

# Agenda

## Planning and regulatory committee

Date: **Wednesday 5 August 2020**

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Time: **10.30 am**

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Place: **Online only meeting**

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Notes: This meeting will be streamed live on the Herefordshire Council YouTube channel.

<https://www.youtube.com/HerefordshireCouncil>

A recording will be made available through the Council's website shortly after the meeting has concluded.

For any further information please contact:

**Tim Brown, Democratic Services Officer**

Tel: 01432 260239

Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.



# **Agenda for the meeting of the Planning 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.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 15 July 2020.</p>	11 - 20
5.	<p><b>CHAIRPERSON'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p><b>200299 - LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE</b></p> <p>Proposed erection of two dwelling houses with shared vehicle access.</p>	21 - 42
7.	<p><b>200755 - LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE</b></p> <p>Proposed attenuation pond as part of the proposed surface water management strategy for extent planning permission ref 163707 for 15 houses on adjoining land.</p>	43 - 70
8.	<p><b>193665 AND 193666 - ST MICHAELS CHURCH, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE</b></p> <p>Change of use from a place of worship to community space including artisan bakery, cafe and social space with occasional worship. Proposed various internal works including mezzanine &amp; installation of an artisan bakery and change of use to the vestry and nave. To include all associated works and new services connections.</p>	71 - 92
9.	<p><b>DATE OF NEXT MEETING</b></p> <p>Date of next meeting – 26 August 2020</p>	

## The Public's Rights to Information and Attendance at Meetings

Herefordshire Council is currently conducting its public committees, including the Planning and Regulatory Committee, as "virtual" meetings. These meetings will be video streamed live on the internet and a video recording maintained on the council's website after the meeting. This is in response to a recent change in legislation as a result of COVID-19. This arrangement will be adopted while public health emergency measures including, for example, social distancing, remain in place.

Meetings will be streamed live on the Herefordshire Council YouTube Channel at

<https://www.youtube.com/HerefordshireCouncil>

The recording of the meeting will be available shortly after the meeting has concluded through the Planning and Regulatory Committee meeting page on the council's web-site.

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=264&Year=0>

### **YOU HAVE A RIGHT TO: -**

- Observe all "virtual" Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- 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.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.



### 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 Foxtan	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?**

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may 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. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (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 Council's Constitution provides that 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 (see note below)



- 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.

*(Note: The public speaking provisions have been modified to reflect the "virtual" meeting format the Council has adopted in response to a recent change in legislation as a result of COVID-19. Those registered to speak in accordance with the public speaking procedure are able to participate in the following ways:*

- *by making a written submission*
- *by submitting an audio recording*
- *by submitting a video recording*
- *by speaking as a virtual attendee.)*

#### **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 in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

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 as online only meeting on Wednesday 15 July 2020 at 10.30 am**

**Present:** Councillor John Hardwick (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and Yolande Watson

**In attendance:** Councillor Jennie Hewitt

### **129. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor James.

### **130. NAMED SUBSTITUTES**

None.

### **131. DECLARATIONS OF INTEREST**

None.

### **132. MINUTES**

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

### **133. CHAIRPERSON'S ANNOUNCEMENTS**

None.

### **134. 191449 - NEW HOUSE, CUSOP, HAY-ON-WYE, HR3 5TG**

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

The update proposed an amendment to condition 4 as it was set out in the report

In accordance with the criteria for public speaking for virtual meetings, Cusop Parish Council had submitted a written submission in objection to the application. This was read to the meeting by the legal adviser to the Committee. Mr M Wordley, a local resident, spoke in opposition to the scheme as a virtual attendee. Mr B Rose, the applicant, had submitted a written submission in support of the scheme. This was read to the meeting by the legal adviser to the Committee.

In accordance with the Council's Constitution, the local ward member, Councillor Jennie Hewitt, spoke on the application. She opposed the application. In summary she considered that it would cause significant harm to biodiversity contrary to the National Planning Policy Framework and should therefore be refused.

The Committee discussed the application.

It was proposed that in addition to the amendment to condition 4 referred to in the committee update a condition should be added in relation to planting.

The Lead Development Manager commented on the principal aspects of the application. He considered the application was compliant with the Neighbourhood Development Plan.

The local ward member was given the opportunity to close the debate. She reiterated her objection to the scheme suggesting that the submission of an application more sensitive to the setting could be considered.

**RESOLVED: That planning permission be granted subject to the following conditions, including an amended condition 4 in the report (as amended below) and an additional condition relating to planting, and any 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. **No external surface of the shepherds hut hereby approved shall be of a colour and finish other than one which has previously been approved in writing by the local planning authority for that purpose.**

**Reason: To conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and to clarify the terms of the permission and minimise visual intrusion.**

4. **All foul water shall discharge through connection to the proposed package treatment plant and onsite soakaway; and any additional surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.**

5. **The translocated length of hedgerow and all new planting shall be gapped up, dead plants replaced like for like and the planting managed and maintained in line with all best practice guidance for a minimum of 10 years from completion of works and planting on the site – unless otherwise approved in writing by the Local Planning Authority.**

**Reason: To conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and to clarify the terms of the permission and minimise visual intrusion.**

6. **No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5**

years from the date of first use of the shepherds hut, other than in accordance with the approved plans and particulars.

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

7. CAB - Visibility Splays : - 2m x 48m eastbound, 2m x 49.6m westbound
8. CAD - Access gates
9. CAE - Vehicular access construction
10. CAH - Driveway gradient
11. CAI - Parking
12. CAT - Construction Management Plan
13. CB2 - Secure covered cycle parking provision
14. C81 Use as holiday accommodation
15. Within six months of any of the shepherds hut hereby permitted becoming redundant, inoperative or permanently unused, it and all associated infrastructure shall be removed and the land reinstated to its former condition.

Reason: To conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and to clarify the terms of the permission and minimise visual intrusion.

16. C64 - Restriction on separate sale (from New House)
17. Details of any external lighting proposed to illuminate the shepherds hut shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and biodiversity and to comply with Policies SD1 and LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

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

3. **I05 – No drainage to discharge to highway**
4. **I47 – Drainage other than via highway system**
5. **I35 – Highways Design Guide and Specification**
6. **The applicant’s attention is drawn to the following comments provided by the Council’s Environmental Health Service Manager (Water Quality):**

**The proposed development plans to use an existing spring water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 will apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.**

**If the supply is to be used for shared or commercial purposes including renting, the Private Water Supplies (England) Regulations 2016 specify that the water supply cannot be used until it has been risk assessed by the local authority’s private water supplies team (01432 261761) and found compliant.**

**Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.**

7. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. Any external lighting shouldn’t illuminate any ‘natural’ boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).**

*(The meeting adjourned between 10.45 and 10.55 am)*

**135. 200680 - THE HAY MEADOW, PRESTON WYNNE, HEREFORD, HR1 3PE**

*(Councillor Paul Andrews 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.

He added that it had come to light that there was reference to the site on the Herefordshire Historic Environment Record. However, there were no designated heritage assets in the vicinity of the application. The application would not have a detrimental impact on the character or appearance of the landscape. The application

was in accordance with policy LD 4 of the Core Strategy and the Neighbourhood Development Plan.

In accordance with the criteria for public speaking for virtual meetings, Withington Group Parish Council had submitted a written submission in objection to the application. This was read to the meeting by the legal adviser to the Committee. Mr F O'Neill, a local resident, had submitted a written submission in objection to the application on behalf of himself and other residents. This was read to the meeting by the legal adviser to the Committee. Mr E Thomas, the applicant's agent, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Paul Andrews, spoke on the application. He opposed the application, requesting a deferral and a site visit.

The Committee discussed the application.

The Lead Development Manager highlighted that the applicant could construct a similar building within the curtilage of the property without seeking planning permission.

The local ward member was given the opportunity to close the debate. He reiterated his objection to the application and support for a deferral and a site visit

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

**136. 201209 - 3 AVOCET ROAD, HOLMER, HEREFORD, HR4 9WA**

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Millmore, spoke on the application. He reported that there had been no objections to the application and he supported its approval.

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

1. **CO1 – Time limit for commencement (full permission)**
2. **CO6 – Development in accordance with the approved plans (drawings 14B, 13B, 11C and 12C)**
3. **CBK - Restriction of hours during construction**
4. **The garage conversion shall be used solely for purposes incidental to the enjoyment of the dwelling house and not as a separate unit of accommodation**

**Reason: To ensure that the development is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**137. DATE OF NEXT MEETING**

Noted.

## **Appendix - Schedule of Updates**

The meeting ended at 12.50 pm

**Chairperson**



# **PLANNING AND REGULATORY COMMITTEE**

**Date: 15 July 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

**191449 - SITING OF SHEPHERD HUT TO PROVIDE TOURIST ACCOMMODATION INCLUDING CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED LANDSCAPING WORKS AT NEW HOUSE, CUSOP, HAY-ON-WYE, HR3 5TG**

**For: Mr Rose per Mr Barry Rose, New House, Hay-on-Wye, Hereford, Herefordshire HR3 5TG**

### ADDITIONAL REPRESENTATIONS

On the 14<sup>th</sup> July the following additional comment was submitted by Cusop Parish Council in response to the Officer's Committee Report.

*I wish to express concern about the failure of the planning officer's report to address and apply the relevant policy of the Cusop NDP to this application.*

*The policy in question is Policy 11(c) which, outside the settlement boundary, permits employment-generating activities "such as farming or some types of tourism that can function effectively only if based within the countryside." The word "only" is the critical qualifier here. The policy was worded in this way specifically to limit development in remote countryside, such as the site of this application, to activities that needed to be there. Otherwise development was expected to be within the settlement boundary unless it re-used a redundant building in accordance with Core Strategy Policy RA5 or was a small-scale extension of an existing business.*

*The text of the NDP provides the thinking behind this policy:*

*30. Where growing local businesses need dedicated employment land, existing and prospective employment land in Cusop and Hay should meet this need and developers will be guided towards this land. While some businesses may prefer to be located in the countryside, most can be based satisfactorily within existing settlements.*

*31. Nevertheless there are land-based businesses, mainly farming and some tourism enterprises, that need to be based in the countryside and these enterprises are important: as well as providing direct and indirect employment, they help maintain a landscape that is highly valued by residents and visitors. It is another priority of the Plan to enable such business to grow and diversify, while protecting the most sensitive locations from negative impact.*

*The officer's report (para. 6.10) notes the existence of NDP Policy 11, but completely omits to address whether the application actually meets this policy. Then (in para 6.13) the report concludes that "appreciating that both the NDP and CS, as well as National guidance, encourage small scale tourist accommodation, the proposal is found to be acceptable in principle." As far as the NDP is concerned this is inaccurate: the NDP does not identify accommodation separately from tourist development generally, but it does subject such development, accommodation or otherwise, to the qualification of functional need.*

*The report notes that the application is compatible with Core Strategy E4, but this is not a green light for the application unless it is also compliant with the NDP. Even if officers judged that there was a conflict with the Core Strategy, it would have to be resolved in favour of the Cusop NDP which is the more recent document to be adopted. In any event the NDP was*

examined in 2017 and found to be in general conformity with both national policy and the Core Strategy.

*So the question is: is the proposed shepherd's hut an activity that "can function effectively only if based within the countryside"? Our view is that it is not. Activities such as pony-trekking centres or bothies for long-distance walkers which by their nature need to be in the countryside are the sort of development that would qualify under this policy. Not accommodation for car-borne visitors which can equally well be located within the settlement or re-use existing buildings; and especially not accommodation in remote upland at the end of a narrow road up a steep hill with hairpin bends.*

*The report (para 6.11) also brushes aside the opportunity that consent would create for further development. One shepherd's hut is a poor return for the works proposed in this application, so it is likely that the applicant will return for more (indeed, the original application was for two huts). If the principle of development is established, what case could there be against two? And if two were permitted, what about three? or four?*

## **OFFICER COMMENTS**

The comments reference Policy 11(c) of the Cusop NDP but quote Policy 11(b), for reference the entire policy is included below.

*Employment-generating proposals will be permitted outside the Settlement Boundary only where they:*

- (a) re-use existing redundant buildings in accordance with Core Strategy Policy RA5, or*
- (b) are activities such as farming or some types of tourism that can function effectively only if based within the countryside, or*
- (c) are small-scale extensions or diversifications of existing businesses at their existing locations.*

*In the case of proposals that would have a significant effect on any of Cusop's Locally Distinctive Assets (Policies 12, 13, and 14), their impact will be considered exceptionally carefully and applicants will be expected to provide evidence of why the proposal cannot be located elsewhere.*

The Officer's Committee Report addresses Policy 11 at 6.3 and 6.4 before returning to it at 6.10.

Policy 11 of the NDP sets out exceptions to the locational strategy of employment provision, included as an exception at (b) is: '*some types of tourism that can function effectively only if based within the countryside*'. This does not preclude small scale tourist accommodation and neither does the preamble to the policy at paragraph 31 of the NDP. The wording of the policy seeks to segment the tourism industry into activities that could operate within the settlement and those that could not. As such it is reasonable to segment tourist accommodation by those that could and could not operate in the settlement. While it is acknowledged that some tourist accommodation could operate effectively within the settlement, this is not the case for all types of tourist accommodation. It is peripherally relevant that Policy E4 of the Core Strategy seeks to delineate the appropriateness of rural tourist accommodation based on scale.

It is considered that the specific nature of the current scheme is to operate a small scale countryside business that would not be suitable within a built up area. As such it remains Officer's assessment that the proposal does comply with Policy 11 of the NDP by meeting exception criteria (b), set out above.

A second issue was again raised in the comments, which relates to the setting of a precedent if the scheme is approved. As stated in the Officer's Committee Report, see paragraph 6.11, the application must be assessed on its own merits and does not propose further development. If future applications were submitted these would similarly have to be assessed on their own merits and against the policies relevant at the time.

