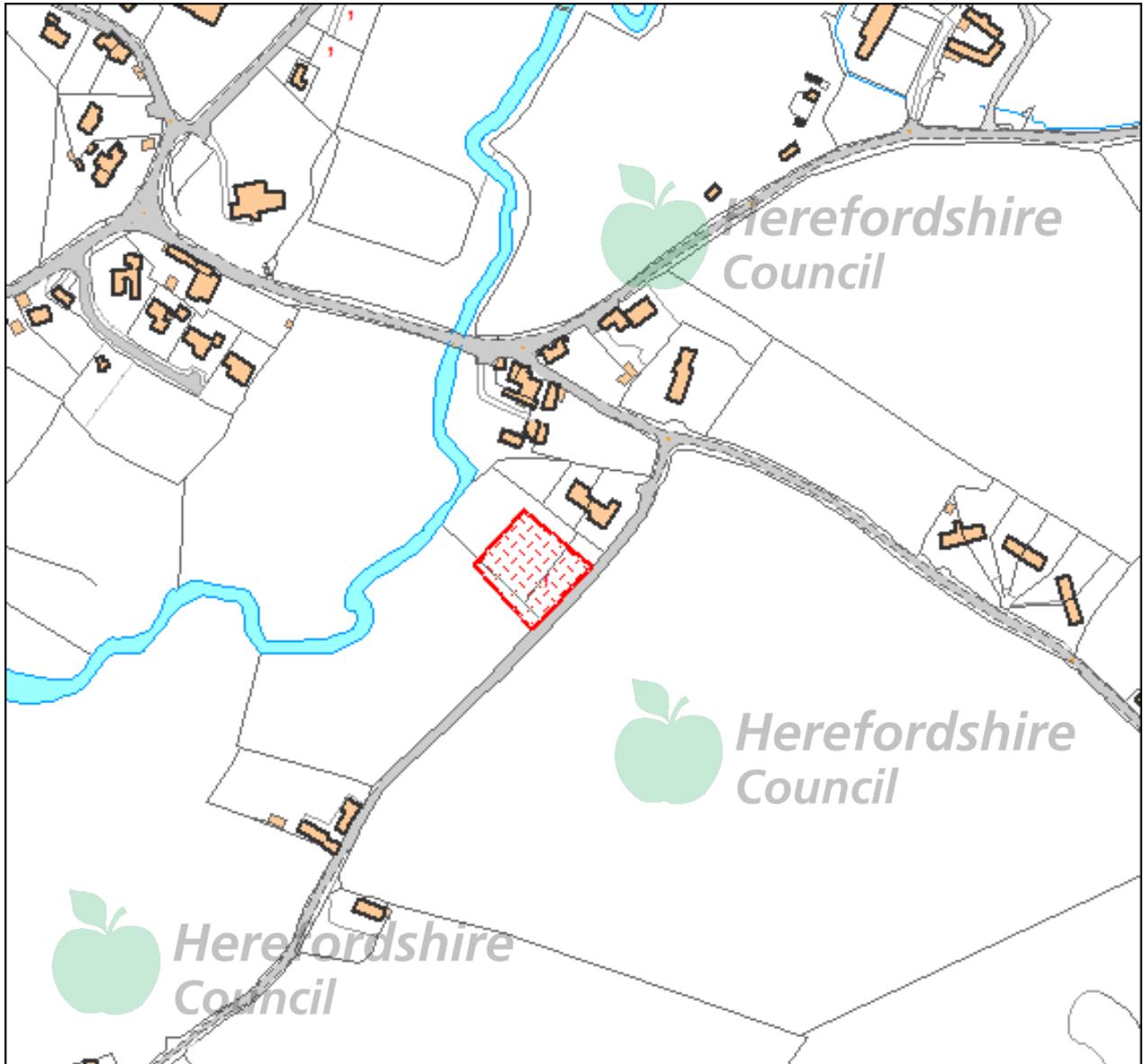
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193230

SITE ADDRESS : LAND ADJACENT TO TREJENNA, LLANGARRON, ROSS-ON-WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	193391 - PROPOSED REPLACEMENT DWELLING AND GARAGE AT HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR For: Mr Hawkins per Mr Charles James, Clyde House, Church Walk, Viney Hill, Lydney, Gloucestershire GL15 4NY
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193391&search=193391
Reason Application submitted to Committee – Re-direction	

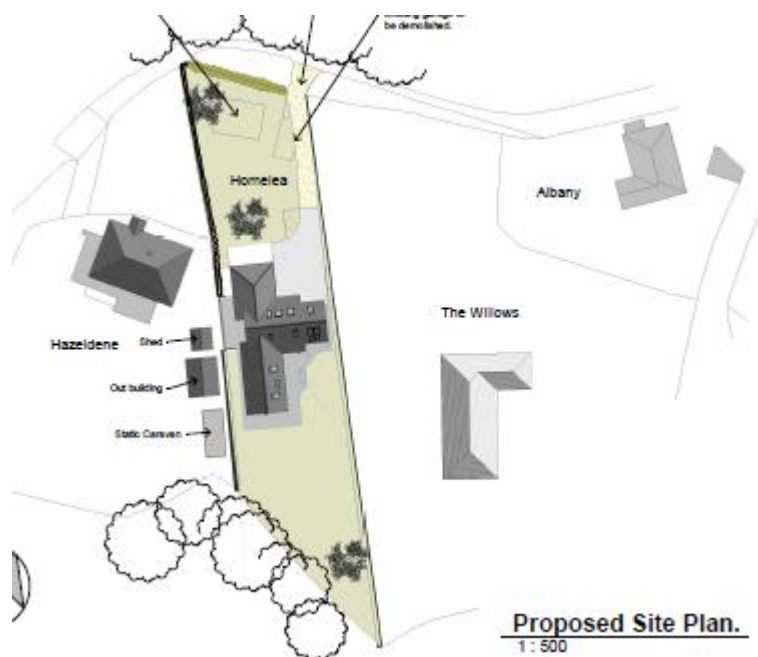
Date Received: 27 September 2019 Ward: Llangarron Grid Ref: 351053,217795

Expiry Date: 22 November 2019

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site is located in Welsh Newton Common, approximately 10km to the south west of Ross-on-Wye. The site comprises a detached single storey dwelling and outbuilding to the front of the site and residential curtilage to the rear. It is understood that prior to the application being submitted the site was cleared but there are fences and hedging along all boundaries including the one to the north adjacent to both with public footpath (WNN3) and common land. There is also common land located to the rear of the site.
- 1.2 While the dwelling on the site has deteriorated, it was relatively recently lived in and is therefore not abandoned in planning terms.
- 1.3 The application seeks planning permission for the erection of a single replacement dwelling on the site and includes the demolition of the existing dwelling, notwithstanding that the proposed is not on the footprint of the existing. The dwelling will accommodate 3 bedrooms across the ground and first floor, which will be located in the roof space. The block plan below indicates the proposed dwelling along with the neighbouring dwellings to the south and east:



2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

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
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

2.2 Welsh Newton and Llanrothal Group Neighbourhood Development Plan (NDP) Made Sept 2019 (no allocated sites)

Policy WNL1	-	Protecting and Enhancing Local Landscape Character
Policy WNL2	-	Green Infrastructure
Policy WNL3	-	Protecting and Enhancing Local Wildlife and Habitats
Policy WNL4	-	Building Design Principles
Policy WNL5	-	Welsh Newton Common Settlement Boundary and New Housing
Policy WNL11	-	Supporting New Communications Technologies and Broadband
Policy WNL13	-	Renewable and Low Carbon Energy Development

https://www.herefordshire.gov.uk/download/downloads/id/18419/neighbourhood_development_plan_june_2019.pdf

2.3 National Planning Policy Framework (NPPF):

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision making

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Chapter 5	-	Delivering a sufficient supply of homes
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making effective use of land
Chapter 12	-	Achieving well designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment

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

3. Planning History

- 3.1 **192398/F** - Proposed replacement dwelling and garage. Withdrawn following concerns in relation to design and scale

4. Consultation Summary

Statutory Consultations

- 4.1 **Welsh Water** – no objections

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales 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.

- 4.2 **Natural England** – no objection

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

Internal Council Consultations

- 4.3 **Public Right of Way Officer** – no objection

Access is via public footpath WNN3, but the replacement dwelling would not appear to affect this. No objection.

- 4.4 **Environmental Health Officer (Contaminated Land)**– no objection

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

To the south of the site is a former quarry which is later described as an area of 'unknown filled ground'. Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation.

With the above in mind I'd recommend the following note be appended to any approval:

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Recommended note

"The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes."

4.5 **Transportation Manager** – no objection

The site is located on a public footpath; therefore the applicant should be aware of the private access rights associated with this development, plot and previous use.

The proposed application is for a replacement dwelling, therefore there will not be a significant change in vehicle movements to the level which would be classed as severe,

A construction management plans should be provided

4.6 **Conservation Manager (Ecology)** – no objection

Subject to any comments from Natural England on the required Habitat Regulations 'appropriate assessment' undertaken by the LPA, a condition is requested to secure the required mitigation measures.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; 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 (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

The supplied ecology reports are noted along with the confirmed presence of roosting of several bat species. The requirement for a European Protected Species Licence (issued by Natural England) to be in place PRIOR to commencement of any works is secured through the wider Habitats & Species Regulations and Wildlife and Countryside Act and so there is no requirement for this LPA to make this EPS Licence part of a specific condition. The LPA is satisfied that the required 'tests' can be considered and that appropriate mitigation will be secured through the formal EPS licencing process.

Nature Conservation – Bats Protection and Mitigation

The detailed Bat protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by europaeus land management services dated August 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

The ecological (Bat) report does not include any consideration for other protected species such as Dormice, Amphibians and Reptiles that are recorded in the area and that could be impacted through this development, in particular during the construction process. It is noted that none of

the existing hedgerows along the roadside or around the site boundary will be removed as part of this application. The LPA has no reason to doubt that any required mitigation measures and working methods cannot be achieved and so it is reasonable for this LPA to require the additional surveys and subsequent detailed ecological working method statement covering all species except bats (as already covered by a specific report) to be submitted in full as pre-commencement condition.

If ANY hedgerows are to be removed then a full optimal; period Dormouse survey must be undertaken and supplied PRIOR to consent being granted so that the LPA can fully understand use of these corridors by protected species and secure all appropriate mitigation and compensation measures.

If the above is not applicable then to secure the protection of existing hedgerows as indicated on supplied plans a condition is requested. This is to ensure there are no impacts on the ability of Dormice to forage and commute due to the approved development.

Ecology – Tree and Hedgerow retention

No boundary hedgerow shall be cut down to under 1m high, uprooted or otherwise removed in any manner during the construction phase and thereafter for 10 years from the date of first use of any element of the completed development; unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

In addition to ensure all possible effects due to construction and development processes are considered:

CKS – Ecological Working Method Statement and Biodiversity Net Gain

Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) based on all relevant ecological surveys and including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular Dormice, Reptiles and Amphibians. The approved EWMS and Biodiversity Net Gain features shown on Plan 39-2101-F3 (September 2019) shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3

Reason: To ensure the local 'intrinsically dark landscape' is maintained and local nocturnal biodiversity and protected species are not impacted by an additional nocturnal illumination a specific condition to control external lighting is requested:

CKN – Lighting

- a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
- b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
- c) No external lighting should illuminate any biodiversity enhancement or boundary feature.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

4.7 **Conservation Manager (Trees)** – comments

I was consulted at the pre app stage and submitted the following comments:

After viewing the information provided I'm of the opinion that the proposal is feasible but there will be a requirement for further arboreal information if a planning application is submitted. There are trees on the site and on the boundary edges which I suspect will be impacted by the demolition of the existing dwelling and erection of a replacement.

To ensure that any proposal meets with policies LD1 & LD3 of the Herefordshire Core Strategy we will require a BS5837:2012 tree report.

The report shall contain the following:

- Tree Survey
- Arboricultural Impact Assessment
- Tree Protection Plan
- Locations of replacement trees, if any are to be felled
- Arboricultural Method Statement if deemed applicable.

To date no arboreal information has been submitted. At the very least a tree survey and Arboricultural Impact Assessment must be submitted so that it can be determined what impact the proposals have on existing trees.

An updated comment on the basis that the trees that were present previously have been removed has been requested from the Tree Officer and will be reported within the Schedule of Updates or verbally if/when available

5. **Representations**

5.1 **Welsh Newton & Llanrothal Parish Council** – object

Following their meeting last night, Welsh Newton and Llanrothal Group Parish Council wish to object to this application for the following reasons:

- Although they acknowledge that the ridge height is lower, the overall massing of the building is too great.
- Residential amenity of both neighbours would be adversely impacted.
- Proposed building needs to be positioned closer to the original footprint, nearer the track to protect amenity.

Following the submission of amended plans, the Parish Council commented further as follows:

Following their meeting last night, Welsh Newton and Llanrothal Group Parish Council wish to continue to object to this application.

They do not feel that any of the amendments have overcome the issues of loss of privacy and overshadowing of nearby residents, nor of the overbearing nature of the plan.

5.2 To date a total of 30 letters of representation from 18 households have been received. The comments therein are summarised below.

- Large build and footprint vastly different to existing properties
- Not in character with Welsh Newton Common
- Proposed does not sit in or near the original footprint and therefore not a replacement
- Area has protected species
- Access statement implies the proposed build is on a metalled track, this is incorrect. Dirt track is maintained by local people
- Proposed build does not follow NDP
- Visual impact on neighbouring properties
- Materials are not in keeping with NDP
- Excessive amount of rooflight/windows. Disturbance to bats and light pollution
- New development has placed on a narrow plot going from boundary to boundary taking away privacy from adjoining properties. Overdevelopment
- Smaller dwelling would be suitable for affordable housing
- Applicant has removed substantial hedge and a mature copper beech tree. Raises concerns to applicant's commitment to conservation. The landscaping around the proposed new house no way replaces what has been lost
- The village does not have a Post Office, Church or Village Hall. Also only one church serving the Parish
- Drainage in the area is problematic due to clay
- Increased run off from the property will be further detrimental to the roadway to the property and the four other dwellings
- Believe the road traffic increase in road traffic associated with this dwelling will add to the variety of traffic flow issues already faced by the commons single file access track
- Would spoil the outlook from The Willows and Hazeldene to existing landscape and interfere with existing freedom of outgoing views. The properties would then become cramped
- Sun light will be compromised
- Preferred solution would be to build on the size of the existing redundant bungalow which would prevent crowding of properties and allow the adjoining homes to continue to enjoy their current rights without interference
- Housing target has been exceeded in the parish
- No need to demolish original dwelling so therefore should be classed as new build
- How is package treatment plant to be maintained with no rear access to the dwelling? Drainage on plans shows partially treated effluent. Where is this coming from and why is it on my boundary?
- Full survey should be carried out on existing building before it is demolished as asbestos is a serious carcinogenic pollutant
- Puts a wall virtually down the whole side of my property – I did not buy this property to be boxed in
- Possible contamination on land from decaying vehicles and holes for sewage as the septic tank was always full and never emptied
- Part of new proposed development is backing onto registered agricultural ground which houses livestock all year round
- Noise and disturbance

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=193391&search=193391

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

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 Welsh Newton and Llanrothal Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 13 September 2019 but did not include site allocations.

6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. This policy states:

'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.'

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.'*

6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

'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:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. 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.*

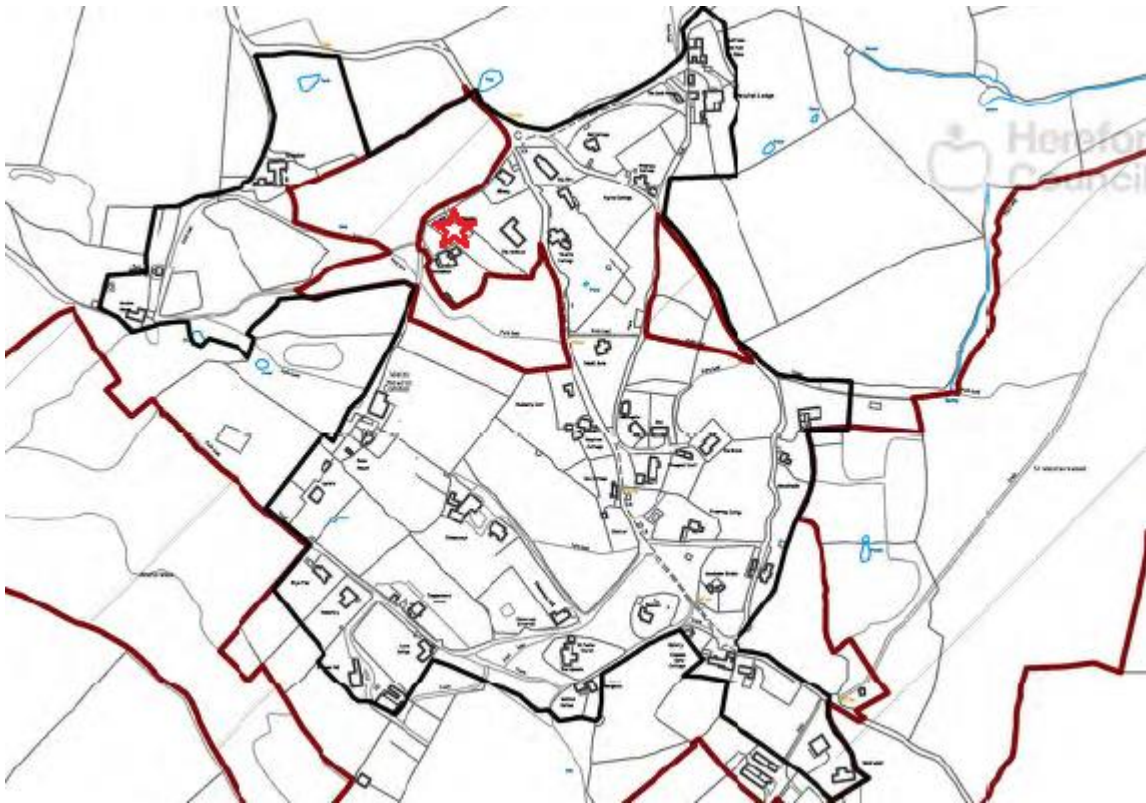
6.5 While the Neighbourhood Development Plan is less than 2 years old, there are no site allocations within it (the one allocated site was removed by the Examiner). As such, paragraph

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14 of the NPPF which states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, is not engaged. The test within paragraph 11d is therefore relevant.

Location of residential development

- 6.5 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.7 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Welsh Newton Common is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.15 under policy RA2 as a settlement where proportionate housing development will be appropriate.
- 6.8 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Welsh Newton and Llanrothal NDP has been adopted and therefore forms part of the Development Plan for the county.
- 6.9 Policy WNL5 of the NDP states that proposals for new market housing will be supported within the identified settlement boundary in Welsh Newton Common. The following map includes the black line of the settlement boundary with the site being indicated by the red star:



6.10 It is clear from the above that the site is located within the settlement boundary. Notwithstanding this, policy WNL5 goes on to state other criteria that a proposal should meet. This includes:

- Within the Settlement Boundary for Welsh Newton Common, proposals should be small in scale i.e. for one or two properties, and development should adjoin clusters of existing buildings and not be on isolated sites away from other housing and settlements. Proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within Welsh Newton. New housing should be accessed directly from a made up road.
- House sizes should be limited to a maximum of 2/3 bedrooms to help address the local shortage of smaller, affordable units for young families.

6.11 With the application seeking planning permission for the erection of one, three bedroom dwelling, as a replacement of another, the proposal is considered to be compliant with the foregoing policy in this respect. The site is also surrounded by other residential dwellings and would not be isolated away from housing. A detached dwelling within its own plot is not found to be out of keeping with the character of the wider settlement and the proposal would utilise an existing residential plot.

6.12 The inclusion of a 'made up road' within policy WNL5 came from the Examiner's report which states as follows:

Access to Welsh Newton Common is via a narrow lane which ends in a cul-de-sac. Parts of the settlement are accessed by narrow unmade roads. It is recommended that any further development in the settlement should be accessed directly from a made up road. This would in effect limit the areas suitable for development or result in the making up of other roads.

6.13 There is no definition within the NDP as to what a 'made up road' is, but the intention to limit the areas for development is noted. The site would be accessed via public footpath WNN3 and I acknowledge there are concerns that this is not a 'made up road' within the representations

received. However, the presence of an existing dwelling on the site is a material consideration and the proposal would not result in an uplift in the number of dwellings using the access. I am also mindful that the site is within the settlement boundary and as such the principle of a new dwelling is acceptable locationally (in other words there is no specific requirement to accord with the aims of a replacement dwelling under policy RA3 of the Core Strategy since this is not being treated as an exception to housing policies). With this in mind, and the existing property on the site noted, a refusal reason based on the use of an existing access would not be considered to be justified.

- 6.14 In light of the above, the principle of a new dwelling on the site is not found to be unacceptable – the site is located within the settlement boundary and proposes a dwelling of the size that is supported by the NDP in terms of bedroom numbers. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Design and amenity

- 6.15 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

- 6.16 The above is reinforced through policy WNL4 of the NDP which states, amongst other things; care should be taken to ensure that building(s) height, scale, and form do not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views; building materials are encouraged that retain the character of the settlement such as natural red sandstone, mellow red brick, timber or timber style windows and slate or tiled roofs and Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m.

- 6.17 The dwelling has been amended through the application process and proposes a detached property with first floor accommodation in the roof. On the ground floor a study, lounge, bedroom, kitchen, utility and dining/siting area are proposed with two bedrooms and a bathroom on the first floor. The dwelling has been reduced in height since the previously withdrawn application and now has a ridge height of just 6 metres in order to conform with this aspect of the NDP. The elevations of the proposed can be seen below:



- 6.18 The dwelling proposed will be constructed from vertical timber cladding and stone work on the elevations with a grey brick plinth and slates on the roof. While the materials proposed have

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been touched on within representations, Welsh Newton Common is made up of a variety of dwelling types, designs and forms. Policy WNL4 also specifically touches on modern design approaches stating: *New development proposals need not imitate earlier architectural periods or styles and could be the stimulus for the use of imaginative modern design. However, use of local materials and design sympathetic with the vernacular will always be encouraged as the norm...Sensitive modern designs using other materials may also be appropriate.* This notion is reinforced through the NPPF which acknowledges that while development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, they should not prevent or discourage appropriate innovation or change.