#### **AMENDEMENT TO RECOMMENDED CONDITION 4**

It has come to Officer's attention that the recommended Condition 4 does not reflect the most up to date proposal and instead refers to the use of the existing septic tank. However, the proposal is now to install a new package treatment plant for the shepherd's hut. The revised recommended condition 4 is:

*All foul water shall discharge through connection to the proposed package treatment plant and onsite soakaway; and any additional surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.*

#### **NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 August 2020</b>
<b>TITLE OF REPORT:</b>	<b>200299 - PROPOSED ERECTION OF TWO DWELLING HOUSES WITH SHARED VEHICLE ACCESS AT LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE</b>  <b>For: Mr Lewis per Mr DF Baume, Studio 2, Thorn Office Centre, Rotherwas, Hereford, HR2 6JT</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200299&amp;search-term=200299">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200299&amp;search-term=200299</a>

**Reason Application submitted to Committee – Redirection**

**Date Received: 31 January 2020      Ward: Stoney Street      Grid Ref: 345180,237113**

**Expiry Date: 27 March 2020**

Local Member: Councillor David Hitchiner

## 1. Site Description and Proposal

- 1.1 The application site lies within the Parish of Clehonger on the unregistered 73412, named Poplar Road, which runs out of Clehonger to the East before turning South towards Cobhall Common. The site is located on the North Eastern side of the carriageway between the existing dwelling, Garnom, and the private access drive for Birch Hill House.
- 1.2 The site is currently part of the extended curtilage of Garnom and is laid to grass. The topography of the site slopes up to the highest point in the southern site corner at the junction of Birch Hill House's access onto the Poplar Road.
- 1.3 The proposal is for full planning permission for the erection of two dwellings, one detached two storey dwelling with 4 bedrooms and detached double garage and one detached bungalow with 3 bedrooms. Included in the proposal is a new access onto the Poplar Road, approximately midway along the southern western site boundary. A section of hedgerow is proposed to be removed with another section to be translocated behind the visibility splays.
- 1.4 The proposal includes a detailed landscape plan that illustrates a newly proposed hedge on the north eastern site boundary and a range of proposed trees across the site and site boundaries.

## 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

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- 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

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

## 2.2 **Cleghonger Neighbourhood Development Plan (under examination)**

- Policy C1 - Sustainable development
- Policy C2 - Settlement boundary
- Policy C3 - Housing mix
- Policy C4 - Natural environment
- Policy C5 - Historic environment
- Policy C6 - Design

[https://www.herefordshire.gov.uk/directory\\_record/3044/cleghonger\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3044/cleghonger_neighbourhood_development_plan)

The NDP has passed through Regulation 16 consultation and is awaiting Examination. The document as a whole can therefore be afforded moderate weight. However given the level of unresolved objections to the settlement boundary policy (C2) it is considered that this aspect can only be afforded limited 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 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

## 3. **Planning History**

- 3.1 SH830474PF – Extension to dwelling - 05-Jul-1983 - Approved

## 4. **Consultation Summary**

### Statutory Consultations

#### 4.1 **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.

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

### Internal Council Consultations

#### 4.2 **Area Engineer (Highways) – No objection**

No objections to the proposed.

CAB - Visibility Splays 2.4m x 25.7m southbound and 2.4 x 26.8m Northbound.

CAD - Access gates 5m

CAE - Vehicular access construction

CAH - Driveway gradient

CAI - Parking – single/shared private drives

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

#### 4.3 **Principal Natural Environment Officer (Trees) – No objection**

Having viewed the plans, tree report and proposed landscape plan I can confirm that I don't have an objection to the proposed erection of two dwellings.

As stated in the Arboricultural Impact Assessment the only trees on the site are a row of early mature Silver birch located on the western boundary. I am inclined to agree that they are of a low quality but they do act as an effective screen for the adjacent property.

This proposed development provides sufficient space and protective measures to ensure the trees will be retained and protected during development.

The landscape plan contains a range of native species of varying sizes that will provide mitigation for the loss of the section of hedgerow required to facilitate access and vision splays.

Conditions

Trees & Planting In accordance with plans

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

Tree & Hedgerow Survey & Arboricultural Impact Assessment – Macklay Davies Associates Limited, Proposed Planting Plan - Macklay Davies Associates Limited

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

CKA – Retention of Existing Trees (5yrs)

#### 4.4 **Principal Natural Environment Officer (Ecology) – No objection**

The site is within the River Wye SAC and a Habitat Regulation Assessment process is triggered. The appropriate assessment completed by the LPA is subject to consultation with Natural England prior to any grant of planning consent.

The applicant has confirmed that foul water will be managed by plot specific private treatment plants with associated soakaway outfall drainage fields. This is supported by appropriate ground and percolation testing.

All surface water can be managed through on site sustainable drainage-infiltration systems.

The schemes can be secured by condition on any consent granted.

##### 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 within each specific plot; and all surface water shall discharge to appropriate SuDS - 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 report with recommendations for appropriate mitigation measures and biodiversity net gain enhancements is noted and should be secured for implementation in full by a relevant condition.

##### 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 HEC dated November 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 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

#### 4.5 **Land Drainage – No objection**

**31<sup>st</sup> March 2020**

##### Surface Water Drainage

The Applicant has provided a surface water drainage strategy showing how surface water from the proposed development will be managed.

Soakaway testing has been completed using the Building Regulations test. The Drainage Strategy refers to this testing which has been completed by Wye Environmental Services. We request that the original survey sheets are presented to the Council.

The reported Vp value is 47 mm/s. The applicant has cited an equation in the Building Regulations that has been used to convert this Vp value to an infiltration rate.



Following a first principles review of the fore-mentioned equation we note that there is a factor of three within the equation that is used to inflate the permeability figure. The Building Regulations pre-date the BRE 365 guidance that is referred to in the SuDS Manual. We consider that the use of this equation is not consistent with the modern approach to SuDS design. There is no survey data relating to groundwater levels.

Regardless of the survey data used to support the design, the strategy demonstrates that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

#### Foul Water Drainage

We note that the adjacent site 142443 featured the use of a drainage field. The attached plan was issued at the time of the application, this shows a drainage field on the site of the proposed new houses.

We request that the applicant advises how the foul drainage system for 142443 will continue to function if the development proceeds.

There is a foul sewer close to the site. In accordance with Environment Agency guidance, the applicant should consider making a connection to the existing sewerage system in preference to utilising drainage fields.

The Applicant has undertaken percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal). There is however no survey data relating to groundwater levels.

We note that the drainage field has been designed in accordance with the Binding Rules, however we note that the field should be no closer than 3m from the highway.

#### Overall Comment

Prior to granting permission we await the provision of soakaway test results to BRE 355 and a test pit needs to be dug to establish the groundwater level.

The applicant should advise how the soakaway field for site 142443 operates and how this may be impacted by the proposed development. Subject to receipt of this information we consider that a joined up foul drainage strategy between the adjacent sites may be required.

#### **Commented further on the 3<sup>rd</sup> April 2020**

We have reviewed the drawing 06 1-200 Site Plan and now appreciate that the soakaways were designed adequately and installed adjacent to the existing properties.

We also note comments regarding the low level of groundwater in the email thread below.

We consider that there is sufficient evidence to demonstrate that the foul and surface water drainage strategies will be acceptable. A condition will however need to be included requesting soakaway testing to BRE 365 to support the surface water drainage strategy. We respect the comments regarding the sequence of approvals for the SuDS Manual and the Building Regulations documentation, however we wish to highlight that the panel members who jointly contributed to the SuDS Manual would have been aware of the formula within the Building Regulations and have chosen to omit it from the SuDS Manual.

#### 4.6 **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.

### 5. **Representations**

#### 5.1 **Clehonger Parish Council – Objection**

The Clehonger Parish Council has discussed the application and wish to OBJECT to the proposals for the following reasons:

- 1) The site is outside of the settlement boundary as identified in the emerging Neighbourhood Development Plan for Clehonger which has just passed Regulation 16.
- 2) There are concerns about the access to the site and visibility splays at the location are extremely compromised with blind corners and poor visibility.
- 3) Overcrowding of the site with consequent detriment to the enjoyment of existing properties on what is a tiny rural lane.
- 4) Loss of amenity value. The views from the top of Birch Hill are stunning and are enjoyed by the community. The building of the proposed properties will result in the loss of this viewpoint.

#### 5.2 **Allensmore Parish Council (adjacent Parish) - Objection**

Whilst this application is not in the parish of Allensmore, it is very close to the parish boundary.

Allensmore Parish Council objects to the proposal principally on the grounds that it believes the site is not appropriate for development for the following reasons:

Firstly, it is outside the settlement boundary as proposed by the Clehonger NDP which is currently undergoing examination and therefore has moderate weight. As is made clear in para 4.10 of the NDP, land outside the settlement boundary is defined as countryside and treated as such in planning terms.

Secondly, access to this site is from a very narrow lane, close to a blind bend on the brow of the hill. The additional traffic movements will exacerbate an already dangerous situation. Thirdly, it would have a detrimental impact on the amenity of the area. From this point there are remarkable views of the village and surrounding hills which are enjoyed by people in the area and would be eliminated if this proposal were to proceed. This view is specifically identified and protected by policy C4, item 3B in the NDP.

Lastly, the site is on an elevated position on the edge of the village, the large, two storey house, in particular, would dominate the skyline.

#### 5.3 To date a total of 18 objecting responses have been received from 12 households, with 9 supporting responses from 9 households. The comments therein are summarised below:

##### Objecting comments

- Local oversupply of dwellings
- Highways concerns, narrow lane, poor surface and topography
- Scale and design of the dwellings
- Landscape impact and loss of wider views from Birch Hill
- Potential commercial use of garage
- Carbon footprint

- Impact on amenity
- Outside of settlement boundary
- Heritage impact on historic field pattern and wider views
- Impact on ecology and habitats – numerous species present on the site
- Drainage and flooding
- Disruption due to construction
- Length of site notice
- Loss of hedgerow
- Erection of fence

#### Supporting comments

- Provision of housing for a range of people
- Site level, below the road
- Adequate visibility
- Good design
- Long standing residents
- Biodiversity enhancements
- Employment of local trades and businesses
- For family member
- Away from flood plain
- Access to school and local services

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=200299&search-term=200299](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200299&search-term=200299)

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). It is also noted that the site falls within the Clehonger Neighbourhood Area, where the draft Neighbourhood Development Plan (dCNDP) is under examination following Regulation 16 consultation ending on the 20 February 2020.

- 6.3 At this juncture, to evaluate the weight that can be afforded to the dCNDP in the determination of this application, it is necessary to apply the criteria set out in paragraph 48 of the NPPF. These criteria are:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking the criteria in turn:

- a) The dCNDP has not yet undergone independent examination but has passed through Regulation 16 Consultation.
- b) There remain unresolved objections to the proposed plan including a specific objection to the settlement boundary excluding the application site.
- c) The plans has not been independently examined to determine whether the Basic Conditions have been met.

6.4 Given the above the dCNDP as a whole can be attributed moderate weight, as it has undergone the Regulation 16 consultation process but has not passed through independent examination. However, given the unresolved objections to the settlement boundary (Policy C2), specific to this application site, this policy can only be attributed limited weight in the context of this specific proposal. This has been confirmed by the Neighbourhood Planning Manager.

### *Principle of Development*

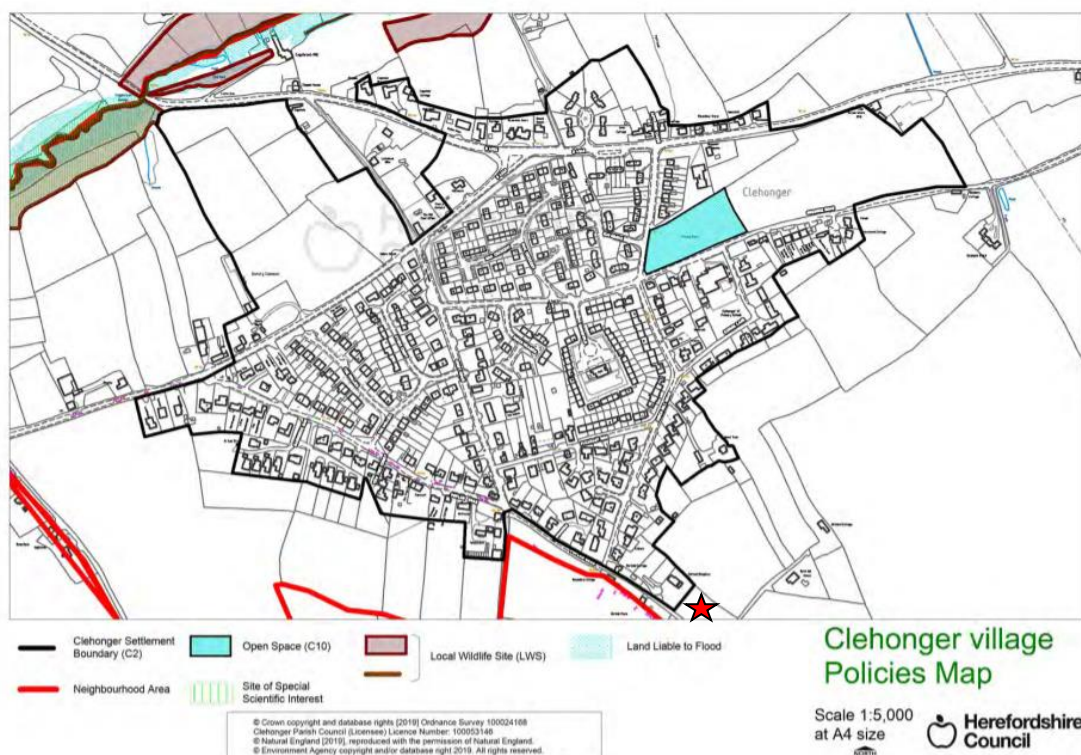
6.5 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances where the policies most important for determining an application are considered to be out of date, permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such this tilted balance in favour of development is adopted as directed by paragraph 11(d)(ii) of the NPPF.

6.6 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Clehonger is a settlement so defined by figure 4.14.

6.7 It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore considered that Policies RA1 and RA2 of the CS continue to attract significant weight in the decision making process despite being considered out of date.

6.8 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above, at this stage the NDP policies relevant to the provision of housing for Clehonger can only be afforded limited weight.

6.9 With the foregoing paragraph in mind, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the red star with the black line of the settlement boundary contained at policy C2 of the dCNDP.



- 6.10 The application site lies to the South East of a string of ribbon development, to which Garnom currently represents the last dwelling and would form a further extension to this linear development pattern. While the site lies outside of the settlement boundary it is abutting it at the boundary shared with Garnom. Given the site lies at the southern edge, outside of the identified settlement, it is not considered to be a part of the main built form. However, it is considered to lie adjacent to the main built form of the settlement and would form a natural extension of it.
- 6.11 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport, beyond that of a private motor vehicle. There is no pedestrian link into Clehonger from the site and so residents would need to walk on the road to access the village on foot. Poplar Road is narrow and unlit which would discourage future residents from utilising this route, however, it is a relatively quiet local road and does not form a common route out of the village. Nevertheless, in common with existing dwellings in the locality, it is possible to walk to Clehonger from the site to access the services and amenities provided, including public transport. Bus routes are available from the nearby Gosmore Road stops to Hereford, Brecon, Hay-on-Wye and Madley.
- 6.12 When having regard to the aforementioned policy provisions relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS policy RA2. The principle of residential development is therefore considered broadly acceptable, in line with the development plan and the sustainability of the location will feed into the overall balance.
- 6.13 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.