- 6.19 The dwelling proposed is relatively traditional in form, and with a height of 6 metres to the ridge and accommodation contained within the roof, will appear largely as a single storey dwelling. The use of timber cladding is arguably more modern than some dwellings within the settlement but the use of stone ensures a tie between the existing properties and the proposed. It is noted that a new dwelling permitted further south-west included elements of cladding and so the proposed would not be wholly out of keeping. The inclusion of grey bricks are for the plinth only. With this in mind, the materials are found to be acceptable but the details will be conditioned on any approval.
- 6.20 Moving onto the siting of the dwelling, this will be set further back into the site from the existing property. Appreciating that this is more in line with the neighbouring dwellings directly to the east and west (Hazeldene and The Willows) this is not found to be out of keeping with the pattern of development which is certainly not characterised by any clearly distinguishable form. The dwelling spreading across the width of the site is appreciated but with this measuring approximately 20 metres in width, the site is relatively constrained in this respect and the proposal is considered to use the site in an acceptable way.
- 6.21 With regard to amenity issues, I appreciate the views from neighbouring properties may alter. However whilst recognising the strength of views expressed in some comments, it is important to stress that the loss or change of a private view is not a material planning consideration. With regard to the two dwellings directly adjacent to the site, The Willows is located approximately 17 metres away from the common boundary to the east of the site. With the exception of rooflights, there are no first floor windows on the proposed dwelling and it is noted that the rooflights on the north east facing elevation will serve the ground floor sitting room, an area that is full height with no first floor element. This, along with the orientation of the proposed dwelling and hedge along the common boundary, which will be conditioned to be retained, is such that issues of unacceptable overlooking or overshadowing for the occupants of this dwelling are not detected.
- 6.22 Turning now to Hazeldene, the most directly affected property, it is appreciated that there will be a change to the outlook of this dwelling. It is noted that the double doors sited on the eastern elevation open onto a patio adjacent to the shared boundary. In view of the lack of windows along the south western elevation of the proposed dwelling, there are no issues of overlooking. The drop in ground levels between Hazeldene and the application site (between approximately 0.5m-1m) is noted and the outside area adjacent to the boundary will look towards the roof of the proposed garage. Noting that the roof slope has been designed to pitch away from the common boundary and the eaves of the proposed dwelling measure approximately 2.2 metres, it is considered on balance that any sense of overbearing or loss of daylight upon the residential amenity of the occupiers of Hazeldene are not at a level that would substantiate the refusal of planning permission. Furthermore, whilst it is not disputed that alternative, less impactful, locations could accommodate a dwelling on the site, this application is the one to be assessed and with the foregoing in mind, and Hazeldene benefitting from other private garden areas (notably to the south), I do not find the impacts on the residential amenity of this dwelling to justify refusing the application.
- 6.23 The sustainability credentials of the proposal have been touched on within the Design and Access Statement and state the following:

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

The new dwelling is intended to meet a standard for occupancy comfort, with renewable energy and water efficiency measures.

The proposed sustainable dwelling aims to minimise its carbon emissions and its environmental impact by employing sustainable technologies.

The proposed dwelling will provide a highly insulated external envelope (created by the walls, roof, windows and doors) with a high standard of air tightness.

The building will be naturally cooled in summer and perhaps benefit from an internal heat recovery system.

This MVHR system will supply fresh air for living spaces by recycling the heat from the stale air. The dwelling will be constructed using engineered timber frame technology and clad externally using natural timber as sustainable building material.

The engineered timber frame system will achieve the high levels of insulation required in both the external walls and the roof to minimise heat loss through its inherently high air tightness.

The dwelling is orientated to face south east in order to maximise passive solar gain (with shading and natural cooling available to control excessive heat gains in summer).

Water saving measures will allow water to be harvested for gardening as well as for reuse within the dwelling using an underground storage system that will offset mains water consumption.

To treat the waste water from the house, the design includes a WPL Eco Vortex Sewage Treatment Plant. It has an excellent pollution reduction level of 98.9%.

External surfaces form part of the SUDS proposal, with permeable gravel for the driveway and paving blocks for the parking / turning area.

- 6.24 In light of the above, the proposed dwelling is found to respond to the varied architecture within the settlement as a whole and accord with the aims of the NDP. The scale of the dwelling responds to that around it and the materials ensure a link between the older properties in the vicinity with stone and a modern element with the cladding. The proposal results in adequate private amenity space for any future occupants and while the concerns from neighbouring dwellings are noted and acknowledged, the impacts upon residential amenity is not considered to be so detrimental as to justify withholding permission. As such, the application is considered to be compliant with the aims of policies contained within both the Core Strategy and NDP with regard to design.

Access and Highway Safety

- 6.25 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.26 The foregoing is reinforced through policy WNL1 of the NDP which states that *proposals will be required to maintain the area's sense of tranquillity, through careful and sympathetic design of access and consideration of traffic impacts on local roads.*

- 6.27 As touched on above, the proposal will utilise the existing access onto the site over the public footpath WNN3. Since the proposal is for one dwelling, and appreciating the existing dwelling on the plot which will be demolished as part of the proposal, there will not be a significant change in vehicle movements to the level which would be classed as severe. The proposed development does not result in an unacceptable impact on highway safety and would not have a detrimental impact with regard to highway capacity.
- 6.28 With the proposal being for a three bedroom dwelling, a minimum of two car parking spaces are required in order to meet the standards contained within the highways design guide. The proposed block plan indicates sufficient provision in this regard along with turning areas so that any vehicle can leave the site in a forward gear.
- 6.29 As directed by the NPPF, and confirmed by the lack of objection from the Transportation Manager, the proposal is not found to result in severe highways implications and the application is considered to meet the aims of policy MT1 of the Core Strategy and WNL1 of the NDP.

Ecology and trees

- 6.30 Policies LD2 and LD3 of the CS are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.31 The application is supported by a provisional bat roost assessment, full activity survey and mitigation report. The Council's Ecologist has viewed this and is content with the findings and recommendations, subject to these being conditioned on any approval. In addition, the site falls within the River Wye SAC catchment, and in this regard an HRA AA was sent to Natural England for their approval. They have subsequently confirmed no objections to the proposal. In terms of light pollution, a condition will be attached to any approval (as suggested by the Ecologist) so that no external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.
- 6.32 While the comments received from the Council's Tree Officer are noted, having visited the site most of the trees were cleared prior to the planning application being submitted. While it is recognised that this action has not been received positively, none of the trees were subject to Tree Preservation Orders or within a Conservation Area and as such no prior approval or consent from the Local Authority was required for this work. Having regard to the site clearance, the condition recommended by the Tree Officer is not found to be relevant in this case but they do recommend a landscaping scheme be conditioned. The conditions recommended by the Council's Ecologist will ensure retention of the hedgerows that are on the site at the present time.
- 6.33 In light of the foregoing, the proposal is found to comply with the aims of policies LD2 and LD3.

Drainage

- 6.34 CS policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order;

package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.35 The application states that foul water will be disposed of by a package treatment plant with outfall utilising a soakaway. Surface water will be disposed of by a Sustainable Urban Drainage system and managed on site. Given the size of the site I do not have overriding concerns in this regard but I note that locally there have been some drainage issues. With this in mind I find it reasonable to condition a full drainage strategy as part of any approval but recognise that the methods proposed are not found to be unacceptable in principle and are considered compliant with the aims of policies SD3 and SD4.

Other matters

- 6.36 The housing targets within the settlement are a minimum but it is appreciated that Welsh Newton has surpassed their target calculated through the Core Strategy. However, with the proposal replacing an existing dwelling on the site (and appreciating that the existing will be conditioned to be demolished) there is no net gain of dwellings. As such, the housing targets already being reached does not constitute a reason to refuse the application.
- 6.37 Comments have been touched on in relation to the motives behind the application and whether there will be subsequent applications in the future for additional residential units on the site. The application is to be assessed as submitted, and any other units on the site would be assessed under future applications. The application seeks planning permission for one dwelling.

Planning balance and conclusion

- 6.38 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that proposals should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.39 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Paragraph 14 of the NPPF is not engaged given that there are no site allocations within the NDP. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.40 The Welsh Newton and Llanrothal NDP is adopted and therefore forms part of the statutory development plan for the county. The site lies within the settlement boundary identified under policy WNL5 of the NDP and is therefore somewhere the principle of development is accepted. In terms of the scale of the proposal and location adjacent to existing dwellings, the scheme is policy compliant in this regard also. The lack of definition in relation to a 'made up road' is acknowledged and while the dwelling will be accessed utilising a public footpath, noting the material consideration of an existing dwelling on the site, this conflict with policy WNL5 is not found to render the application unacceptable. Furthermore, noting that paragraph 14 of the NPPF is not engaged, a conflict with an NDP policy does not direct the decision maker to automatically refuse the application, rather to assess whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 6.41 The dwelling progressed under this application has taken note of the scale of dwellings sought under the NDP with regard to height and bedroom numbers, and the use of both modern and traditional materials responds positively to an architecturally diverse settlement. The comments in relation to impacts upon residential amenity are noted but they are not considered to be of a level that would justify refusal of the application based on the planning policies in place.

- 6.42 In terms of technical consultee responses, no objections have been received to the proposal. It is considered that all reasonable and responsible measures such as to ensure the Local Planning Authority has fulfilled its legal duty of care with regard to ecology have been undertaken. There are also no severe highways implications as a result of a new dwelling on the site.
- 6.43 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward one dwelling with the associated economic and social benefits that small developments in rural settlements support.

RECOMMENDATION

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

1. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **CE6 Efficient use of water**
5. **CBK Restriction of hours during construction**
6. **All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; 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 (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

7. **The detailed Bat protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by europaeus land management services dated August 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved features.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

8. **No boundary hedgerow shall be cut down to under 1m high, uprooted or otherwise removed in any manner during the construction phase and thereafter for 10 years from the date of first use of any element of the completed development; unless otherwise agreed in writing by the planning authority.**

Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2018)), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

- 9. Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) based on all relevant ecological surveys and including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority. The EWMS should consider all relevant species, but in particular Dormice, Reptiles and Amphibians. The approved EWMS and Biodiversity Net Gain features shown on Plan 39-2101-F3 (September 2019) shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3

- 10. a) At no time shall any external lighting be installed on the site without the written approval of this local planning authority.
b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.
c) No external lighting should illuminate any biodiversity enhancement or boundary feature.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 11. CAH - Driveway gradient**
- 12. CAI -- Parking – single/shared private drives**
- 13. CAT - Construction Management Plan**
- 14. CB2 - Secure covered cycle parking provision**
- 15. CBK - Restriction of hours during construction**
- 16. CBM - Scheme of foul and surface drainage disposal**
- 17. CA1 – Landscaping scheme**
- 18. CA2 – Landscape maintenance plan**
- 19. Removal of existing dwelling on the site**
- 20. CBM – Foul and surface water strategy**

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.
3. I11 – Mud on highway
4. I09 – Private apparatus within the highway
5. I45 – Works within the highway
6. I05 – No drainage to discharge to highway
7. I47 – Drainage other than via highway system
8. I35 – Highways Design Guide and Specification
9. The proposed development is near to a former quarry which is later described in our records as an area of unknown filled ground. Because of this the applicant may wish to consider the installation of precautionary gas protection measures/membranes.

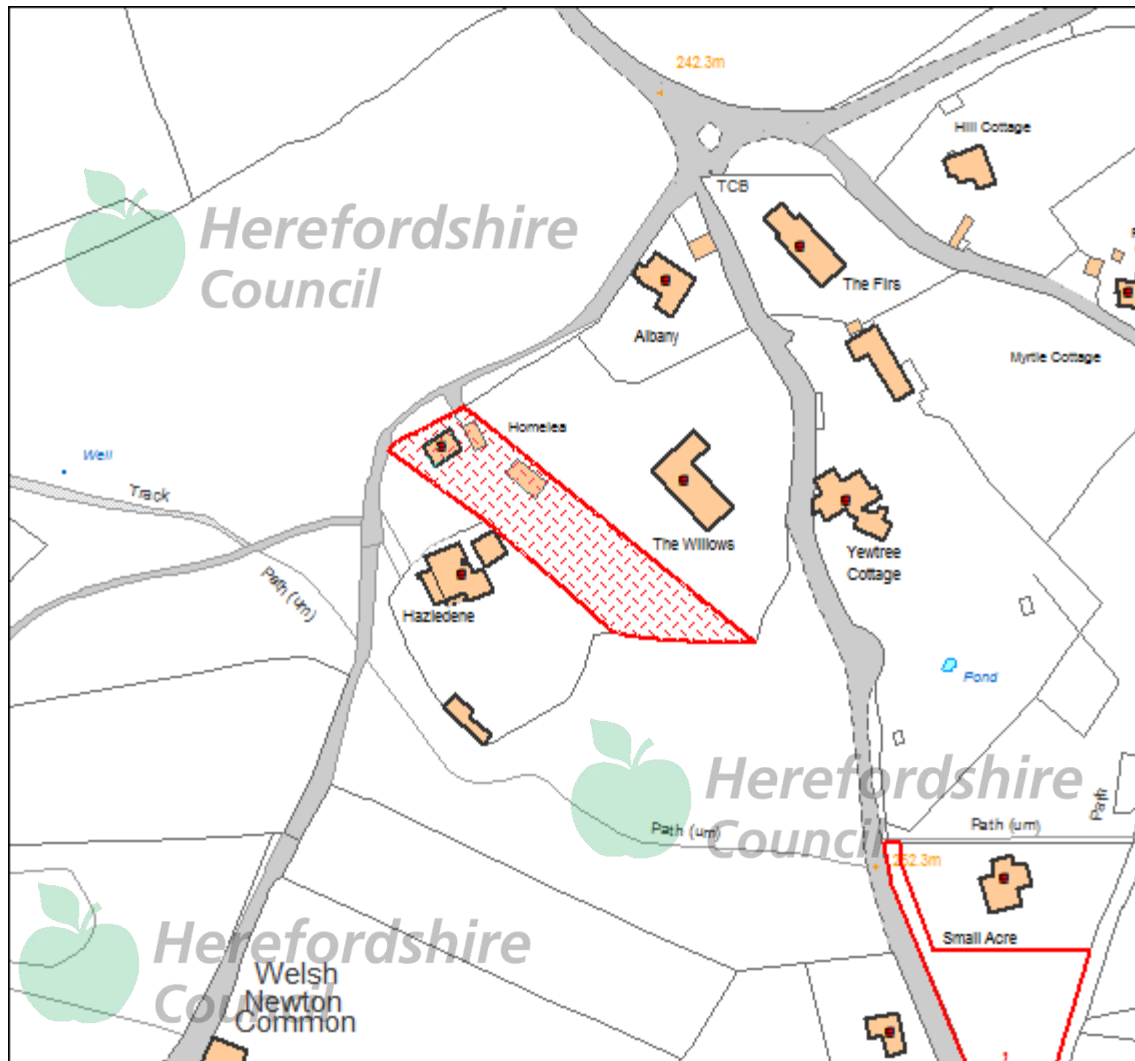
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193391

SITE ADDRESS : HOMELEIGH, WELSH NEWTON, MONMOUTHSHIRE, NP25 5RR

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	193578 - ERECTION OF AN AGRICULTURAL BARN TOGETHER WITH APPROPRIATE LANDSCAPING AND PLANTING AT BANBH FARM, BREINTON, HEREFORD, HR4 7PP For: Mr Owen per Mr Leigh Martin, Procurator, St Owens Cross, Hereford, Herefordshire HR2 8LG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193578&search=banbh%20farm
Reason Application submitted to Committee – Re-direction	

Date Received: 14 October 2019

Ward: Credenhill

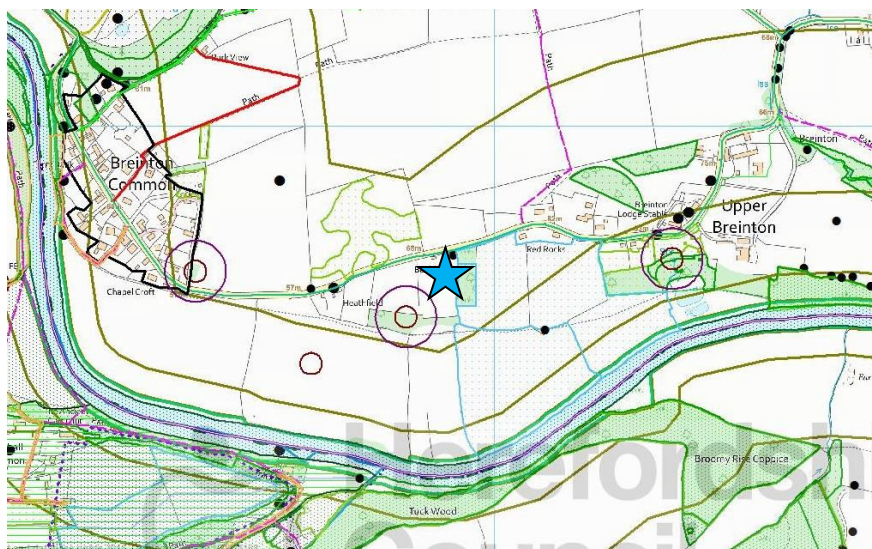
Grid Ref: 345889,239745

Expiry Date: 9 December 2019

Local Member: Councillor Bob Matthews

1. Site Description and Proposal

1.1 The application site is found within the parish of Breinton, approximately 1 kilometre to the east of Breinton Common and approximately 5.5 kilometres west of Hereford City Centre. The site forms part of a larger field which is in agricultural use and is accessed from the C1190 via double galvanised gates. The location of the site is indicated by the blue star on the map shown below.



Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- 1.2 The parcel of land, which is rectangular in shape, slopes gently southwards away from the road and views are afforded to the River Wye and the southern slopes of the valley which form a ridge-line of woodland. The site and the wider field is well enclosed and is bound by mature species hedgerows and trees to the east, with a thick and mature barrier of hedgerow and trees running part way down the western field boundary. The site is also bound by mature hedgerows to the north delineating it from the road and an ancient Oak can be found in the north-eastern corner of the site. The site is presently laid to grass and used for the running of a small herd of cattle and flock of sheep in combination with a small number of neighbouring fields which the applicant owns.
- 1.3 This application seeks planning permission for the erection of an agricultural building for the storing of tools, feed supplies, machinery and to house the cattle during the winter months (at present these are transported back to the main holding in Gloucestershire).
- 1.4 The building would be sited parallel to the road and would measure 18 metres in length, 12 metres in width under a pitched roof which would have a ridge height of 6.4 metres. The building would be of a typical agricultural appearance with vertical timber boarding above a dark green sheeting base. The pitched roof would also utilise dark green sheeting with 3 translucent roof lights on each slope. The building would sit within a stoned/gravelled apron and access track and landscaping is proposed to the south of the building to separate it from the wider field. Soakaways are intended to be utilised to deal with surface water.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

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

- LD1 - Landscape and townscape
- LD2 - Biodiversity and townscape
- LD4 - Historic environment and heritage assets
- SS1 - Presumption in favour of sustainable development
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SS6 - Environmental quality and local distinctiveness
- MT1 - Traffic Management, highway safety and promoting active travel

2.2 Breinton Neighbourhood Development Plan (BNDP)

The Breinton Neighbourhood Development Plan was made on 1 December 2016 and therefore now forms part of the development plan for this part of Herefordshire.

- B6 - Sustainable design and energy efficiency
- B7 - Protecting the best and most versatile agricultural land, soils and promoting agricultural development that protects the environment and preserves the distinctive rural landscape.
- B14 - Protecting the landscape
- B15 - Local distinctiveness

https://www.herefordshire.gov.uk/download/downloads/id/9128/neighbourhood_development_plan_adopted.pdf

2.3 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

4. Decision-making
6. Building a strong, competitive economy
9. Promoting sustainable transport
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

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **190839/F** - Erection of an Agricultural Barn with landscaping and planting - Refused
- 3.2 **P183055/F** - Proposed erection of general purpose agricultural barn - Withdrawn
- 3.3 **DCC062594/F**- Log cabin for temporary two bedroom accommodation - Refused
- 3.4 **DCC060318/F** - Erection of log cabin residence, farm shop, butchery with cold store, farrowing unit, 3 no. stables, hay barn and agricultural areas enclosed - Withdrawn
- 3.5 **DCC060731/F** - General purpose agricultural barn and access track
- 3.6 **DCC071015/F**- Temporary mobile accommodation - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 **Forestry Commission**_– No response.
- 4.2 **Historic England**_– Raise concerns as follows:

The proposed erection of an agricultural barn together with landscaping and planting is within the setting of Eaton Camp Scheduled Monument (National Heritage List for England UID: 1001756). The position of the camp overlooking the confluence of Cage Brook and the River Wye and its flood plain to the north are part of the significance of the monument. Inappropriate development within this area could therefore have a negative impact on the significance of this nationally important archaeological site.

We welcome the production of the "Heritage/SAM Setting Assessment In Support of Planning Application - Proposed erection of an agricultural barn" (October 2019) although would not necessarily agree with the conclusion that "the proposed erection of an agricultural barn when reviewed in context with all other more prominent structures visible from Eaton Camp will have a neutral change to the special interest of the camp setting and there would be no material change of its significance". In our view some harm would be caused to the designated heritage asset through development within its setting and as such the tests within the NPPF section 16 regarding the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192); harm requiring clear and convincing justification (paragraph 194); and the weighing of harm against public benefit (paragraph 196), should be examined by the Council.

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

4.3 **Natural England**_– No objection (to previous Appropriate Assessment which remains valid)

Internal Council Consultations

4.4 **Conservation Manager (Ecology)**_does not object

Apart from a variation in size of the proposed building and a shift in location within the site there are no other changes from the previous application. A Habitat Regulations Assessment process is still required but with no material change the previous screening – appropriate assessment undertaken 26th March 2019 is still fully valid and appropriate and is formally adopted by the LPA to support this current application. Copy included within this response.

Natural England returned a formal ‘no objection’ comment to this previous appropriate assessment (copy included in this response) and this is still considered relevant.

There are no other ecology comments or concerns and no objection is raised.

4.5 **Transportation Manager** does not object

The erection of a barn at this location will not result in a cumulative impact on the highway which could be classed as severe, when taking into account the current land use at the site.

The existing access point is demonstrated as suitable for the character and usage of the road and access as set out in drawing numbered ‘Banbh Farm 1n’. Creating this access will require some minor modifications to the existing access and a Section 184 licence may be required in the event that permission is granted. A link to the relevant guidance is below.

https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents

There are no highways objections to the proposed erection of the barn.

4.6 **Conservation Manager (Landscapes)**

Original comments - 12 November 2019 – Object

Views: From road (north of site), a hedgerows screens the site (in leaf), but is semi-screened in autumn and winter. The gateway provides visibility into the site. Due to the sloped condition of the site and higher elevations to the south-west, the site is exposed from further afield, including the direction of Eaton Camp. The field boundary hedgerows to the west and south assist in screening the site. A dense hedgerow and woodland to the east boundary provide a dense screen.