### *Landscape*

- 6.14 The impact of the proposed development and layout upon the landscape character is to be primarily assessed against CS policy LD1, which seeks to ensure development proposals

demonstrate how the character of the landscape and townscape has positively influenced the nature and site selection of the proposal. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity. These aims are broadly reflected in dCNDP policy C4. Paragraph 127 of the NPPF reinforces this further by stating that development should be sympathetic to local character including the landscape setting.

- 6.15 Policy C4 contained within the dCNDP, which is attributed moderate weight, states that development proposals should protect, conserve and where possible enhance the natural environment of Clehonger. The policy then goes on to detail how proposals should achieve this aim which includes:

*3. respecting the prevailing landscape character, as defined in the County Landscape Character Assessment, and protect the following public views (see illustrative photographs overleaf):*

*A. views looking south from Ruckhall Lane, including of Old Clehonger and Belmont Abbey; and*

*B. view looking north from Birch Hill Road towards hills on the other side of the River Wye; and*

*C: view looking west from Clehonger bridleway 16 opposite Bowling Green Farm to Hay Bluff in the distance; and*

*4. promoting the conservation, restoration and enhancement of other sites and features of landscape value and biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, Local Wildlife Sites, irreplaceable habitats such as ancient woodland and veteran trees, hedgerows, ponds and watercourses, and historic field boundaries; and*

*5. maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure.*

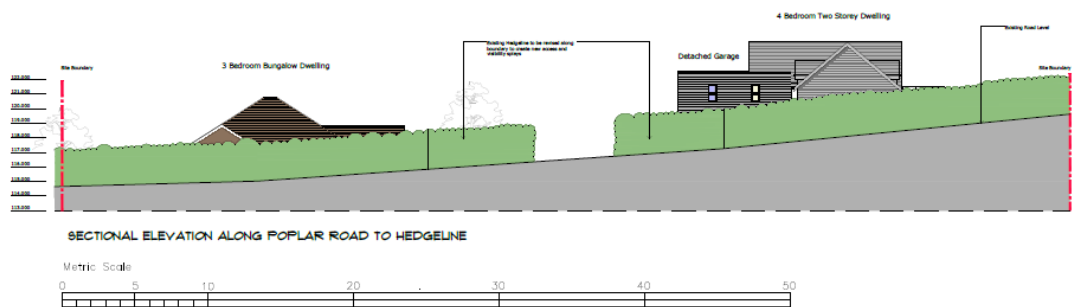
- 6.16 The application site has the potential to disrupt view 3B (looking north from Birch Hill Road towards hills on the other side of the River Wye). Policy C4 seeks to protect this view and ensure development respects the prevailing landscape character. This is a long range view from Birch Hill, adjacent to the application site, across most of the settlement of Clehonger. The photo used to illustrate this public view was taken from the southern boundary of the application site and is included overleaf:



Photo taken from the dCNDP in reference to Policy C4, 3B.

- 6.17 The proposed bungalow aligns with the scale of dwellings seen at Garnom and the recently constructed 3no. dormer bungalows to the North West of Garnom (reference P142443/O and P160645/RM). This dwelling will not affect the wider landscape views from or to Birch Hill, given the positioning and height of the dwelling. The proposed two storey dwelling is on the Southern half of the site, which is elevated above the rest of the site. As such there will be an impact upon the views from Birch Hill North across Clehonger, which are sought to be protected via policy C4 contained within the dCNDP.
- 6.18 The extract from the proposed plans overleaf illustrates the height of the two proposed dwellings taking into account the site topography and existing roadside hedge:





- 6.19 While the two storey dwelling is visible above the existing hedge there is proposed planting which will help to further screen the dwelling from wider landscape views. The modest scale of the two storey dwelling also seeks to limit the disruption to the protected view.
- 6.20 Therefore, given the public view from Birch Hill will be disrupted by the erection of the two storey dwelling on the southern portion of this site, despite the mitigating factors identified in regards to scale and landscaping, there is an identified tension with Policy C4 of the dCNDP, which is attributed moderate weight.
- 6.21 In regards to the more general provisions of CS policy LD1 the application site is formed of a parcel of land that is contained to the North West by existing residential development and to the South East by the private residential access of a neighbouring property. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside.
- 6.22 The site layout is responsive to the decreasing density of development on the southern edge of Clehonger, as seen along Poplar Road. In this vein the proposal is considered to demonstrate that the character of the landscape and townscape has positively influenced the design, scale and nature of the proposal.
- 6.23 The application proposes a range of landscaping on the site to help mitigate any harm and integrate the proposed dwellings with the wider setting and increase the level of tree cover. This includes the retention of the existing boundary trees at Garnom, a range of new trees planted along the NE, SE and SW boundaries as well as the proposed internal boundary between the dwellings. The tree planting includes Field Maple, Crab Apple, Oak, Damson, Cherry, and Callery Pear. The details of the planting scheme have been reviewed by the Council's Tree specialist who was satisfied with the range and mix of trees proposed.



- 6.24 The loss of a section of hedgerow and relocation of another section will adversely affect the character of Poplar Road, which is a narrow hedge lined lane. However, the section to be removed is small and the proposed planting, referenced above, will help to mitigate this loss to an acceptable degree.
- 6.25 Overall the proposal is considered to be positively influenced by the landscape and townscape and increases the tree cover locally. However, there remains an adverse landscape impact associated with the disruption of a protected public view identified in the emerging dCNDP. As such there is a conflict with Policy C4, which is attributed moderate weight. No conflict has been identified with the more general provisions of CS Policy LD1 as a result of the scale of the dwellings, site layout and proposed landscaping.

### *Design and Amenity*

- 6.26 CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard the amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.
- 6.27 This is supported by Policy C6 within the dCNDP which seeks to maintain and enhance the local distinctiveness of Clehonger by ensuring development respects and responds positively to the character of adjoining development with regards to siting, scale, height, massing, detailing, materials and means of enclosure.
- 6.28 The design of the proposed bungalow is simple in form. The result is an unobtrusive dwelling that retains some similarities to the surrounding built form by way of the proposed scale, massing, positioning on the site and materials, namely the proposed facing brickwork and timber clad exterior. The design of this dwelling while not distinctive does not conflict with the guidance of the either policy SD1 or C6.
- 6.29 The two storey dwelling has a more detailed design and incorporates additional architectural features such as dormer windows, a part glazed gable end and a roof terrace with glass balustrade. The dwelling is large for this area of the settlement and the massing is accentuated by the uniform ridge height. However, there is a range of proposed planting surrounding the dwelling which will help to assimilate it and the architectural interest of the aforementioned aspects will help to break up the visual impact of the design.
- 6.30 There is no uniform character to dwellings local to the application site but a large proportion utilises facing brickwork. As the development plan and the dCNDP seeks to control aspects of the design only by reinforcing local character and not through a prescriptive design guide there is some flexibility to the acceptable style and materials. Overall the proposed dwelling design is considered to align with the requirements of both CS SD1 and dCNDP C6.
- 6.31 The single storey nature of the 3 bedroom property, which is closest to the existing dwelling at Garnom, helps to avoid adverse impacts in regards to overshadowing, overlooking and overbearing to said property. Hill Top located to the south west of the application site, on the opposite side of Poplar Road is sufficiently separated by distance and intermittent planting along either side of the carriageway, which the proposed planting scheme will strengthen.

- 6.32 The two storey dwelling has been positioned to the southern side of the application site and is therefore well separated from the existing dwellings of Garnom and Hill Top. The window positioning is such that no windows are proposed in the South West elevation, facing Hill Top, thereby negating any privacy concerns, which again is further helped by the mature roadside boundary hedges and separation distance.
- 6.33 There will be a degree of overlooking within the application site from the North West elevation of the two storey dwelling down to the private amenity space of the bungalow. However, this is not severe due to the proposed boundary planting and separation distance of approximately 20m between the dwellings. In either event the caveat emptor principle is relevant here and the proposed scheme is not considered to propose an unacceptable level of amenity for future residents.

### *Highways*

- 6.34 The application proposes a single shared access in the approximate centre of the site, directly onto Poplar Road. Internal to the site there is a shared private driveway leading to gates for each dwelling, behind which there is parking and turning areas proposed. The larger 4 bedroom dwelling would also benefit from a detached double garage to the south west of the dwelling.
- 6.35 Policy MT1 of the CS seeks to ensure that developments, among other things, are sited, designed and laid out in a manner which ensures the safe and efficient flow of traffic, safe entrance and exit and have the appropriate operation manoeuvring space to accommodate all modes of transport.
- 6.36 Furthermore MT1 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).
- 6.37 The NDP does not have a policy specifically relating to highways and while policy C6 comments that arrangements for access should be made without undue local environmental impacts and include the provision for pedestrians, cyclists and powered disability vehicles.
- 6.38 The application is supported by a 7 day speed survey on Poplar Road which was used to inform the required visibility splays. The Local Highways Authority Area Engineer has reviewed the speed data and visibility splays and was satisfied that they met the requirements of the Core Strategy and NPPF.
- 6.39 Some local objections to the scheme have cited the narrow nature of Poplar Road as a potential hazard to creating a new access onto the lane. However, the applicant has demonstrated that the visibility splays are sufficient for the speed of vehicles travelling along the road. Furthermore a condition is recommended which secures the visibility splays prior to commencement, with the exception of site clearance which can be achieved via the existing access at Garnom.
- 6.40 The internal layout of the application site provides sufficient parking and manoeuvring space so as to ensure the impact on the local highway network is acceptable and in line with both the CS and NPPF.
- 6.41 Recommended conditions include the provision of secure and covered bicycle storage for both dwellings to ensure there is a genuine range of transport options available to future occupants. This is supplemented by the public transport available in Clehonger, as covered above. Further

conditions require the submission of the technical details of the access and driveway construction and drainage details. Finally a condition has been recommended for the submission of a construction management plan which includes parking for site operatives and wheel washing facilities. This will ensure safe access and parking is provided to minimise the impact on the local highways network.

- 6.42 The applicant has demonstrated that the proposed layout and access details align with the requirements of both the CS and NPPF and conditions secure the provision of cycle storage which aligns with not only the CS and NPPF but also C6 of the dCNDP.

#### *Ecology and Biodiversity*

- 6.43 The application is supported by a Phase 1 Ecological Survey which includes recommendations for appropriate mitigation and biodiversity net gain enhancements and an arboriculture impact assessment.
- 6.44 Policy LD2 covers the conservation, restoration and enhancement of biodiversity and geodiversity assets in Herefordshire. The policy states that development will not be permitted where it has potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features is also actively encouraged. Furthermore LD3 states that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.45 This is supported by Policy C4 within the dCNDP which states that proposals should avoid likely harm to the River Wye Special Area of Conservation (SAC) while promoting the conservation, restoration and enhancement of other sites and features of landscape value and biodiversity interest in accordance with their status. Furthermore C4 states that proposals should seek to achieve the following principles: 'maintaining, restoring and where possible enhancing the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure'.
- 6.46 The Ecology report found the application site to be generally of low ecological value, but identified moderate value in the associated hedge boundaries. It was concluded that the small field made a limited impact upon the local species populations. The recommendations included:
- Bats – Control of lighting during and post construction
  - Pre-construction badger walkover
  - Bird and bat boxes
  - Construction of habitat pile and insect hotel
- 6.47 The loss of hedgerow removes some wildlife connectivity however the range of enhancements and proposed planting on the site will sufficiently compensate for this loss.
- 6.48 The Council's Ecologist has reviewed the report and found the mitigation and biodiversity enhancements to be appropriate and relevant for the development and application site. The recommended conditions include securing these elements of the design.
- 6.49 The protection measures and separation distance of the development from the existing Silver Birch trees on the shared boundary with Garnom is considered sufficient to protect their long term viability. While they are noted to be of low quality they do provide effective screening of the site from the adjacent dwelling and vice versa.
- 6.50 In regards to the proposed development and its impact on the local ecology and biodiversity it has been considered by the technical consultants who have concluded that subject to conditions the proposal would have an acceptable impact and align with the requirements of in CS LD2 and LD3 as well as dCNDP C4.

### *Habitat Regulations Assessment*

- 6.51 The application site is located within the Cage Brook sub-catchment of the wider River Wye SAC and as such the Habitat Regulations Assessment (HRA) process applies to this proposal. The Council's Ecologist has reviewed the submitted proposal and undertaken the required Appropriate Assessment (AA) which concluded that there would be no likely effects upon the integrity of the River Wye SAC. The HRA AA was submitted to Natural England for review who returned a no objection response.

### *Flooding and Drainage*

- 6.52 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). Furthermore the Land Drainage Engineer has confirmed it is not at risk of surface water flooding.
- 6.53 Policy SD3 of the Core Strategy 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).
- 6.54 The surface water drainage strategy proposes the use of a soakaway system. This strategy was supported by soakaway testing and reviewed by the Council's Consultant Drainage Engineer. It was concluded that the strategy demonstrates that there is no increased risk of flooding to the site or downstream of the site. The soakaway testing undertaken in support of the size of the required soakaways was conducted to Building Regulations Standards and not the SuDs manual and as such a recommended condition will secure revised soakaway testing and calculations to determine the required size. However given the size of the application site there is no overriding concern in regards to the deliverability of this element of the scheme.
- 6.55 The foul drainage strategy proposed utilises individual package treatment plants for the two dwellings with final outfall to an on-site soakaways. This has been supported by infiltration testing. The Council's Consultant Drainage Engineer confirmed that the scheme aligns with CS SD4 and raised no concern on this element.

### *Conclusion and Planning Balance*

- 6.56 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.57 At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2.
- 6.58 Next it is necessary to turn to the material considerations, to ascertain if these indicate if a decision should be made other than in accordance with the Development Plan. The dCNDP is an important material consideration, and as set out before it can be afforded moderate weight, except for the

policies relevant for the provision of housing, namely C2 which can only be afforded limited weight due to the specific unresolved objection regarding the application site.