Impacts

- Change to visual landscape character.
- Change to physical landscape due to earthworks.
- Damage to existing veteran tree roots and branches, influencing the long term health of the tree.
- Impact on landscape setting of the Eaton Camp, a Scheduled Ancient Monument.

Recommendations

- Protection of veteran tree
- The applicant appears to locate the barn and hardstanding in very close proximity to the Veteran tree (Pedunculate oak) (Refer figure 3).
- Protect existing tree roots and branches of a veteran tree and ensure the long term health of the tree is secured. Provide a tree survey and associated management strategy in accordance with BS5837: Trees in relation to design, demolition and construction – recommendations.

Visual mitigation trees

The applicant proposes trees to mitigate views from the south-east. The tree species are not provided. It would be recommended to increase the massing to ensure comprehensive screening from the direction of Eaton Camp.

Provide a soft landscape plan to scale, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

Material and colour design

The applicant proposes concrete precast panelled plinth; Yorkshire boarding and fibre cement roof. These materials and colours are light tones. It is regarded that dark tones are recessive and therefore better at blending in the landscape.

Consider carefully the material choice and colour. It is advisable to undertake a colour assessment and refer to the following guidance.

Malvern Hills Areas of Outstanding Natural Beauty: Guidance on the Selection and Use of Colour for Development

www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/guidance_on_colour_use_screen-1.pdf

Malvern Hills Management Plan 2019-2024

<http://www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/FinalLowResManPlan2014-19.pdf>

Landscape Institute technical information

www.landscapeinstitute.org/technical-resource/environmental-colour-assessment/

Updated Comments - 10 December 2019 – Approved subject to conditions

C13 Samples of external materials
CK3 Landscape Scheme
CK4 Implementation
CK5 Maintenance Plan (10 years)

1. Plant hedgerow trees within the hedgerow to reinforce the local landscape hedgerow characteristic. (Refer below for species suggestions and guidance).
2. Straighten hedgerow to reflect a typical hedgerow field boundary alignment.
3. Reconsider the planting of Ash trees, due to issues with tree availability and Ash Dieback. Consider replacing with Sycamore.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

4. Review hedgerow species and specification based on the below guidance.

Tree and hedgerow guidance

Trees and Hedgerow Tree specification

Individual trees shall be planted as follows: Trees should be planted in areas previously cleared of all weeds, grass and vegetation. The trees are to be of 'Selected Standard' size, 16-18 cm girth, 2.5-3.5 metres tall, bareroot or rootballed and healthy and vigorous. Trees should be planted in planting holes 1.2m. x 1.2m. x 900mm deep, with the topsoil mixed with a minimum of 20 litres of suitable tree planting compost and replaced carefully around the roots and lightly compacted every 150mm layer. Trees should be supported with a treated timber stake and rubber ties and protected from both rabbit and stock damage. This may require the construction of sufficiently robust timber guards of a size appropriate for the type of stock kept in the field. A water regime is to be followed to ensure the health of the tree is maintained during the establishment period.

Standard Hedgerow Planting Specification

Hedging plants are to be 60-80 cm high, 1+1, bareroot, healthy and vigorous transplants to be planted in a double staggered row, 450mm apart, 5-7 plants per linear metre. Suggested species mix as follows:

Suggested Species

Only native and locally characteristic species should be used.

Common native, thorny species:

Hawthorn (*Crataegus monogyna*)

Blackthorn (*Prunus spinosa*)

Holly (*Ilex aquifolium*)

Non thorny species:

Field Maple (*Acer campestre*)

Hazel (*Corylus avellana*)

Hornbeam (*Carpinus betula*)

Wayfaring Tree (*Viburnum lantana*)

Guelder Rose (*Viburnum opulus*)

Dogwood (*Cornus sanguinea*)

Spindle (*Euonymus europaeus*)

Larger and 'Standard' Tree Species

Sycamore (*Acer pseudoplatanus*)

English (Pedunculate) Oak (*Quercus robur*)

Sessile Oak (*Quercus petraea*)

Bird Cherry (*Prunus padus*)

Wild Cherry (*Prunus avium*)

Field Maple (*Acer campestre*)

Notes:

- Dog Rose (*Rosa canina*) can be planted as an additional non woody species but is not considered part of the 5-7 plants per metre. This species will also quickly colonise naturally.
- Elder should not be planted in a new hedge it will out compete/kill other species and quickly develop in to a thin and gappy hedgerow.
- Honeysuckle should not be planted as it does not 'grow with the tree' leading to strangulation and its climbing habit can cause woody species to collapse.
- Ivy will colonise naturally but excessive growth may need to be managed to ensure excessive shading of woody species does not occur.

- 4.7 **Conservation Manager (Archaeology)** – no further comments, refer to those made on previous application.

Having regard to the information now submitted and the content of the representations already received, I have the following comments to make:

There is I think likely to be some harm to the significance of Eaton Camp SAM, through changes within its setting. On balance, however, the changes are not extensive enough or of a character that would lead me to regard any harm as substantial in this case.

There are also in my view no other ways in which the development would be damaging to the historic environment.

Therefore, although I still have concerns about what is proposed, my concerns are not sufficient for me to object to the application as it stands.

- 4.8 **Environmental Health (Contamination)** – the following comments have been made; -

If the applicant is content, we can recommend a condition such as that below to address any uncertainty and the representations given it looks to have been used for the deposition of waste of one sort or another.

Although this is a lengthy condition, it can stop at Part 1 (a) if a suitably qualified person considers the waste not to include anything of any concern. Especially considering the context

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 2019.
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.

4.9 **Conservation Manager (Trees)** – make the following comments;

I'd say from looking at the amended plans a condition to include a Tree Protection Plan should be sufficient.

5. **Representations**

5.1 **Breinton Parish Council** – Object

Breinton Parish Council stands by its objections to PA 190839 (18 April 2019) and PA183055 (18 October 2018), both of which are attached for ease of reference, and wishes to OBJECT to this current and third application for the erection of an agricultural barn at this site. The council endorses the other objections already received from National Trust, Herefordshire Council's Landscape Officer (Mr O. Jones) and local residents, and fully supports the requirement from Natural England for the submission of a Habitats Regulation Assessment.

The application fails to comply with several Breinton Neighbourhood Development Plan policies:
B7 Promoting agricultural development that protects the environment
B10 Moving around Breinton
B11 Green Infrastructure
B14 Protecting the Landscape
B15 Local Distinctiveness

Consequently, it is also non-compliant with relevant policies in the Local Plan Core Strategy and the National Planning Policy Framework (2019)

Whilst councillors recognise that the footprint of the proposed barn has now been considerably reduced, and re-aligned by 90 degrees, it remains an over-large structure for the site; and this concession by the applicant on a single element of the council's earlier objections does not in any way mitigate the negative impacts of all other reasons for objection, including the retained 6.6m height of the proposed barn in such a sensitive location.

Councillors consider that the 40% reduction in the footprint of the proposed barn ought to have entailed a revised Business Plan: no such plan has been submitted. Indeed, the only Business Plan ever submitted, with the subsequently withdrawn PA183055, was wholly inadequate and is in any case now redundant because it purported to justify a significantly larger barn: councillors are puzzled as to why a structure of that size was proposed in the earlier application.

As with the two previous proposals, this barn is quite simply the wrong kind of development in the wrong place. The Council has been advised by local beef farmers operating a variety of different farming models that the proposal for Banbh Farm is not financially viable in agricultural terms. The site is too small and the grass of insufficient quality to sustain the cattle numbers outside for any length of time, even without cutting for forage or grazing additional sheep as is now being proposed. In addition, major parts of the site are demonstrably subject to periodic flooding, reducing its grazing potential even further. The council is also advised that cattle will require large amounts of basic feed to be trucked in over an 18 -month period in addition to the silage/cake which would be necessary to 'finish' them. This makes no economic sense; nor is it consistent with the parish's and the county's declaration of climate emergency.

Councillors continue to assert that any possible economic or public benefit from the proposal is outweighed in the necessary Planning Balance assessment by inevitable environmental harm. Based on the site's 'planning history' and this unjustified agricultural proposal it would be reasonable to wonder might not the applicant be setting up the proposal to fail in due course, thus enabling a future 'change of use' application for residential dwelling(s) perhaps always intended. This would be contrary to Neighbourhood Development Plan policy B1.

Just as there is no economic case for approving this barn there is a strong environmental case against it. The council is deeply concerned that there is still no clear plan for the disposal of animal waste slurry. The site is in a Nitrate Vulnerable Zone adjoining the River Wye SAC/SSSI and includes a Flood Zone 3 floodplain. Phosphate levels on this stretch of the river remain close to the legal capacity limit and the nearby north-flowing Cage Brook tributary has recently exceeded that limit. It would be impossible to avoid detrimental run-off into the River Wye from any on-site dispersal of waste.

In addition to slurry - the proposed barn will require regular scraping down - there is absolutely no information about the separation, storage, treatment and disposal of 'clean' rain water falling on the building and potentially contaminated waste water that has fallen on the yard. Regulations require all three materials to be kept apart - potentially in large storage tanks - for which there is little room on site. There is probably no potential whatsoever to spread the materials on site without guaranteeing that effluent can be kept out of the river either directly or through the soil.

Following separate storage (unspecified), off-site waste disposal would consequently entail significant transport vehicle movements through the very narrow and twisting lanes that permit access to the site. Given the requirement for these and numerous other large vehicle movements associated with the proposal, such as feed stuffs referred to above, councillors are especially troubled by the Transportation Department's 'No objection' response which focuses solely on the immediate access and visibility splays at the site itself.

To say that the proposed development "will not result in a cumulative impact on the highway which could be classed as severe when taking into account the current use of the site" is totally misleading. Any access to Banbh Farm is via C class and/or unclassified roads. The volume of unsuitable vehicles regularly using quiet, twisting, poorly surfaced lanes, whose current speed limit is 50mph, will increase dramatically. These are lanes used by local dog walkers, cyclists, runners, horse-riders and recreational walkers on the Wye Valley Way.

Because it is marked on the earliest OS map and the Tithe Map the removal of a considerable length of roadside hedge would be in breach of its protected status under the Hedgerow Regulations. Its removal is 'justified' by the facilitation of access for large vehicles to the site: this disregards the loss to landscape heritage. Just to the east of the field gate to the site is a further historic landscape feature, a 'hollow-way' whose margin would also be detrimentally affected by the hedgerow's removal.

The council is concerned to note that the Application Form includes several factually incorrect answers, evidently either careless responses or designed to mislead:

Q9 Is vehicle parking relevant to this proposal? Answer given: 'No'
Answer should be 'Yes'. Access and parking area are shown on plan, presumably for transportation of stock, feed delivery and waste/slurry removal

Q10 Are there trees or hedges on the proposed development site? Answer given: 'No'
Answer should be 'Yes'. The site contains trees and hedges on all four sides (including the river frontage)

Q11 Is the site within an area at risk of flooding? Answer given: 'No'
Answer should be 'Yes'. The entire lower part of the site is Zone 3 flood plain which floods regularly in autumn and winter, also at times in spring in summer.

Q12 Biodiversity and Geological Conservation. Is there a reasonable likelihood of the following being affected adversely (...) within the application site, or on land adjacent to or near the application site?