- 6.59 As identified earlier there is conflict with dCNDP Policy C4 because development of the site would affect protected view (3B). The location of the two storey dwelling is such that it would interrupt the protected view from Birch Hill across Clehonger to the hills on the other side of the River Wye. Policy C4 is attributed moderate weight.
- 6.60 The other key material consideration is the NPPF. As the application is for the supply of housing, specifically up to three dwellings, the current implications of the Local Planning Authority not being able to demonstrate a 5 year housing land supply, plus requisite buffer, as set out in the NPPF (footnote 7), must be considered. The current published position is a 4.05 year supply. At paragraph 11d the NPPF states that where policies which are most important for decision making are out-of-date, permission should be granted 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 proposed; 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.
- 6.61 Given the proposal is for housing the policies most important for determination of the appeal relate to housing. As per paragraph 11d, footnote 7, of the NPPF they must be considered as out of date by reason of the current housing land supply deficit. This does not mean that they attract no weight, but rather reduced weight that is determined by the decision maker. There is a requirement, over the plan period (2011-2031) to provide a minimum of 109 new dwellings in the Parish of Clehonger. As of April 1<sup>st</sup> 2019 those built and existing commitments amount to 188 dwellings. While, it is acknowledged the indicative housing growth target is a minimum threshold and not a maximum target the figures demonstrate there is no lack of local housing land supply. These figures demonstrate that the CS housing policies have achieved substantial growth in the first ten year period of the plan and significantly boosted the supply of housing in this part of the County.
- 6.62 Given 11(d)(i) does not apply to this application site and proposal it's necessary to apply the commonly referred to 'tilted' planning balance set out in paragraph 11(d)(ii). The tilted planning balance, is generally assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives. The proposal would positively contribute to the supply of housing at a time when at the county level the supply is not meeting targets and this would bring forward economic and social benefits. At the local level the minimum growth target has been well exceeded and there is local concern that such expansion would have a harmful impact on the community. There would be economic benefits during the construction phase to suppliers and trades and after occupation through increased expenditure of disposable incomes. The payment of the New Homes Bonus is also another benefit to take into account. There may be some social benefits as a result of increased residents in the village and support for local facilities. Further social benefits are noted as a result of the proposed bungalow which is an inclusive design. It is considered that these benefits of the scheme for 2 dwellings would only be moderate.
- 6.63 In terms of identified harm, there would be a degree of localised visual harm resulting from the creation of the access and construction of the dwellings, which would disrupt a view that is proposed to be protected via the emerging dCNDP. Furthermore the scheme conflicts with the emerging settlement boundary, which currently can only be attributed limited weight.
- 6.64 The scheme provides a range of enhancements to the local biodiversity through net gain enhancements and the proposed landscaping, so this does not weigh against the scheme in environmental terms. Furthermore there is a good range of services in Clehonger including a

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

school and local and long distance bus routes which would help to reduce reliance upon the private motor vehicle.

- 6.65 Bringing all of the above together whilst there is conflict with the dCNDP as the scheme would disrupt a view that is sought to be protected as part of the emerging plan, this can only be attributed moderate weight given its current stage. While there is a local oversupply of housing and the site lies outside of the emerging settlement boundary only limited weight can be attributed to this. The scheme is of a small scale and is considered proportionate to its surroundings and aligns with the requirements of the current development plan. The adverse effects identified are not sufficient to significantly or demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is therefore recommended that planning permission be granted subject to the below conditions.

## **RECOMMENDATION**

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

- 1. C01 - Time limit for commencement (full permission)**
- 2. C07 - Development in accordance with approved plans and materials**
  - **Proposed Site Plan 7501-11 and Site Sections and Street Scene 7501-12A dated 09.10.19**
  - **Proposed Garage 7501-15 dated 11.10.19**
  - **Proposed Dwelling – 3 Bed Bungalow 7501-02 dated 17.06.19**
  - **Proposed – 4 Bed Dwelling 7501-16A dated 03.12.2019**
  - **Proposed Planting Plan 20/732/03 dated January 2020**
  - **Site Access and Visibility Splays 21198-01 dated March 2020**
- 3. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**
  - **A method for ensuring mud is not deposited onto the Public Highway**
  - **Construction traffic access location**
  - **Parking for site operatives**
  - **Construction Traffic Management Plan**

**The development shall be carried out in accordance with the approved details for the duration of the construction of the development.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4. CAB - Visibility Splays - 2.4m x 25.7m southbound and 2.4 x 26.8m Northbound**
- 5. CB2 - Secure covered cycle parking provision**
- 6. CAE - Vehicular access construction**
- 7. CAH - Driveway gradient**

8. **CAI - Parking – single/shared private drives**
9. **No development approved by this permission shall be occupied until a scheme for the provision of a surface water attenuation system, supported by testing to BRE365, has been approved in writing by the local planning authority and subsequently implemented.**
- Reason: To prevent the increased risk of flooding and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
10. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**
- Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.**
11. **The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**
- Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
12. **No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the dwellings, other than in accordance with the approved plans and particulars.**
- Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
13. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**
- Tree & Hedgerow Survey & Arboricultural Impact Assessment – Macklay Davies Associates Limited, Proposed Planting Plan - Macklay Davies Associates Limited**
- Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
14. **CAD - Access gates - 5m**
15. **All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land within each specific plot; and all surface water shall discharge to appropriate SuDS - 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.**

16. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by HEC dated November 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 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

17. All planting, seeding or turf laying in the approved landscaping scheme (Proposed Planting Plan 20/732/03 dated January 2020) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

1. IP1 - Positive and proactive working reason 1
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: .....

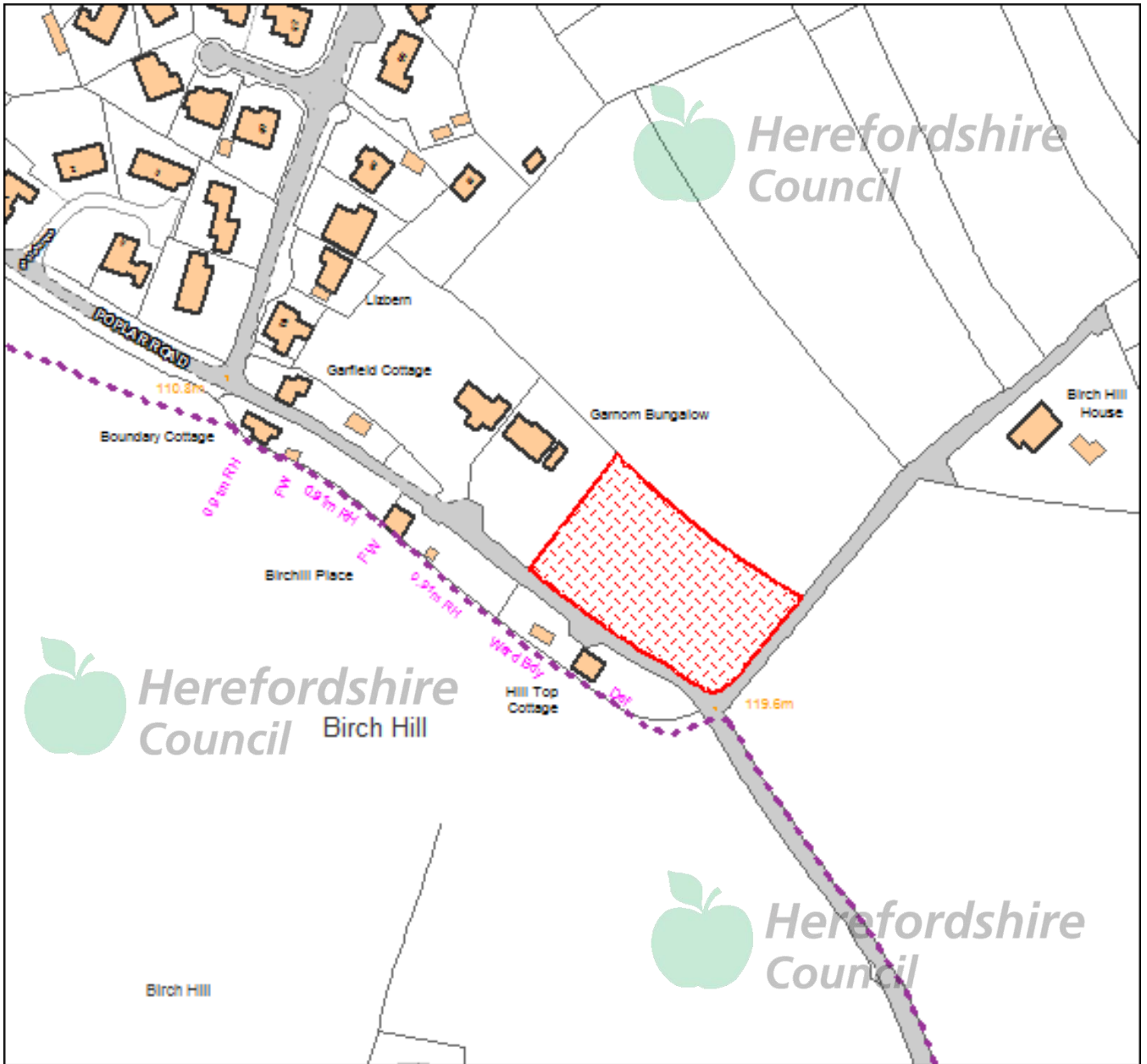
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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

**APPLICATION NO:** 200299

**SITE ADDRESS :** LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 AUGUST 2020</b>
<b>TITLE OF REPORT:</b>	<b>200755 - PROPOSED ATTENUATION POND AS PART OF THE PROPOSED SURFACE WATER MANAGEMENT STRATEGY FOR EXTENT PLANNING PERMISSION REF 163707 FOR 15 HOUSES ON ADJOINING LAND AT LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE</b>  <b>For: S C Hardwick &amp; Sons per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200755&amp;search-term=200755">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200755&amp;search-term=200755</a>
<b>Reason Application submitted to Committee – Member application</b>	

Date Received: 3 March 2020

Ward: Backbury

Grid Ref: 357470,234913

**Expiry Date: 15 July 2020**

Local Member: Councillor John Hardwick (Councillor Sebastian Bowen has fulfilled the local ward member's role for this application.)

## 1. Site Description and Proposal

- 1.1 The roughly rectangular 0.46 hectare site lies at the north-western gateway to the village, adjacent to a site (Mill Field) allocated for residential development in the Fownhope Neighbourhood Development Plan and which also has an extant full planning permission for residential development (15 dwellings in total: 10 open market and 5 affordable units) and associated works (reference 163707/F). It comprises approximately the lower third of the wider rectangular, arable field and extends some 100 metres north-westerly from the approved housing site. The site descends from approximately 56mAOD to 53mAOD alongside the B4224. There is an existing agricultural vehicular access into the field, from the B4224, which runs along its south-western boundary. A mature hedgerow demarks the roadside boundary, with heavily wooded slopes of the Woolhope Dome to the northeast, including Cherry Hill Wood (Site of Special Scientific Interest). The Grade II listed Mill House Farm complex lies to the south-west, approximately 54 metres from the site boundary.



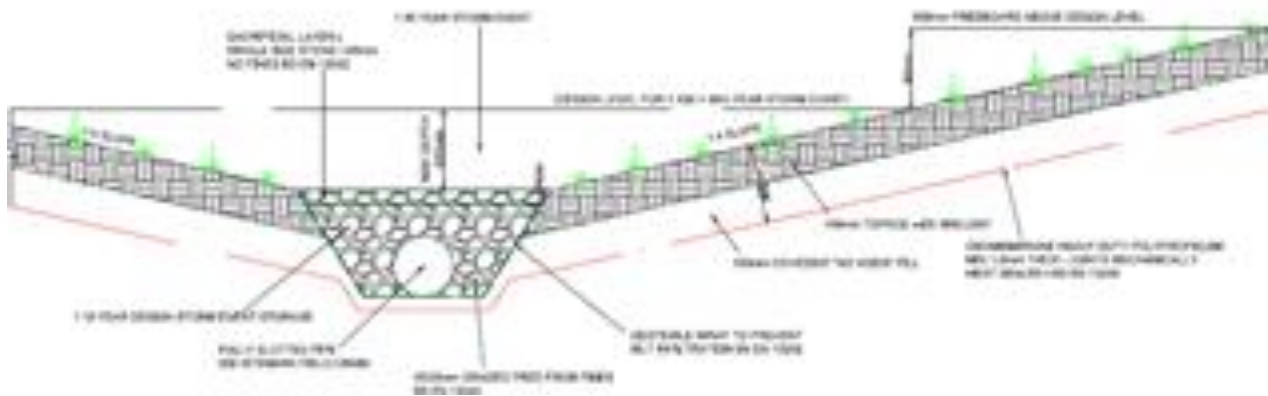
Extract from Location Plan (site outlined in red, extent of landownership in blue)

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

- 1.2 The site and wider settlement lie within the Wye Valley Area of Outstanding Natural Beauty (WVAONB). The site falls on the boundary of two Landscape Management Zones (LMZs): LMZ01 -Woolhope Dome and LMZ03 - Sollars Hope Ridges and Valleys as defined by the AONB's current Management Plan 2015 - 2020. The northwestern extent of the Fownhope Conservation Area lies some 90 metres distant, on the southeastern boundary of the allocated housing site (with extant permission 163707/F). Public footpath FWB9 runs parallel with roadside hedgerow within the site, before linking to FWB8 at a right angle which then continues in a northeasterly direction before taking a southeasterly alignment between numbers 13 and 14 Scotch Firs where it terminates at the turning head of the cul de sac.
- 1.3 Planning permission is sought for an attenuation pond with associated earthworks and drainage pipes, which would comprise part of the proposed surface water drainage for the extant residential development to the southeast. Initially soakaways on the housing site were proposed, but this solution has been demonstrated not to be feasible following infiltration test results. Due to land levels part of the entrance into the housing site would not drain into the proposed attenuation pond and instead a connection to the highway drain is proposed. The pond is also proposed to accommodate existing land drainage.
- 1.4 Amended plans and a surface water management strategy have been provided. These show a pond sited parallel with the roadside hedgerow, designed as a detention basin with underdrain, with a 1:4 slope either side. The proposed surface water drainage measures incorporate flow balancing facilities, to attenuate and store surface water runoff, comprising a detention basin with a filter drain underdrain (paragraph 2.22 Surface Water Drainage Strategy). This attenuated flow is proposed to connect to an existing drain on the opposite site of the B4224 and would include a flow control manhole restriction run of rates.



Extract of Drainage Plan (with extant housing development layout shown)



Extract of Dry Basin Cross Section

1.5 The application was initially supported by a Surface Water Drainage Strategy, which has been revised and later supplemented by the applicant's drainage consultant's response to the Land Drainage comments and an amended drawing including the approved housing, orchard planting and identifying Welsh Water's operational (but not non-operational) watermain and required 3 metre easement.

## 2. Policies

2.1 The Development Plan comprises the Herefordshire Local Plan - Core Strategy (CS) and the Fownhope Neighbourhood Development Plan (FNDP) – which was made on 22 July 2016.

2.2 The relevant CS policies are:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Ensuring Sufficient Housing Land Delivery
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- RA1 - Rural Housing Distribution
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.3 The relevant FNDP policies are:

- FW1 - Sustainable Development
- FW2 - Safeguarding The Wye Valley Area of Outstanding Natural Beauty
- FW3 - Flooding
- FW4 - Sewage Treatment Works
- FW5 - Biodiversity
- FW6 - Countryside Access
- FW7 - Conservation of Fownhope's Historic Character

- FW9 - Housing Numbers
- FW27 - Highways & Infra-Structure

## 2.4 National Planning Policy Framework – 2019 (NPPF)

### Introduction

- Section 2 - Achieving Sustainable Development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 9 - Promoting Sustainable Transport
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and Enhancing the Natural Environment
- Section 16 - Conserving and Enhancing the Historic Environment

## 2.5 National Planning Practice Guidance

## 2.6 The CS 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 2.7 The FNDP policies can be viewed at:

[https://www.herefordshire.gov.uk/directory\\_record/3057/fownhope\\_neighbourhood\\_development\\_plan\\_made\\_22\\_july\\_2016](https://www.herefordshire.gov.uk/directory_record/3057/fownhope_neighbourhood_development_plan_made_22_july_2016)

## 3. Planning History

### 3.1 141828/F: Proposed residential development of 22 open market family homes and 11 affordable homes. Refused 11.2.2015 and dismissed on appeal 30.7.2015.

This application included the housing site allocated in the FNDP that now has an extant planning permission, the current application site and additional land to the northwest field parcel (site area of 4.61 hectares). At appeal the Inspector concluded the scheme represented major development within the Wye Valley AONB that would cause harm to the character and appearance of the designated landscape. In the absence of any material considerations of national significance, the appeal was dismissed.

### 3.2 163707/F - Proposed residential development of 10 open market family homes and 5 affordable homes. Granted 12.2.2018.

## 4. Consultation Summary

### Statutory Consultations

### 4.1 Natural England SUMMARY OF NATURAL ENGLAND'S ADVICE

#### 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.

Notwithstanding the above, your authority should be aware of a recent Ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17 ).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Natural England's advice on other natural environment issues is set out below.

#### Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

#### River Wye SSSI – No objection

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

#### Cherry Hill Wood SSSI- No objection

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

#### Other advice

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



## 4.2 Welsh Water

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

We have reviewed the information submitted as part of this application with particular focus on drawing number S649/02 which shows the location of the proposed attenuation pond. Our record of public assets indicates the presence of a 180mm public watermain and 100mm non operational watermain. It is unclear whether these have been accurately located and if the required easement of 3 meters either side can be maintained. We therefore request further investigations and clarity on this matter.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

### Conditions

No development shall commence until the location of each public watermain within the site has been accurately located and further details indicating the proximity of the proposed attenuation pond to the public watermains have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that an easement of 3 meters either side of the centre line of each watermain can be maintained. thereafter, no land, highway or surface water shall communicate to the public sewer network. Reason: To prevent hydraulic overloading of the public sewerage system, and to avoid damage hereto any public watermain.

### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### 4.2.1 Welsh Water (amended)

I explained that the need to show the easement and maintain such a protection zone on both assets is paramount should we ever decide to bring the non-operational pipe back into use. However I did say I would check with colleagues to see if it was taken out of the ground when it was decommissioned.

I do not want to hold up matters and content for the application to progress with conditions if necessary



## Internal Council Consultations

### 4.3 Land Drainage

We have reviewed the surface water drainage strategy and comment as follows :

#### Drawing S649/02

Please update the drawing to show the full extent of the regraded area around the pond. The cross section shows the extent of land that will need to be re-contoured but this is not shown on the plan view. This should demonstrate how far the inclined ground is from the road carriageway. We note that water will be retained above the carriageway.

If the system is to be adopted by Welsh Water, then a revised discharge rate of 5 l/s will be acceptable.

We note that the 300mm pipes and any respective manholes below the pond are not shown, presumably to avoid cluttering the drawing. From past discussions with Welsh Water, we understood that they were willing to adopt perforated drains below balancing ponds that are designed for cleansing. The standard detail that received in July 2019 showed a single pipe, not multiple pipes. We request that the applicant presents correspondence with Welsh Water demonstrating that the proposed design meets with their requirements.

We note that the microdrainage calculations show a 525mm dia pipes laid with a gradient of 1/500. These will not meet self cleansing criteria. We request clarification that Welsh Water have approved the proposals for two parallel pipes, normally parallel pipes are installed staggered to help prevent siltation.

Please confirm who the balancing pond will be maintained by. We had understood that Welsh Water only adopt features that attenuate flow for the 30 year storm.

#### Surface Water Drainage Strategy

Please provide the soakaway test to demonstrate that soakaways would not work.

We note that part of the entrance will be too low to drain into the SuDS and that a connection will be needed to the existing highway drain. We note that runoff already impacts the road drainage and accept this proposal.

The base of the pond is shown as 51.25 m AOD on the drawing. The 30 year design calcs show the top water level as 51.77m AOD. For welsh water to adopt the system the top water level would need to be at or below 51.25m AOD.

We note that the 100 year + 40% CC flood level is shown as 53. 048m AOD. This can be level with the adjacent ground (i.e. no freeboard required). However it should be demonstrated that the 100 year + 20% CC flood level can be achieved with 300mm freeboard, as outlined in our SuDS Handbook.

We note that the pond will also fill from land drainage. In this case we hold no objection to this as installing a bund would cause a pointy discharge onto the road.

#### 4.3.1 Land Drainage - Amended

We have reviewed the revised surface water drainage strategy and comment as follows (recent comments are below the original queries):

Drawing S649/02

Please update the drawing to show the full extent of the regraded area around the pond. The cross section shows the extent of land that will need to be re-contoured but this is not shown on the plan view. This should demonstrate how far the inclined ground is from the road carriageway. We note that water will be retained above the carriageway.

BBLP 20-7-20:

Based on the plan there appears to be sufficient space along the edge of the road carriageway.

If the system is to be adopted by Welsh Water, then a revised discharge rate of 5 l/s will be acceptable

BBLP 20-7-20:

We note that if Welsh Water stipulate that the hydrobrake needs to have a minimum orifice of 100mm dia then a higher pass forward flow would be identified and the storage requirements would be less.

We note that the 300mm pipes and any respective manholes below the pond are not shown, presumably to avoid cluttering the drawing. From past discussions with Welsh Water, we understood that they were willing to adopt perforated drains below balancing ponds that are designed for cleansing. The standard detail that received in July 2019 showed a single pipe, not multiple pipes. We request that the applicant presents correspondence with Welsh Water demonstrating that the proposed design meets with their requirements

BBLP 20-7-20:

The applicant has included reference to a similar balancing pond for application 194364 that has been designed to DCWW standards.

We note that the proposed design would require access chambers where the pipework changes direction. Jetting points would also be required on higher ground built within the bund itself, otherwise water will spill through these covers. We appreciate that these details can be provided at a later date.

We note that the microdrainage calculations show a 525mm dia pipes laid with a gradient of 1/500. These will not meet self cleansing criteria. We request clarification that Welsh Water have approved the proposals for two parallel pipes, normally parallel pipes are installed staggered to help prevent siltation

BBLP 20-7-20

The applicant has suggested that the flow rate will achieve self cleansing velocity. In reality this could only occur during a storm. This feature is not shown on the Welsh Water standard detail.

Please confirm who the balancing pond will be maintained by. We had understood that Welsh Water only adopt features that attenuate flow for the 30 year storm.

BBLP 20-7-20:

We understand that the pond itself will be presented to DCWW for adoption. Maintenance of the grass will need to be confirmed by DCWW.

Surface Water Drainage Strategy

Please provide the soakaway test to demonstrate that soakaways would not work.

BBLP 20-7-20:

We note that the soakaway tests demonstrated that the ground is not permeable.

We note that part of the entrance will be too low to drain into the SuDS and that a connection will be needed to the existing highway drain.

BBLP 20-7-20:

A site visit has confirmed that there are no gullies, as shown on the topographical survey. It will be necessary to install additional gullies above the 100 year + 40% climate change pond flood level to intercept the water before it discharges onto the highway.

The base of the pond is shown as 51.25 m AOD on the drawing. The 30 year design calcs show the top water level as 51.77m AOD. For Welsh Water to adopt the system the top water level would need to be at or below 51.25m AOD

BBLP 20-7-20:

The designer has identified that this is how micro drainage simulated levels

We note that the 100 year + 40% CC flood level is shown as 53.048m AOD. This can be level with the adjacent ground (i.e. no freeboard required). However it should be demonstrated that the 100 year + 20% CC flood level can be achieved with 300mm freeboard, as outlined in our SuDS Handbook.

BBLP 20-7-20:

We note that the system has been designed to 100 year + 40% CC with 300mm freeboard which is adequate.

We note that the pond will also fill from land drainage. In this case we hold no objection to this as installing a bund would cause a pointy discharge onto the road.

Summary

It will be necessary to install additional gullies above the 100 year + 40% climate change pond flood level to intercept the water before it discharges onto the highway. This is needed owing to the risk of gullies blocking.

The applicant will need to negotiate with the adjacent landowner to complete remedial work to the land drain before a connection can be facilitated.

A final version of the surface water drainage strategy shall be submitted for approval after Welsh Water have reviewed and approved the balancing pond design.

The Land Drainage Engineer has since confirmed that these outstanding matters can be subject to conditions.

#### 4.4 Principal Natural Environment Officer (Landscape)

Landscape comments in relation to the adjacent housing include (planning ref. P163707/F):

*The site falls within the national landscape designation the Wye Valley AONB and as such is afforded a high degree of protection. At a local level it lies within the landscape character area; Principal Settled Farmlands and is prominent within the local landscape forming part of the rising land which extends from the floodplains of the River Wye to the historic hill fort at Cherry Hill Wood. Several PROW's run parallel with the site boundary on three sides linking to a wider network of footpaths taking in wider views of the site set within the open countryside. Both the quality of this landscape and the prominence of this site render it sensitive to change.*

*The (new housing has the) potential to soften this settlement edge and provide enhancement to the gateway of Fownhope. The proposals also incorporate extensive areas of landscaping including orchard planting to the north and west of the development assimilating the built form into its surroundings. I would also like to seek clarification as to the management and ownership of the orchard space to the north of the development.*

This application is for the proposed surface water drainage pond to collect surface water from the adjacent proposed residential development described above. This is required because the ground conditions are unsuitable for infiltration and therefore the use of soakaways adjacent to the houses would not provide a suitable means of draining surface water runoff from development on the majority of the site. The proposed surface water drainage measures incorporate flow balancing facilities, to attenuate and store surface water runoff, comprising a detention basin with a filter drain underdrain (para 2.22 Surface Water Drainage Strategy).

Taking consideration of the above landscape comments, in terms of landscape character and visual impact, this is a suitable location for the balancing pond. The location at the bottom of a slope is suitable and the visual impact from nearby public footpaths will be the introduction of a relatively small, ground level feature.

I am concerned however about the lack of landscape consideration provided with the application:

- No information is provided about its setting in relation to the new houses or the orchard land that will be lost.
- No boundary treatment or new hedgerow is discussed.
- A label on the drawing (S649/02) states that the existing access is to be improved, however no details are given in relation to whether this means a new gate, widening or hedgerow loss to improve visibility.

Ideally a landscape scheme should be provided at this stage in order to demonstrate how the above issues will be addressed to ensure that the work suitably integrates with its surroundings. If necessary a condition should be added to any approval. This is required in accordance with Core Strategy Policy LD1 on Landscape and Townscape and LD3 on Green Infrastructure.

#### 4.4.1 Principal Natural Environment Officer (Landscape) Amended

I have reviewed the recently submitted information and in relation to my previous concerns I offer the following:

- I note the drawing now shows the existing orchard trees on the adjacent land and that these will be continued next to the pond. This is suitable. A condition should be added for the specification and maintenance of these trees to be provided.
- The drawing shows no fence or hedgerow is required along the red line or around the pond – this is welcome as it reduces clutter and retains a more open landscape character.
- I note from the agents email (dated 12 June 2020), that no further works are required to the access. Again this is welcome, particularly retention of the existing hedgerow (which should be protected during construction works).

#### 4.5 Principal Natural Environment Officer (Ecology)

Further information required.

The site is under 150m from the River Wye SAC and a Habitat Regulation Assessment process is triggered by this application. The required assessment completed by the LPA is subject to consultation with Natural England prior to any grant of planning consent.

It is noted that this proposal is for a Sustainable Drainage Scheme to manage surface water from the previously approved adjacent residential development. The proposed scheme will ensure all surface water run-off is discharged at or below existing greenfield run-off rates.

From plans supplied there appears to be no facility to catch pollutant or contaminant run-off from the site (e.g. oils and lubricants, waste deposited in to surface water drains) from being discharged in to the SuDS and thence either directly during flood conditions or indirectly via the detention basin in to the proposed final discharge to ditch on opposite side of the road that then has a hydrological link to the River Wye SAC.

In order for the LPA to complete the required HRA process the applicant must demonstrate how such potential contaminants and pollutants will be retained onsite and not discharged under any circumstances, including flooding in to the River Wye SAC hydrological network. Revised plans and relevant detailed specifications of traps etc. should be supplied to demonstrate this requirement can be met.

Notwithstanding the above additional information required the following comments also apply:

It is noted that no ecology report has been supplied in support of this application. The Ecology report from March 2017 supplied in support of application 163707 for the housing development indicates the site is primarily currently an Arable field and with low ecological potential. For current Habitat Regulations Assessment criteria with the site's proximity and hydrological connections to the River Wye SAC it is appropriate and relevant for the LPA to require a fully detailed Construction Environmental Management Plan – either for approval at this application stage or for this CEMP to be secured through a pre-commencement condition on any consent granted.

If a CEMP is not submitted and approved as part of any consent granted a relevant pre-commencement condition is detailed below.

Habitat Regulations (River Wye SAC) – Nature Conservation Protection -

Before any work, including any site clearance begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP), with detailed ecological working methods, a fully detailed Tree and Hedgerow protection plan (based on BS5837:2012 – minimum 2m RPA for hedgerows), and clearly named 'responsible person(s)' shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3.