1. Protected and priority species Answer given: 'No'
Answer should be 'Yes'. Nesting peregrines, red kites, buzzards and sparrow hawks; lesser-spotted woodpeckers, barn owls and other threatened species are all known to be present "within, adjacent to or near the application site".
2. Designated sites, important habitats or other biodiversity features Answer given: 'No'
Answer should be 'Yes'. The site is immediately adjacent to the River Wye SAC/SSSI and near to Red Rocks, a RIGS-designated (geological) site. It is near and within the setting of the Scheduled Monument (NH List Entry 1001756) at Eaton Bishop Camp.

5.2 Eaton Bishop Parish Council – Object

This latest application is very similar to previously refused applications and the reasons for refusal remain the same.

Whilst the site is not in our Parish it is immediately adjacent to the boundary and River Wye and within the setting of the Eaton Camp Scheduled Monument.

We wish to support the points of objection made by the following:

Historic England
National Trust
Natural England
Breinton Parish Council
Local residents

Eaton Bishop feel the application is misleading in that the application is for an agricultural barn, however the stated intention is for the winter housing of Cattle. A barn for cattle would need an open ventilation at the ridge of the roof which is not shown and the proposed design would suggest alternative use. The Yorkshire Boarding doesn't specify the open spacing needed for essential ventilation.

The small reduction in proposed size of the barn and location nearer the road doesn't address the fundamental unsuitability of introducing a building in the area and results in loss of hedges and harm to established trees as highlighted in other objections.

The land is in the flood plain and is grass meadow, so the suggestion that there is a need for storage and use of machinery and equipment again doesn't seem to be valid. There is no mention of a slurry pit to prevent run-off which would pollute the sensitive vegetation within the River Wye SAC.

The concerns and objections are fully detailed and expressed by others to this and previous applications and are fully support by Eaton Bishop Parish Council.

5.3 **13 Letters of Objection** have been received, which include those made on behalf of both the National Trust and the Eaton Camp Historical Society. The content of the letters can be summarised as follows;

Agricultural Need

- Limited need for building given the capacity of the unit
- Hidden agenda to application that omits previous unacceptable details (i.e septic tank)
- No business case
- Will be precursor for future dev
- Holding would never justify two part time workers

Flooding

- The site floods
- Concerns over the welfare of animals

Contaminated Land

- Previous use as unregulated waste disposal
- Potential presence of asbestos

Trees and Hedgerows

- Negative impact on existing trees and hedgerows
- Mature tree at the corner of the site is a key landscape feature and there is strong objection to the building footprint overlapping the canopy

Traffic

- Potential to significantly increase road traffic and road network cannot tolerate such movements
- Should be secured to agricultural use

Amenity

- Negative impact on visual amenity
- Impact on walkers, cyclists and tourists
- Neighbours enjoy view across the Wye
- Smell from animals
- Noise pollution

Drainage and Ecology

- Field becomes very wet and thus not suitable for livestock
- HC declared climate emergency
- Phosphate, ammonia and nitrate impacts of run off to the River Wye

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- Riverside, woodland and floodplain species at risk
- Owls displaced by light pollution
- Animal waste plan is unclear

Design

- Design is not in keeping
- Reduction in size is welcome but is still an application for a building where there are none already
- Concerned at the proposed use of natural fibre cement sheeting rather than sheeting with a darker tone.
- More substantial landscaping required and even then would not hide the building
- Design is not conducive for housing livestock

Setting of Eaton Camp

- Some harm would be caused to setting of Eaton Camp
- Outward views were of fundamental importance to Eaton Camp historically as an Iron Age promontory fort
- View to the east from Eaton Camp is arguably most significant
- Welsh Water pumping station removal will enhance setting of Eaton Camp and therefore it cannot be stated that this eyesore justifies the proposed building

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=193578&search=banbh%20farm

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

- 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 Breinton Neighbourhood Area, which published a made Neighbourhood Development Plan (BNDP) on 1 December 2016.

Background and Principle of Development

- 6.3 By way of background, it is noted that this application is the third submission made by the applicant for a building on the site, with the previous applications being withdrawn and refused by virtue of the size, location and design of that proposed and the negative contribution such additions were considered to have on the character of the landscape.

- 6.4 This proposal presents an agricultural building of a reduced scale, designed for its intended purposes to serve as an agricultural storage and livestock housing building. With regards to the principle of development, in the first instance it is noted that Policy RA6 supports employment generating proposals in rural areas, especially where it involves the small scale expansion of existing businesses. However, it makes clear that such proposals will only be supported where they ensure that the development is of a scale which would be commensurate with its location and setting and would not cause adverse impacts to the amenity of neighbours by way of its design or through noise, dust, smell or lighting. It also sets out that such proposals should not undermine water quality targets in line with the objectives of Policies SD3 and SD4. Policy B6 of the BNDP amongst other things, requires that agricultural development should protect the environment and make a positive contribution to preserving the distinctive rural landscape. At the national level, Paragraph 83 of the NPPF makes it very clear that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, either through the conversion of existing buildings or well-designed new buildings. The NPPF at Chapter 6 goes on to recognise that sites to meet local business needs will often be found outside of sustainable settlements. This should not preclude development, but particular care and attention to ensure that the development is sensitive to its surroundings and does not have an adverse impact on the local highway network should be had in such instances.
- 6.5 This application seeks permission for the erection of a modest agricultural building within a smallholding owned by the applicant, comprising a small number of sheep and cattle. It is understood that cattle already graze the ground from time to time, but are presently transported back to the main holding in Gloucestershire for housing during the winter months. The intention is therefore to allow the cattle to remain on site at Breinton if required, and to have the necessary tools, machinery and feed stuff to facilitate the day to day operation of the smallholding. Whilst officers are aware of the concerns raised with regards to any “hidden agenda” of the proposed use of the building, this application is to be assessed on its own merits. Moreover, whilst the Parish Council raise concerns with regards to discrepancies on the submitted application form, officers are content that sufficient information has been submitted to properly assess the application.
- 6.6 Whilst there are no existing buildings on the site, on the basis of the information submitted the building would facilitate the day-to-day operations of an albeit small, agricultural enterprise. Subject to an assessment of the proposal’s design, landscape impact, impact upon heritage assets, biodiversity and highways, officers are of the view that there is policy support for the broad principle of this proposal.

Design and Landscape

- 6.7 Policy SD1 of the CS relates to the design of new buildings and states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions, and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Policy LD1 is also of relevance to the proposal, and requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development.
- 6.8 Having regards to the made BNDP, Policy B14 states that all development proposals will be expected to provide landscape impact analysis proportionate to the scale of the development and its impact, which will demonstrate how proposals have been designed to enhance local landscape character and reduce potential urbanisation of this sensitive rural area. Development should be designed to take account of local topography and developments should be of a small scale and new buildings or structures should be of a height, scale and massing appropriate to the rural character of the parish. With regard to the landscape and wider environment, Policy B15 requires all new development proposals to demonstrate consideration of a number of landscape design principles. Those of relevance to this application are considered to be the following; -

- (b) Local habitats should be preserved and enhanced and wildlife conserved;
- (c) Veteran, mature and established trees should be protected and incorporated into landscaping schemes wherever possible. The planting of local species will be encouraged. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management. When constructing boundaries native tree species should be used. Existing hedgerows should be retained and the establishment of new native hedges is encouraged. Ancient woodland along the river cliff and at wyevale wood (as shown on Defra's magic maps) must not be disturbed;
- (f) All new development must incorporate sustainable urban drainage systems (suds) which as a minimum are fully compliant with the most recently adopted national and local standards and preferably exceed them.

6.9 The proposed building would measure 18 metres by 12 metres and would thus be 6 metres shorter than the previous refused proposal. In addition to this, the building is located in the northern portion of the site, closer to the boundary with the road. The site is set at a lower level to the road and therefore it would not appear as overbearing or overly prominent when viewed from the road travelling in either direction. Furthermore, its siting would reduce the prominence of the building and would help to prevent it from appearing as an incongruous or alien addition, as was considered the case in the previous submissions when the building was located more centrally and did not benefit from the backdrop of the trees and hedgerows which delineate the site's boundary with the road. Moreover, it is considered that the proposed layout makes more efficient use of the site and appears more conducive to agricultural use.

6.10 It is accepted that the design of the building is of no architectural interest but it is functional in its appearance and the palette of materials as shown on the submitted plans is commonly found on buildings of this nature throughout the country. The use of timber boarding and sheeting with gated openings to the south west and east elevations provide it with a clear agricultural vernacular appearance. With this in mind, whilst officers note the comments with regards to speculations surrounding the use of the building and its suitability for housing livestock, it does not present as an addition which would lend itself to any other use which would not be desired in this location. The size is generally regarded as being commensurate for the purposes which it would serve, given that this includes spaces for both storage and housing livestock during certain times of the year.

6.11 The location of the building closer to the boundary is considered to reduce its impact on the wider landscape setting, especially given that the amount of hardstanding/access track has been reduced and now is minimised to only that which is necessary to maintain and access the building. Officers are mindful that buildings of this design are typically found within rural Herefordshire and it is not considered to sit awkwardly or be out of keeping in this rural and agriculturally dominated landscape. However, regard is had to the fact that there are wide ranging views to the site from the River Wye and the ridge line beyond, within the Parish of Eaton Bishop. As such, landscaping has been proposed to the south of the building and this is generally considered acceptable. However, conditions are recommended to amend the landscaping scheme to ensure the southern boundary responds appropriately to the existing field patterns and to secure its implementation together with a 10 year management plan. Comments received raise concerns that the proposed screening would not fully mask the building. Officers accept that this is the case but the proposed planting would soften the appearance of the building and assist in upholding the landscape character.

- 6.12 As set out above, additional details with regards to landscaping will come forward via safeguarding conditions. However, it is noted that there is a veteran Oak tree located in the north-eastern corner of the application site. Amended drawings were received which set the building further south into the field and away from the boundary. There is now considerable distance between the boundary, the veteran tree and the hardstanding and the building and therefore it is unlikely that the addition would cause harm to the integrity of this tree, or any other mature species along the northern and eastern site boundaries. However, to provide certainty and noting the concerns raised, a Tree Protection Plan is requested and this can be secured by way of a condition as recommended by the Council's Tree Officer. The proposal is therefore considered to accord with CS Policy LD1 and LD3 and Policy B14 of the BNDP.

Historic Environment

- 6.13 The building is located within the setting of Eaton Camp Scheduled Ancient Monument. It is clear from the representations received that there are significant concerns regarding the effect of the structure on the setting of the heritage asset. The site is located close to the hamlet of Ruckhall to the west, and part of the settlement is located upon the western ramparts of the enclosure, much of which is a Scheduled Ancient Monument.
- 6.14 Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and its settings through appropriate management, uses and sympathetic design. The NPPF, under Chapter 16, details clearly how the impacts of a proposed development on the significance of a designated heritage asset should be considered with any application. Fulfilling the requirements of Paragraph 189, the application is supported by a Heritage/SAM assessment which has assessed the proposal's potential for harm to the asset. The following conclusions were drawn from the assessment;

"Taking into account the statutory definitions and descriptions of the Scheduled Ancient Monument and particularly addressing the setting principle, it is clear that the current proposal at Banbh Farm does not create significant harm"

- 6.15 The Council's Archaeologist has referred to the comments made for the previous submission. These were essentially that although there was some concern, it was not considered that the development would lead to significant harm to the Scheduled Ancient Monument. However, as per the previous comments, Historic England, The National Trust, and Eaton Camp Historical Society raise greater concerns and believe the proposal would detract from the character and significance of the Scheduled Ancient Monument and its setting.
- 6.16 It is noted that the previous decision did not identify any harm to the designation and it is considered that by virtue of this proposal's design, scale, layout and landscaping, any impact would be greatly reduced. Officers are therefore of the view that given the distance between the site and the heritage asset and the recognition that such agricultural buildings are not viewed as alien additions, permission should not be withheld on the basis of heritage impacts. It is appropriate to advise that whilst it is not unlawful for a decision maker to come to a different conclusion on a subsequent similar application, the consistency of decision-making is an important factor.