As already noted by Landscape and Tree colleagues no details of any proposed green infrastructure planting – such as a boundary hedgerow and hedgerow trees and any planting of the attenuation basin with suitable aquatic/wetland plants has been supplied. This should be secured either in advance of planning consent being granted or as a pre-commencement condition. Such a scheme, based on locally characteristic, native species (with selection based on consideration of climate changes and pest-pathogens) would help demonstrate the required Biodiversity Net Gain that all developments are required to demonstrate. In line with the lifetime of the development it supports this landscaping and Biodiversity Net Gain enhancement scheme should be maintained and managed for the lifetime of the development it supports.

#### 4.5.1 Principal Natural Environment Officer (Ecology) Amended

As previously advised this application and proposed development being within 150m of the River Wye SAC (and SSSI) and with a direct hydrological connection to this European designated nature conservation site triggers a requirement for Habitat Regulations Assessment process. The appropriate assessment completed by the LPA must be subject to formal consultation and approval by Natural England prior to any grant of planning consent. Natural England must also clearly make a 'no objection' response as regards the SSSI designation that also applies.

The actual construction processes involved and potential associated affects can be mitigated by the inclusion of a condition securing a fully detailed Construction Environmental Management Plan be approved prior to any works commencing on site.

##### Habitat Regulations (River Wye SAC) – Nature Conservation Protection -

Before any work, including any site clearance begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP), with detailed ecological working methods, a fully detailed Tree and Hedgerow protection plan (based on BS5837:2012 – minimum 2m RPA for hedgerows), and clearly named 'responsible person(s)' shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3.

The applicant has stated that the proposed attenuation system is compliant with the current standard CIRIA pollution assessment process. From information available to the LPA this 'standard' does not appear to have been tested in relation to potential unmitigated effects on statutory designated Nature Conservation Sites (EU or UK) - in particular where the final outfall has a potential direct link without any further natural mitigation in to such a designated site – as is the case here.

The LPA notes that the supplied drainage report proposes discharge through a pipe under the highway to a drainage ditch on the opposite side of the main road. No information is available to the LPA on any state of this ditch, how it is managed, existing flows or how it is finally discharged.

The LPA, based on available information proposes in the required HRA appropriate assessment, and as a comment on SSSI impacts, that the development will have no adverse effect on the integrity of the River Wye Special Area of Conservation and Site of Special Scientific Interest. This is subject to the plans and designs being implemented as detailed and this is secured by Condition on any consent granted.

This conclusion reached is subject to formal consideration and approval by receipt of a 'no objection' response from Natural England who may access to additional 'internal' guidance on the relevance of the standard CIRIA assessment. No planning consent should be granted until such time as this formal 'no objection' response has been received.

#### 4.6 Principal Natural Environment Officer (Trees)

I fully support the Landscape comments regarding landscaping or lack of it at this stage.

There is a requirement for a landscape plan that show the proposed improvements where access has been proposed to mitigate for loss of a section of hedgerow.

Similarly, the landscape plan should also detail where new planting will be located that will aid softening the impact of the attenuation pond in its setting. I would suggest that new planting consists of species associated with aquatic margins and native.

- 4.6.1 Principal Natural Environment Officer (Trees) Amended  
Having read the comments submitted by the Landscape officer I confirm that I don't have any further requirements and agree that a condition will be required that provides management details of the proposed orchard trees surrounding the attenuation pond.

Conditions

CK5 - Maintenance Plan

Before the development is first occupied or brought into use a schedule of landscape maintenance for a period of 3yrs shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 4.7 Team Leader Area Engineer  
No objection – with conditions

Due to the infrequent use of the access the local highway authority has no objection.

Condition: CAD (5m)

- 4.8 Public Rights of Way Manager  
Public footpath FWB9 has not been shown on plans. The footpath falls within the site location but It is not clear how it will be impacted. PROW object until it is shown that the footpath will not be obstructed or otherwise affected by the works

- 4.8.1 Public Rights of Way Manager – Amended  
Amended plans show the right of way. If the applicant guarantees that public footpath FWB9 will not be obstructed or otherwise negatively affected by the proposed work PROW will remove the objection.

- 4.8.2 Public Rights of Way Manager – Amended  
As per previous comments – provided public footpath FWB9 remains unobstructed and there is no other negative impact on the path, PROW do not object

- 4.9 Principal Minerals and Waste Officer  
No objection.

I can confirm that the site is not safeguarded for minerals. However the development does involve earthworks and has the potential for the generation of waste (spoil). If approved the applicant should therefore be advised through an informative on the decision notice that any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

## 5. Representations

### 5.1 Fownhope Parish Council Support the application.

The Planning Group for Fownhope Parish Council has considered this application and is minded to support it. It was noted that none feel they have the relevant expertise to make specific comment, therefore it is assumed this new drainage system will not overwhelm existing drainage.

Concerns were raised regarding the passage of water and the route it will follow when it leaves the pond. It was brought to the notice of the council that a great deal of water currently comes off the hill and onto the land surrounding the Mill Farm properties and it is assumed that solutions to this will be considered.

Finally, we should appreciate some explanation in due course of the proposed system and final description of materials to be used and plans for orchard replacement, as described in the approved plans.

#### 5.1.1 Fownhope Parish Council (amended)

Fownhope Parish Council discussed this application at a full parish council meeting last night. It was understood that the scheme has been designed to slow the water run off from the bank thereby improving the current situation for residents below. This being the case, the Parish Council raised no objections and were minded to support the application.

### 5.2 The Ramblers

Unfortunately none of the drawings show where the existing Public Right of Way Fownhope FWB8 is located in relationship to the proposed attenuation pond therefore I have to object to this planning application until such times as a fully detailed drawing is provided showing how the footpath will be protected.

#### 5.2.1 The Ramblers – Amended

Many thanks for the updated Drawing showing the Right of Way and its position relative to the proposed attenuation pond.

It would appear that there is sufficient room for the footpath running along the edge of the attenuation pond but I feel that once construction has been completed the PRoW Manager should be invited to consider if a simple post and rail fence would be needed for safety reasons?

I therefore rescind my original objection.

### 5.3 Four objections (from three objectors) have been received to the original submission. In summary they raise the following:

- Previously highlighted inability for housing site to accommodate soakaways, but permission was granted anyway
- How can the current proposal be trusted to be an improvement given previous failure to acknowledge poor drainage of the site?
- Poor drainage and maintenance of drains and culverts on the B4224 has resulted in numerous occasions (4 times in 4 years) of water overflowing verges, flowing at speed causing damage to garages and property at Mill Farm complex
- Flooding experienced is more than the 1:19 year storm event referenced on the plans
- General drainage problems in the area – water running from the woods into poorly maintained culverts caused the recent landslide on B4224



- Recent blockage of culvert pipe, which is considered to be of inappropriate design and not fit for purpose
- Water from culvert drainage across private property (Mill Farm Barn) and do not agreed to taking water from the housing development
- Site should be viewed in Winter months, when the full effects of wet weather can be noted, rather than in the state of the present poor crop
- Drainage Strategy refers to discharging of water onto the B4224 using an existing culvert and to the drainage system on the road
  - The culvert is not maintained properly by the highways department, so cannot take extra water
  - Experienced water damage at Mill Farm complex as a result of poorly maintained culvert
  - Who will provide consent for a connection to the culverted water course?
  - There are no surface water drains on this section of the road
  - Surface water either drains down Mill House Farm driveway or over the associated land
  - Using this land for drainage would limit potential for housing, as per the FNDP
- Proposal states there would be no increased flood risk elsewhere, can this be trusted and who would compensate if not?
- Who will accept responsibility for the surface water system and maintenance thereof – Developer, Herefordshire Council or Welsh Water?
- Health and safety concerns around the pond for children and dogs, which is adjacent to a PRoW
- Potential for stagnant water and attraction of insects etc. when low water levels
- None of the residents of 6 properties (2 x Grade II listed buildings) below the site have been informed of the proposal

5.4 Following consultations on amended and additional plans and information, two objections have been received, which in summary make the following additional points:

- Present drainage pipe was installed to help the Highways Authority for sole reason of alleviate flood water from the B4224 (at least 23 years ago) – it drains across our land (Mill Farm land)
  - Lack of maintenance of this drainage pipe means it frequently blocks and floods our properties/field
  - Pipe is understood to be inadequate and needs improvement
  - Currently there is no culvert under the road at this point
- Object to any culvert taking water from the proposed attenuation pond or any additional water being directed to the existing drainage pipe
- Lack of drainage proposed for new access to housing site is unacceptable – drainage strategy suggest it would drain to highway drains – there are no surface water drains on this stretch of the road
- Do not wish to be involved in drainage from Mill Field

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=200755&search-term=200755](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=200755&search-term=200755)

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) and the Fownhope Neighbourhood Development Plan (FNDP). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.3 The development is proposed to provide the surface water drainage strategy for the extant permission of 15 dwellings and associated works. At the time of assessment of the housing proposal the scheme promoted infiltration of surface water, which is the sequentially preferable method in drainage hierarchy terms. The Land Drainage comments at that time confirmed that if further investigation revealed that infiltration was not feasible that a revised surface water drainage strategy would be required. Local objections flagged up the poor permeability and questioned the potential for infiltration. It was considered that a feasible drainage strategy would be achievable, either through infiltration, or another technical solution. On this basis planning permission was granted subject to condition 21, amongst others, which states:

*No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme.*

*Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 2011-2031, the National Planning Policy Framework and Policy FW4 of the Fownhope Neighbourhood Plan 2011-31.*

- 6.4 Following more extensive testing of the infiltration on the development site, it has been established that an alternative strategy is required, because the infiltration on the site itself is inadequate. The proposed method is as per this current planning application. Planning permission is required for this alternative, rather than just the approval of details reserved by condition 21 of 163707, because it includes land outside of the application site at that time and engineering works to regrade the land and provide drainage infrastructure.
- 6.5 The key considerations are whether the proposal provides suitable surface water drainage in terms of not exceeding greenfield run off rates and not exacerbating flood risk elsewhere, the landscape and ecological impact of the proposal and the highway and PRow implications.

### *Drainage/flood risk*

- 6.6 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; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.* It states that this will be achieved through a number of approaches, including:

*where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar betterment to enhance the local flood risk regime;*

*development includes appropriate sustainable drainage systems (SuDS) to manage surface water appropriate to the hydrological setting of the site. Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible;*

*the separation of foul and surface water on new developments is maximised*

*development proposals do not lead to deterioration of EU Water Framework Directive water body status*

*proposals do not adversely affect water quality, either directly through unacceptable pollution of surface water or groundwater, or indirectly through overloading of Wastewater Treatment Works.*

- 6.7 FNDP policy FW3 states that *Development on allocated sites will need to include detailed proposals setting out provision for storm water, Sustainable Drainage Systems (SUDs) and any proposed flood alleviation, including reliance on permeable surfaces.*
- 6.8 The NPPF steers development to areas sequentially at the lowest risk of flooding and at paragraph 163 requires local planning authorities when determining planning applications to ensure that flood risk is not increased elsewhere. It further confirms that where appropriate, applications should be supported by a site-specific flood-risk assessment. With regards major developments, which the extant permission for 15 dwellings comprises, NPPF paragraph 165 specifies that they should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 6.9 The site, and indeed the housing site, are in Flood Zone 1 the area at lowest risk of flooding. Foul and surface water are to be drained separately. The key aspect from a flood risk and engineered drainage solution perspective is whether the proposed detailed drainage scheme would ensure that there would not be increased flood risk elsewhere, as per the objectors' concerns, and if there is the ability for betterment from the existing situation, which already results in surface water flooding to the southwest of the site.
- 6.10 Following the Land Drainage request the application has been supplemented with soakaway test results that demonstrate that infiltration on the housing site is not feasible and an alternative is required. The attenuation pond has been designed to accommodate the surface water from the housing site and land drainage (existing greenfield run off). The effects of climate change have also been factored into the calculations. The proposal would attenuate the surface water discharge from the site to the existing drain on the opposite side of the road, meaning whilst there would be a net increase of run off it would be in a more controlled manner than presently to the land drain that already receives land drainage from the field via the road. The Highways Authority has a right of discharge onto lower land and the adjoining landowners have a duty to convey the water or allow it to spill across their property. Some remedial work is required to the land drain and this would need to be negotiated with the landowners. The Land Drainage comments identify some technical matters with regards the detailed design of the pond, however these can be controlled by condition and would also be subject to Welsh Water's detailed design criteria should they adopt it. Overall the strategy demonstrates, at worst no increased impacts with the potential for improvements due to the attenuation flows.
- 6.11 A modest element of the surface water drainage from the housing site is proposed to communicate with the highway drains, because due to the land levels redirection to the proposed attenuation pond is not feasible. In principle the Council's Land Drainage Consultant has no objection to this, given that runoff already impacts the road drainage, but the amended comments

note that there are in fact no gullies, as shown on the topographical survey. It would therefore be necessary to install additional gullies, above the 100 year + 40% climate change pond flood level, to intercept the water before it discharges onto the highway. The Land Drainage Consultant advises that this can be dealt with by condition. There is also no objection to land drainage entering the proposed attenuation pond, because a bund to divert it away would result in a pointy discharge to the road and this is not desirable.

- 6.12 With regards future maintenance the applicant has advised that the entire drainage scheme has been designed to accord with Welsh Water's strict criteria for adoptable attenuation basins. At this stage Welsh Water cannot advise if it will be adopted as that will be subject to future applications directly with them. Maintenance of the system is an important issue and if it will not be undertaken by Welsh Water a management company would need to undertake this. This can be reasonably dealt with by way of condition. The updated proposed site plan includes Welsh Water's operational asset (watermain) together with the requisite easement to provide a 3 metre protection zone. The non-operational watermain is not shown. The applicant has advised that it does not need to be shown, because it was replaced by the operational watermain. At the time of writing this report Welsh Water cannot confirm if the non-operational watermain was taken out of the ground when it was decommissioned. If it remains it should be included in the protection zone easement in case it should be decided by Welsh Water to bring it back into use. Notwithstanding this, Welsh Water do not object to the application and have made it clear that they do not wish to delay determination of the application. Their assets are protected by the easement and the grant of planning permission would not override this. On this basis an informative note is considered appropriate to bring this matter to the applicant/future developer's attention. In the event that the non-operational watermain remains and would conflict with the siting of the proposed development an amendment to the approved scheme would have to be sought from the Local Planning Authority by way of an appropriate application.
- 6.13 It has been satisfactorily demonstrated that the proposal would provide a suitable surface water drainage scheme for the housing development, without resulting in increased risk of flooding elsewhere. It is considered that the proposal therefore accords with the relevant development plan and NPPF drainage policy requirements.