Amenity

- 6.17 The nearest dwellings to the site are found 180 metres to the east and west of the application site. Whilst the building may be visible to some extent from these dwellings, this should be largely limited by the screening offered by the boundaries of the field. In any case, the loss of a private view is not a material planning consideration and the building is not of a size, scale or use which would cause harm to the amenity of these neighbours, in accordance with Policy SD1 of the CS and the relevant provisions of the BNDP.

- 6.18 Noting the representations received, whilst officers accept that tourism within the Wye Valley is a valued contributor to the rural Herefordshire economy, it is not considered that the proposal would jeopardise its appeal to walkers and cyclists.

Biodiversity and Habitat Regulations Assessment

- 6.19 The site in this instance also lies within the catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site. The obligations are embodied with CS policies LD2 and SD4, as well as the guidance of the NPPF.
- 6.20 It is acknowledged that considerable concerns have been raised with regards to the proposal's impact on the River Wye Special Area of Conservation (SAC) through run-off and effluent generated by livestock, especially noting the presence of the River Wye. It is thus accepted that the site has a number of biodiversity constraints and this brings into relevance Policy LD2 of the CS, which seeks to protect, conserve and enhance biodiversity. This is supported through Policy B7 and B15 of the BNDP, which share aspirations.
- 6.21 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening has been undertaken. The Ecologist has confirmed that given the proposal is not considerably altered from the previous scheme, the previous Appropriate Assessment remains valid. This concludes that given that the building would not increase the number of stock numbers on the holding, there would not be any 'Likely Significant Effect' on the River Wye Special Area of Conservation. This document was sent to Natural England for consultation, who concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye.
- 6.22 Given the modest scale of the proposed building which does not seek to introduce an intensive agricultural use to the site, officers are of the view that the proposal would not result in any negative effects with regards to biodiversity. Lighting can be secured by way of condition and again, given the scale of the building and the proposed light use, it is not considered that it would generate a level of noise which would be prejudicial to species in the vicinity.
- 6.23 With the preceding assessment in mind, officers consider that the proposal would not present any undue harm to biodiversity or river water quality and as such would be in accordance with Policies LD2 and SD4 of the CS and Policy B15 of the BNDP.

Highways and Access

- 6.24 Policy MT1 of the CS seeks to ensure that proposals do not generate traffic movements which cannot safely be accommodated within the local highway network. Policy B10 of the BNDP echoes these requirements at the local level and seeks to ensure that the character of rural routes are retained.
- 6.25 Concerns with regards to the removal of hedgerows at the access are acknowledged, but these are to be translocated and set back so as to achieve the requisite visibility splays. This alteration is not considered to be such that it would unduly alter the character of this road to an extent where it would harm the character of the rural lane network.

- 6.26 Noting the above and that the required visibility splays can be accommodated within highway and/or applicant's land, the proposed building and its intended use is not such which would lead to a discernible intensification. It solely seeks to provide small scale livestock accommodation and storage ancillary to the smallholding and thus officers do not share the concerns raised by the comments received in this regard.
- 6.27 The proposal is therefore not considered to be one which would result in 'severe' harm to the highway network as set out at Paragraph 109 of the NPPF. As such, the proposed access arrangements are considered acceptable and accord with the requirements of the CS, BNDP and NPPF.

Contamination

- 6.28 Concerns received via representations made pertain to the previous use of the site for the dumping of waste. With this in mind, the Council's Environmental Health Officer has been consulted and has recommended a condition to undertake a desk study report which would include previous site and adjacent site use and potential contaminants arising from those uses. Such a submission would secure compliance with CS policy SD1.

Flooding

- 6.29 The site lies at significant elevation relative to the River Wye and accordingly, is well distant from any Flood Zone. It is understood that the other land owned by the applicant is within the Flood Zone susceptible to flooding. With this in mind, it is understood that the building would serve as refuge for livestock during any severe flooding events.

Conclusion

- 6.30 The proposal would result in the addition of a modest agricultural building, commensurate to a small scale rural enterprise, fulfilling economic objectives of sustainable development. The proposed building, by virtue of its design, scale and siting is not be considered to cause harm to the wider landscape setting or the setting of Eaton Camp Scheduled Monument. Moreover, no harm to ecological networks or the local highway network is identified.
- 6.31 Overall, the proposal is considered to accord with the provisions of the Breinton Neighbourhood Development Plan, the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The proposal is therefore considered a sustainable form of development and officers accordingly recommend approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. C06 Development in accordance with approved plans**
- 3. C13 Samples of external materials**
- 4. CK3 Landscape Scheme**
- 5. CK4 Implementation**
- 6. CK5 Maintenance Plan (10 years)**

7. **CKN Lighting**
8. **CKB Protection during construction**
9. **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.

10. **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.

11. **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

INFORMATIVE:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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.**

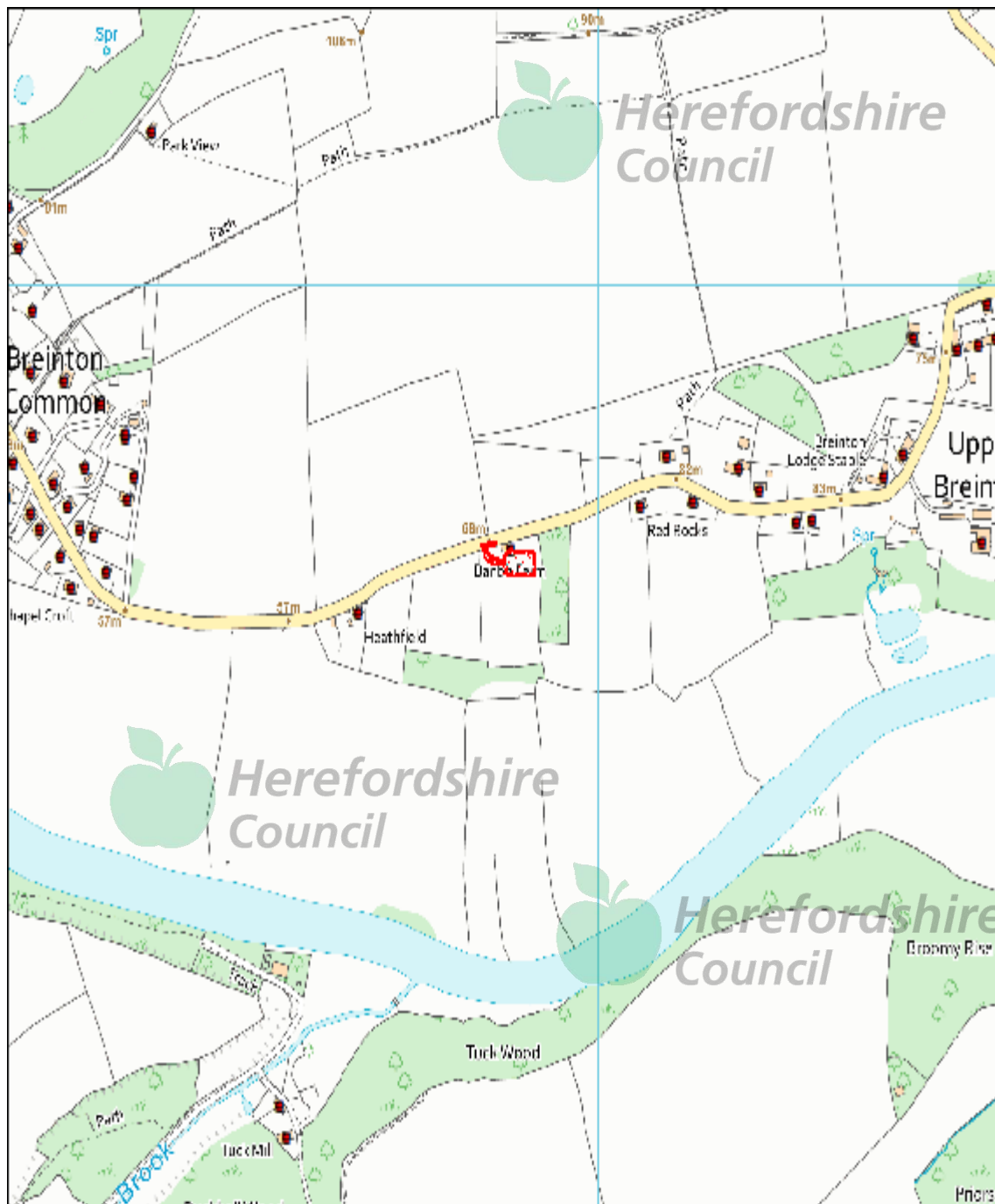
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193578

SITE ADDRESS : BANBH FARM, BREINTON, HEREFORD, HR4 7PP

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 March 2020
TITLE OF REPORT:	194064 - PROPOSED CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC, USE MOVING THE 'NATIVE SPECIES HEDGEROW' TO THE NORTHERN BOUNDARY. AT LARCH HOUSE, LYDE CROSS, MUNSTONE, HEREFORD, HR1 3AD For: Mr Wilkinson per Mr David Wilkinson, Larch House, Lyde Cross, Munstone, Hereford, Herefordshire HR1 3AD
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194064&search=larch%20house%20lyde%20cross
Reason Application submitted to Committee – Staff Application	

Date Received: 25 November 2019 Ward: Holmer

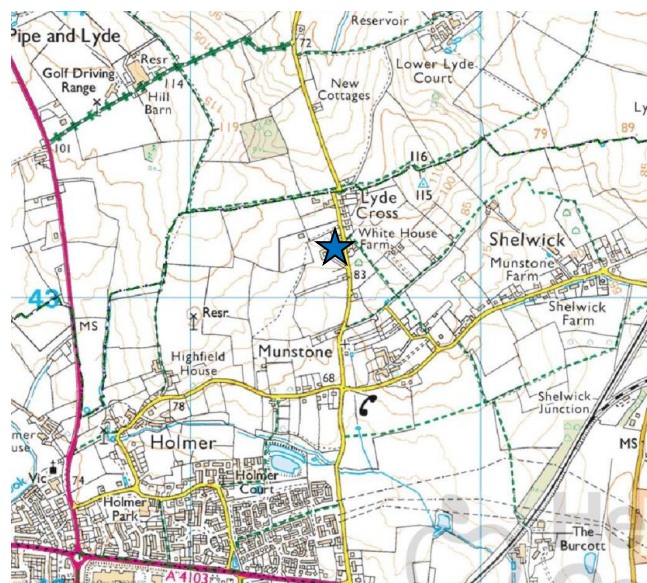
Grid Ref: 351498,243235

Expiry Date: 20 January 2020

Local Member: Councillor Mark Millmore

1. Site Description and Proposal

1.1 The application site relates to a strip of agricultural land immediately to the northern boundary of Larch House, a recently constructed detached dwelling to the south of Lyde Cross, some 3 kilometres north of Hereford City. The location of the site is indicated by the blue star on the map below.



Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- 1.2 The dwelling (as approved under planning reference: 171008/F) is found to the western side of the C1127 which runs in a northerly direction and links Holmer and Munstone with Lyde Cross, eventually joining the A49(T) at Lyde. The dwelling is of modern design, redolent of an agricultural building by virtue of its massing and finishes. The dwelling sits within a modest curtilage with agricultural land surrounding the plot to the north and west. Some agricultural buildings of a rather unkempt appearance can be found to the south.
- 1.3 This application seeks planning permission to change the use of a strip of agricultural land to form part of the domestic curtilage of Larch House. In addition, Condition 7 of planning permission 171008/F required the submission of boundary details to be submitted to and approved by the Local Planning Authority. These details were approved on 26 March 2018.
- 1.4 As such, the proposal seeks to move the approved northern boundary (and associated landscaping) to the north in order to include the land subject to this application. The strip of land measures approximately 38.8 metres, with a width of around 3.8 metres totalling an area of around 129 m². For ease, one is referred to the plan below which shows the area of land in question, edged in red.



2. Policies

2.1 Herefordshire Local Plan – Core Strategy

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

- SS1 - Presumption in Favour of Sustainable Development
- LD1 - Landscape and Townscape
- SD1 - Sustainable Design and Energy Efficiency

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 Holmer and Shelwick Neighbourhood Development Plan (HSNDP) (passed referendum on 30 January 2020 – policies attributed full weight)

HS4 - Design

HS5 - Landscape and natural environment

https://www.herefordshire.gov.uk/download/downloads/id/19166/neighbourhood_development_plan_december_2019.pdf

- 2.3 The National Planning Policy Framework (NPPF)

1. Introduction

2. Achieving sustainable development

4. Decision-making

12. Achieving well design places

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **174014/F** - Proposed new design to replace approved application (ref 171008/F) for one dwelling – Refused (2017)

- 3.2 **171008/F** - Proposed three bedroom house with detached garage – Approved (2017)

4. Consultation Summary

Internal Council Consultations

4.2 Transportation Manager

It is noted that this application will not result in significant change to the existing vehicle areas associated to the dwelling. Therefore there are no highways objections to the proposals.

4.3 Ecologist

It is noted that under Planning Application 180172XA2 (Approval of Details Reserved by Condition) approved January 2018 that the planting of native species hedgerows on the North, South and West boundaries were secured.

There is no ecology objection to this proposed change of use/inclusion of agricultural land in to the garden curtilage of Larch House – the original condition requiring native species hedgerows on the three boundaries should still apply – although obviously translocation of any existing new hedgerow planted on the northern boundary being changed through this application is acceptable. The transplanted/new planted hedgerow should be subject to appropriate maintenance and aftercare, with replacement of any lost plants for a minimum of 5 years after final translocation/planting.

If appropriate a new condition to secure this planting/translocation should be included on this new application

4.4 Public Rights of Way Manager

PROW have no objection to the removal of the hedge or change of use. There is no right of way currently recorded on the Definitive Map, and we have not received an application to modify the map. However, if the Parish Council does decide to submit an application we would have to investigate and the proposed right of way would need to be protected until a decision was reached.

5. Representations

5.1 Holmer and Shelwick Parish Council_– Object

Holmer and Shelwick Parish Council considered this application at their meeting 09/12/19 and resolved to object to the proposals. It is felt that the plans submitted with the proposals are not acceptable as there is insufficient detail to allow proper consideration. Notwithstanding the above the Parish Council would like to highlight that there is a historic Public Right of Way that crosses this land, this can be seen on the attached plan. Whilst this PRoW has not been included on the definitive map, an attempt to register the path could be made anytime up until 2026 and this is being considered locally. The Parish Council also remain concerned that the landscape scheme relating to application 171008/F has still not been implemented.

5.2 Pipe and Lyde Parish Council_– No objection

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=194064&search=194064

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

- 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 Holmer and Shelwick Neighbourhood Area and the Neighbourhood Development Plan (HSNDP) is at the post referendum stage and can be attributed full weight.
- 6.3 The application seeks planning permission for the change of use of agricultural land to form part of the residential curtilage of Larch House. As such, the primary consideration in this instance is the impact the proposal would have on landscape character and whether it would affect the amenity of any neighbouring dwellings.

Landscape

- 6.4 Policy LD1 of the CS sets out that development proposals should demonstrate that the character of the landscape has positively influenced the nature and site selection of the proposal. At the local level, Policy HS5 of the HSNDP requires amongst other things, that proposals protect and enhance the differing settings of the various settlements in the area and include appropriate landscaping schemes and future on going management to ensure that the proposal integrates into the surrounding landscape. The policy goes on to state that landscaping should use, maintain and extend native species, hedgerows and other important vegetation.
- 6.5 The proposed enlargement would equate to around a 15% increase in the existing curtilage of the dwelling. Given the existing modest curtilage, such an increase is considered to be commensurate to the scale of the dwelling. Moreover, given the relocation of the northern boundary by approximately 3.8 metres into the neighbouring agricultural land, the dwelling would be located more centrally within the plot. The strip of land neatly extends the existing square shaped plot in such a way that it would broadly retain its existing shape.
- 6.6 Regard is had to the surrounding landscape, often characterised by small pastures, but not exclusively bound by mature hedgerows. Fields in the locale are also not of uniform dimensions and boundaries of plots are often irregular in shape. With this in mind, whilst it is appreciated that the incorporation of this strip of land to form part of the curtilage would extend into the open countryside by around 3.8 metres, officers do not consider that it would present a discernible adverse impact on the wider landscape setting, subject to appropriate landscaping.
- 6.7 It is noted that the previous permission imposed a safeguarding condition to remove certain household permitted development rights. Given that the extended part of the site would be visible from public vantage points, officers consider it reasonable to remove the permitted development rights which enable the erection of outbuildings and introduction of hardstanding on the parcel of land without consent from the Local Planning Authority.
- 6.8 With the forgone in mind, subject to a condition requiring details of the treatment of the northern boundary, the proposal is considered to accord with the requirements of Policy LD1 of the CS and Policy HS5 of the HSNDP.

Residential Amenity

- 6.9 The proposal would increase the residential curtilage of Larch House. However, given the small scale increase of this and the considerable distance to the neighbouring dwellings to the north, where such change could potentially impact, it is not considered that the proposal would result in harm to the amenity of neighbours. Therefore, officers are content that the proposal accords with the requirements of Policy SD1 of the CS.

Other Matters

- 6.10 No known Public Right of Way runs through the application site or would otherwise be adversely affected by the proposal. The proposal would also not alter the existing access arrangements and therefore no highways impacts are noted.
- 6.11 The comments from the Parish Council are noted. However, the level of information submitted is considered by officers as satisfactory for the purposes of assessing the application. Additional information with regards to boundary treatments can be secured by way of conditions, as set out above.

Conclusion

- 6.12 With the forgone assessment in mind, officers consider that the proposed change of use of the relatively narrow strip of agricultural land to form part of the residential curtilage would not have any adverse impact on the landscape character or residential amenity, subject to appropriate boundary treatments.
- 6.13 With no other adverse impacts identified, the proposal is considered to accord with the relevant provisions of the Herefordshire Local Plan – Core Strategy, the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework. The proposal is therefore considered a sustainable form of development and is recommended for approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1. **Time limit for commencement (full permission)**
- 2. **C06 Development in accordance with the approved plans**
- 3. **Removal of permitted development rights – Class E and H only**
- 4. **No works in relation to the northern boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the enlarged part of the curtilage is brought into first use.**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy HS5 of the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVE:

- 1. **IP1**

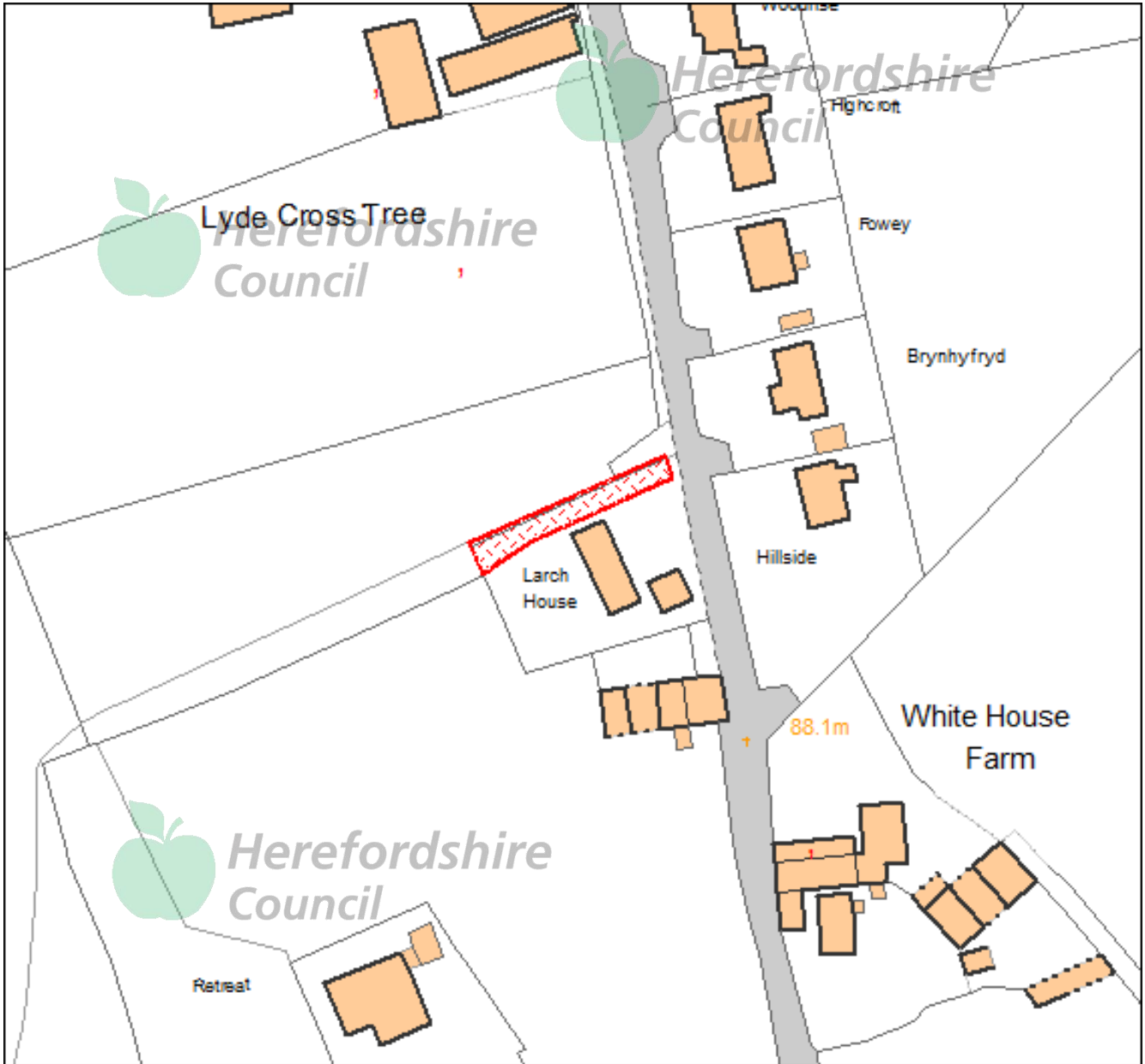
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 194064

SITE ADDRESS : LARCH HOUSE, LYDE CROSS, MUNSTONE, HEREFORD, HEREFORDSHIRE, HR1 3AD

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