#### *Landscape*

- 6.14 The site lies in the Wye Valley Area of Outstanding Natural Beauty (WVAONB) and would be sited alongside the approved housing scheme and PRoW. CS policies SS6 and LD1 are relevant. Firstly, policy SS6 states that '*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 and especially those with specific environmental designations.*' It re-emphasises the importance of an integrated approach to planning developments in the AONB, with a requirement for sufficient information to determine the effect on such a designation, amongst other environmental assets and confirms that the management plans and conservation objectives of the county's nationally important areas (AONBs) will be material to the determination of future development proposals. The WVAONB is a national designation and contributes towards the County's distinctiveness, further the site is adjacent to the edge of the settlement taking into account the FNDP housing allocation and the extant planning permission. Secondly, CS policy LD1 provides more detail in respect of the development plan policy requirements for those that impact on landscape and townscape. It states as follows:

#### *Development proposals should:*

- *demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;*

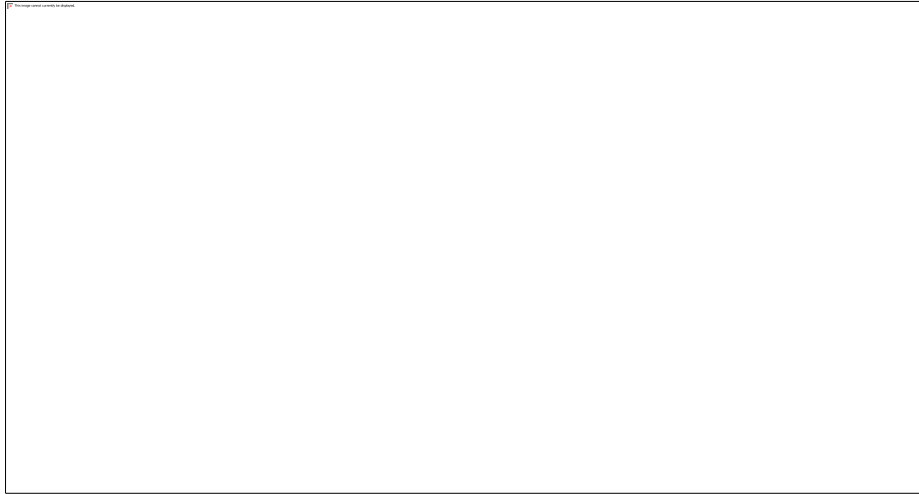
- *conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;*
- *incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and*
- *maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.*

6.15 The FNDP comprises the other component of the development plan. Firstly Policy FW1: Sustainable Development in principle supports sustainable development in the WVAONB and notes as a priority that they should have regard to conserving and enhancing its natural beauty and amenity. Policy FW2 specifically relates to safeguarding in the WVAONB, and in full states as follows:

*Development should contribute positively to the area's rural character should –*

- Give highest priority to conservation and enhancement of the amenity, visual quality, natural beauty, wildlife and cultural heritage of the Wye Valley Area of Outstanding Natural Beauty;*
- Not adversely affect landscape character but where appropriate include measures to conserve, restore or enhance this;*
- Contribute towards the ecological network of the area with measures, in particular, to support the biodiversity value of designated and local sites;*
- Maintain and where appropriate extend tree cover;*
- Retain important landscape and biodiversity features such as ponds, orchards and hedgerows, adding to the natural assets of the parish where opportunities are available.*
- Proposals for schemes which are judged to be 'major development' will, following guidance in NPPF para.116, be resisted except where a proposal is necessary for the public benefit and there are no alternative locations outside the AONB*

6.16 The NPPF provides further policy in respect of development in AONBs. Within chapter 15 - Conserving and enhancing the natural environment, at paragraph 170 it states planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes, followed by other considerations. At paragraph 172, it confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, along with two other designations (National Parks and the Broads, which have the highest status of protection in relation to these issues. It continues that '*The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*'



(photograph looking northwest across the site from PRoW FWB9 – March 2020)

- 6.17 The first assessment, given the contents of FNDP policy FW2f) and paragraph 172 of the NPPF, is whether the proposal is major development. The NPPF confirms at footnote 55 that in this context ‘major development’ is a matter for the decision maker taking into account the nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In this case an attenuation pond, which would modify the natural land levels is proposed, on a predominantly open parcel of agricultural land that is adjacent to an extant permission for housing development. The Principal Natural Environment Officer (Landscape) has no objection in principle, considering the site to be ‘a suitable location for the balancing pond’. Further clarification on how the proposal would coexist with the approved landscaping for the associated housing scheme, any boundary treatments and access improvement works was requested. Supplementary information was subsequently submitted, providing details of the approved orchard planning for the housing scheme and confirming that no boundary treatments or alterations would be required and satisfied these landscape queries. The Principal Natural Environment Officer (Trees) advises that a condition requiring management details of the orchard planting surrounding the attenuation pond is required. Condition 20 of the extant planning permission (163707/F) for the housing requires a landscape management plan to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. That plan should include the long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens. This proposal includes additional tree planting, around the perimeter of the pond and it is reasonable that it can be similarly controlled by condition.
- 6.18 In light of this assessment it is considered that the development does not constitute major development in this specific location and context. As a consequence there is no presumption to refuse permission for this development in the WVAONB, however great weight should still be given to conserving and enhancing its landscape and scenic beauty. No harm to the WVAONB has been identified, so the scheme would conserve or protect the landscape quality in accordance with CS policies SS6 and LD1, FNDP policies FW1 and FW2 and paragraph 170a of the NPPF.

*Ecology/water quality*

- 6.19 The site lies less than 150 metres from the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the proposed surface water strategy would direct water to the river. The proposed scheme would ensure all surface water run-off would be discharged at or below existing greenfield run-off rates. This application does not include the foul water drainage strategy for the extant housing scheme. A Habitat Regulation Assessment process is required.

- 6.20 CS policy SS6 requires developments to conserve and enhance biodiversity, especially those with environmental designations, such as SACs and SSSI's. CS LD2 confirms at a) that development that is likely to harm sites and species of European Importance (such as a SAC) will not be permitted and at b) that development that would be liable to harm SSSI or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Finally CS policy SD4 stipulates that proposed developments should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. It continues that in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.
- 6.21 Policy FW5 of the NDP deals with bio-diversity. It states that proposals for development should ensure that they do not harm the substantial network of sites designated for wildlife and nature conservation, including SSSIs and priority habitat such as traditional orchards and woodland. It is also an explicit requirement that no development will be permitted within 100 metres of the River Wye Special Area of Conservation, with development only permissible where any adverse effects on designated sites can be avoided or mitigated. Development will only be permitted when it does not compromise the ability of the Nutrients Management Plan to deliver the necessary nutrient reductions along those stretches of the River Wye SAC which exceed water quality targets or are at risk of doing so. Developments will be expected to maintain and enhance existing ecological corridors and landscape features including hedgerows, water courses and tree-lines.
- 6.22 The NPPF, at paragraph 175a), states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'* Continuing at 175b) *it confirms that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.'*
- 6.23 The proposed development fulfils the SAC 100 metre buffer requirement. The proposed discharge of the surface water would have a direct hydrological connection to the River Wye SAC. Following the submission of further information it has been confirmed that the proposed attenuation system would be compliant with the current standard CIRIA pollution assessment process. It advises that the proposed SuDS scheme would treat the surface water runoff so that the total mitigation equals or exceeds the pollution hazard, thus delivering water quality benefits.
- 6.24 The Habitat Regulations Assessment – Appropriate Assessment submitted to Natural England, by the Local Planning Authority (as the competent authority) concludes that the development would have no adverse effect on the integrity of the River Wye SAC and SSSI, subject to the development being carried out in accordance with the submitted plans and SuDS (as detailed in the updated Surface Water Strategy) and a pre-commencement Construction Environmental Management Plan (CEMP) condition. Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended) provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant. The applicant's written agreement has been sought and has been received (agent's email dated 11.6.2020). Natural England concurs with the HRA AA and has no objection. On this basis it can be concluded that the proposal accords with CS and FNDP policy and NPPF requirements in respect of water quality and protecting international and national designated sites.



- 6.25 Cherry Hill Wood, a SSSI, lies just over 90 metres to the northeast of the application site. In light of the distance separation, nature of the proposal with access to it from the southwest, Natural England considers that there would be no adverse impact on the features for which the site has been notified. This means the proposal conforms with CS policy LD2 with regards this SSSI as well.

#### *Highways/Public Right of Way*

- 6.26 The site would be accessed off the eastern side of the B4224 to the north of the current periphery of the village. There is an existing agricultural access, which comprises a gap in the hedgerow and is unsurfaced. The submitted drawings are annotated 'existing access to be improved'. The applicant has since advised (email dated 12.6.2020) that on the basis of the Area Engineer (highways) comments no further works are now proposed to the point of access itself. It confirms that the access track would be surfaced using Golpla grass reinforcement or similar, as annotated on the proposed site plan (proposed surface water drainage strategy).



Existing access: eastern side of the B4224, to the north of the village

- 6.27 CS policy MT1 and FW27 of the FNDP require developments to provide safe and suitable access. At para 109 the NPPF advises that '*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 Team Leader Area Engineer (highways) has no objection, considering the infrequent use of the access arising from the nature of the development proposed. Only a condition requiring any new access gates to be set back 5 metres from the carriageway is suggested. It is therefore concluded that the proposal is acceptable in highway safety terms.
- 6.28 A PRoW runs between the roadside hedgerow and the southwestern side of the proposed attenuation pond. CS policy MT1 requires developments to protect existing local footways. FNDP policy FW6 states that developments that would diminish the value of the rights of way network and open views will be resisted. At paragraph 98 of the NPPF it requires that both planning policies and decisions to protect and enhance public rights of way.
- 6.29 Following submission of a revised site plan demarking the legal line of the PRoW both the PRoW Manager and The Ramblers have confirmed that they have no objections. Some local objections raise concerns about the potential dangers for PRoW users, when the attenuation pond is both dry and when it contains water. Given the distance between the proposed attenuation pond and

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536



the PRoW, its gradients and that neither the PRoW Manager nor The Ramblers object I am not satisfied that this concern is substantiated. The proposed development would protect and not diminish the value of the right of way, such that it is planning policy compliant.

### *Conclusion*

- 6.30 It is considered that the scheme would provide a suitable surface drainage solution to serve the extant permission for 15 dwellings and associated hard standings in a manner that would not be harmful to the scenic beauty of the WVAONB. Subject to conditions, the proposal would not be harmful to water quality and associated biodiversity in the River Wye SAC. The access is considered to be suitable for the construction phase and beyond, given the limited use anticipated for maintenance etc. The PRoW would be protected and its quality undiminished post development. The need to ensure it would not be obstructed during the engineering phase can be brought to the developer's attention through an informative note.
- 6.31 The submission has demonstrated that surface water infiltration on the housing site itself is not feasible. As a result without this proposed alternative, or indeed another viable alternative, the housing scheme could not be brought forward. Consequently, the site allocated in the FNDP to meet the 18% minimum housing growth target would not be developed. Presently, at the County level the Council is unable to demonstrate a five year housing land supply, with the published figure being a 4.05 year supply. At the local level, the FNDP allocates four sites: (Mill Field (approximately 12 dwellings), Potato Barn/Mill Farm (approximately 10 dwellings), adjacent to Lowerhouse Gardens (approximately 10 dwellings) and adjacent to Medical Centre (approximately 7 dwellings) to provide approximately 39 of the minimum 70 new homes identified in policy FW9, with remainder brought forward from windfall sites both inside and outside of the settlement boundary. Of these allocated sites planning permission has only been granted on two (Potato Barn/Mill Farm – reference: 181112/O – 10 dwellings & Mill Farm – reference 163707/F – 5 dwellings), with only Mill Farm being a full application. There is a current, undetermined application for up to 10 dwellings at land adjacent to the Medical Centre (171637/O) and no applications have been submitted for land adjacent to Lowerhouse Gardens. April 2020 housing figures for Fownhope show there is a minimum residual housing requirement for 26 dwellings. This application to provide the surface water drainage strategy for housing granted on a FNDP allocated site would enable the planned housing growth to be delivered, positively contributing to both the supply and type of housing. The granted housing scheme includes five affordable units and is the only allocated housing site to achieve this, given the threshold of more than 10 units to qualify for affordable housing provision. The housing scheme would provide positive economic and social benefits, during both the construction phase and following occupation. The intrinsically linked nature of this application to provide the surface water drainage strategy for that granted housing scheme is therefore a significant material consideration.
- 6.32 The proposal is considered to accord with the Development Plan and there are no material considerations that indicate an alternative decision being made. On this basis it is recommended that permission is granted in accordance with the statutory duty and CS policy SS1 and paragraph 11c of the NPPF.

## **RECOMMENDATION**

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

- 1. C01 - Time limit for commencement (full permission)**
- 2. C06 - Development in accordance with the approved plans**

The development shall be carried out strictly in accordance with the approved plans (drawing nos.1536.12, Dry Basin Cross Section, Dry Basin Site Plan, S649/02 Rev C (Proposed Surface Water Drainage Strategy)), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policies FW1, FW2 and FW16 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

#### Pre-commencement conditions

3. Before any work, including any site clearance begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP), with detailed ecological working methods, a fully detailed Tree and Hedgerow protection plan (based on BS5837:2012 – minimum 2 metre Root Protection Area for hedgerows), and clearly named ‘responsible person(s)’ shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies SS6, LD2 and LD3 and Fownhope Neighbourhood Development Plan policies FW2 and FW5.

4. No development shall commence until a final version of the surface water drainage strategy, including details of additional gullies (above the 100 year + 40% climate change pond flood level) to intercept the water before it discharges onto the highway and confirmation of either Welsh Water’s adoption agreement or details of the future management arrangements for the approved surface water drainage scheme has been submitted to and approved in writing by the local planning authority, in liaison with Dwr Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme and shall be completed and ready for use prior to the first occupation of any of the approved dwellings (planning permission reference 163707/F).

Reason: In order to ensure that satisfactory drainage arrangements are provided for the proposed development, without an adverse impact to the environment, so as to comply with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, policy FW3 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

#### Pre-occupancy or other stage conditions

5. CK5 - Maintenance Plan

Before the development is first occupied or brought into use a schedule of landscape maintenance for a period of 3 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies FW2 and FW16 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.

## **Conditions relating to post occupancy monitoring and management**

### **6. CAD - Access gates**

**Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy FW27 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.**

### **INFORMATIVES:**

#### **1. IP2 - Application Approved Following Revisions**

**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. I06 - Public rights of way affected**

**A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**

#### **3. I11 - Mud on highway**

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

#### **4. I12 - Adjoining property rights**

**This permission does not imply any rights of entry to any adjoining property.**

#### **5. The applicant/developer's attention is drawn to the siting of Dwr Cymru Welsh Water's assets (public watermains – operational and non-operational) within the site (consultation response dated 6.7.2020 – plan included). These should be accurately located and a 3 metre easement either side of the centre line of each watermain shall be maintained. No land, highway or surface water shall communicate to the public sewer network.**

#### **6. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.**

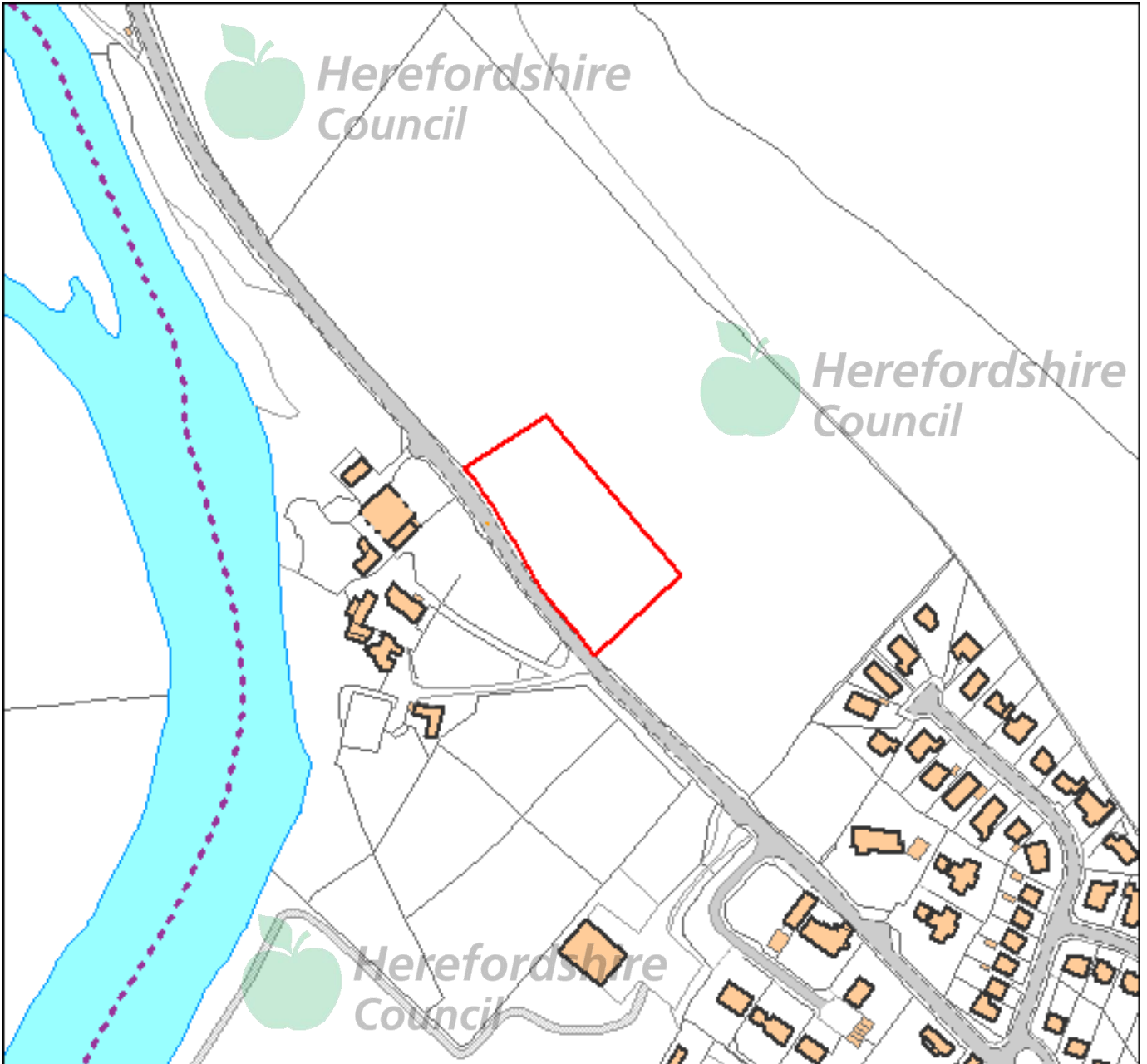
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 200755

**SITE ADDRESS :** LAND OPPOSITE MILL HOUSE FARM, FOWNHOPE, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>5 AUGUST 2020</b>
<b>TITLE OF REPORT:</b>	<p><b>193665 and 193666 - CHANGE OF USE FROM A PLACE OF WORSHIP TO COMMUNITY SPACE INCLUDING ARTISAN BAKERY, CAFE AND SOCIAL SPACE WITH OCCASIONAL WORSHIP. PROPOSED VARIOUS INTERNAL WORKS INCLUDING MEZZANINE &amp; INSTALLATION OF AN ARTISAN BAKERY AND CHANGE OF USE TO THE VESTRY AND NAVE. TO INCLUDE ALL ASSOCIATED WORKS AND NEW SERVICES CONNECTIONS AT ST MICHAELS CHURCH, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE</b></p> <p><b>For: BAcRG Hine per Mr Tom Froggatt, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b></p>
<b>WEBSITE LINK:</b>	<p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193665&amp;search-term=193665">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193665&amp;search-term=193665</a></p> <p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193666&amp;search-term=193666">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193666&amp;search-term=193666</a></p>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 21 October 2019

Ward: Old Gore

Grid Ref: 360103,226410

Expiry Date: 17 February 2020

Local Member: Councillor Barry Durkin

## 1. Site Description and Proposal

- 1.1 This application relates to a site located to the south west of an established residential area in Brampton Abbots, Ross-On-Wye. St Michael's Church is a Grade II\* listed building consisting of 12<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> Century elements. The building has been closed to the public since 2008 due to concerns over the structural stability of the roof. In 2018, a Heritage Lottery Fund grant was awarded to fund considerable repairs to the church including upgrading of services, structural works and reroofing. These works were completed in 2019.
- 1.2 This application seeks planning permission and Listed Building Consent for the change of use of the building and internal works to allow for a multifunctioning space. This will include a bakery and café, and continuing use as a place of worship for significant Christian festivals. This will include the creation of a mezzanine floor utilising the fabric of the pews found within the church, the installation of services to allow for a bakery and the provision of parking space to the north of the site.

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy Policies:

- SS1 - Presumption in favour of sustainable development
- SS4 - Movement and transportation
- RA6 - Rural economy
- SC1 - Social and community facilities
- MT1 - Traffic management, highways safety and promoting active travel
- E1 - Employment provision
- LD1 - Landscape and townscape
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency

### 2.2 National Planning Policy Framework (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

### 2.3 Brampton Abbots and Foy Group Neighbourhood Development Plan (Sent for Examination on 24<sup>th</sup> January 2020 with Referendum date to be confirmed)

- BAF2 - Good quality design
- BAF4 - Landscape and scenic beauty
- BAF5 - To support the growth of small-scale rural businesses
- BAF7 - Community facilities and open spaces
- BAF8 - The management of traffic safety around the neighbourhood development plan area
- BAF9 - Public sewerage network and wastewater treatment works

The Brampton Abbots and Foy Group Neighbourhood Development Plan has been the subject of Examination and is now awaiting Referendum. Although not yet formally part of the Development Plan it can be afforded significant weight for the purposes of decision- making.

[https://www.herefordshire.gov.uk/directory\\_record/3034/brampton\\_abbots\\_and\\_foy\\_group\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3034/brampton_abbots_and_foy_group_neighbourhood_development_plan)

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. Planning History

### 3.1 None relevant

## 4. Consultation Summary

### 4.1 Statutory Consultations

#### **Welsh Water – Approve with conditions**

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

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



## SEWERAGE

Conditions: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

### **PROW – No objection**

The proposed changes would not appear to affect public footpath BA4. No objection.

### **Ramblers – No objection**

Public footpath Brampton Abbots 4 runs through the churchyard as shown on the Location plan. The proposal would not appear to affect the use and enjoyment of this footpath, and the Ramblers Association have no objection to this application.

### **Natural England (HRA) – 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.

### **Historic England – No objection**

#### Summary

St Michael and All Angels is listed Grade II\* and is significant as a good example of a twelfth century church incorporating later fabric telling a story of adaptation and change culminating in a final re-ordering by the nationally acclaimed architect, Caroe. The introduction of a bakery, café and community centre with worship continuing in the chancel involves a complete reordering and reworking of the Caroe pews and should be assessed in terms of the policy contained in section 16 of the NPPF. Historic England welcomes proposals which present a hopeful new future for an otherwise apparently redundant building. In this challenging context the proposals are thoughtful, sensitive and conserve significance to a considerable degree. We consider that the loss of many of the Caroe pews amounts to less than substantial harm that is outweighed by the public benefit of enabling a new apparently viable use for the listed building we therefore have no objection to the application.

#### Historic England Advice

St Michael and All Angels is listed Grade II\* and is significant as a good example of a simple, single aisle twelfth century church. Fabric and architectural detailing provide evidence of changes wrought in the fourteenth, fifteenth and nineteenth centuries and finally in the early years of the twentieth century by the nationally acclaimed architect, Caroe. The church has considerable potential historical value in terms of the links it provides to the histories of local families, patrons and congregations both in its own fabric and that of the churchyard graves and memorials. There is high aesthetic value in the appearance of the building both in terms of the design of its fittings (font, Norman detailing, reredos and Caroe furniture) and as a more fortuitous result of the attractive natural materials from which it is constructed (stone slates, shingles, clay tiles, stone walling, oak etc.) and the way they have mellowed and weathered with age. The simplicity of the building's form, its interior spaces and Norman details have great aesthetic appeal enhanced by the contrast created by the detailed richness of the chancel screen and the stained glass. The communal value of the church is also high as a symbol of spirituality and centre of community in the village

The introduction of a bakery, café and community centre to the church with worship continuing in the chancel involves a complete reordering and reworking of the Caroe pews. The level of alteration will impact on the significance of the building and should therefore be assessed in terms of the policy set out in section 16 of the NPPF. Paragraphs of particular relevance are: 192 concerning the desirability of sustaining and enhancing the significance of heritage assets, the

positive contribution they can make to sustainable communities and the desirability of new development making a positive contribution to local distinctiveness; 193 concerning the great weight that should be given to their conservation; 194 and 196 concerning the clear and convincing justification including public benefit that is required for any harm to significance.

Following the closure of St Michael and All Angels, Historic England welcomes this application which proposes a new and apparently viable use for the building that also reinstates its function as a place of worship and centre for the community of Brampton Abbots. The appearance of the interior will change very considerably in terms of the early twentieth century furniture in the nave and the nineteenth century vestry. However, we are mindful that the aesthetic value of the vestry interior is low, that the Caroe chancel is retained, that the proposed new structures have little physical impact on more ancient fabric (which itself is unaltered) and no impact on the exterior of the building. We are persuaded that the simple but high quality aesthetics of the interior will be retained to a meaningful degree by the adaptation of Caroe pews for seating and within the structure and design of the tea station together with the retention of the existing church floor and discretely contemporary treatment of the vestry bakery. The significance of the building will therefore be conserved to a considerable degree by a thoughtful and sensitive scheme that presents a hopeful new future for an otherwise apparently redundant building. In our view, this amounts to a public benefit that outweighs the less than substantial harm caused by the loss of many of the Caroe pews and the changed appearance of the church interior.

#### Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 189, 192, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

#### **Victorian Society – Non-committal**

This is undoubtedly an ambitious project, one that would have a major impact on the character and appearance of this II\*-listed building. Nonetheless, the Society is content with and raises no objection to the principle of what is proposed. We acknowledge the circumstances and recent history of the building, and the work that has gone into developing this scheme, and consider with suitably sympathetic detailing, and some relatively minor revisions, that this is a scheme that could secure, in an appropriate fashion, the future of this fine church.

Our first recommendation is that a greater number of the historic benches (in their proposed adapted form) are preserved and made use of in the reordered space. The benches were introduced by Caroe, are characteristic of his distinguished work, and are an integral component of his typically high quality, delicate and understatedly rich refurnishing of the church interior carried out in 1907. The proposed plan indicates that only four shortened benches would remain in the church. A larger number must be retained and incorporated.

The Committee was also unconvinced and concerned by the proposed adaptation, and slight repositioning of some, of the choir stalls. These are intrinsically finer than the congregational benches, and we would be opposed to them being made moveable. The relocation of the stalls on the north side is seemingly proposed in order to create a second opening (in addition to that created by the slight relocation of the pulpit) into the vestry/bakery. We are unconvinced of the need for two openings into the vestry, however, and therefore suggest that the works to the chancel stalls are omitted entirely. Not only would this preserve this most significant area and its handsome furnishings intact, it would simplify the detailing of the glazed screen that would sit behind the iron screen separating chancel from vestry (which should be retained in situ), and preclude the need for costly joinery work in this area of the building. If a second access is demonstrably required it should be possible to use the existing gated opening in the iron screen,

narrow though it is, by which to pass between chancel and vestry, and to detail the glazed screen accordingly.

#### 4.2 Internal Council Consultations

##### **Waste Management – No objection**

The proposed collection point sited adjacent to highway is an acceptable alternative to a refuse collection vehicle entering the site so a swept path analysis is not required.

Whether this would be used as a storage area would be decided by the occupier of the building, however there is ample outside space for the bins to be stored before being moved to the collection point if decided.

No objections to the proposals.

##### **Ecology – Approve with conditions**

The site lies in the River Wye SAC and so a Habitat Regulations Assessment process is triggered by this application. The required 'appropriate assessment' completed by the LPA must be subject to formal consultation with Natural England PRIOR to any grant of planning consent. Subject to this consultation a condition to secure the required mitigation is requested on any consent granted.

The supplied ecology report (bats) by Swift Ecology is noted and appears relevant and appropriate. It is noted that the report concludes that there should be no impact on the bat roosting present in the church structure from the proposed development. The recommended mitigation and risk avoidance measures should be secured through a relevant condition as should opportunities for Biodiversity Net gain enhancements.

##### **Transportation – Approve with conditions**

No objection to the proposals.

##### **Historic Buildings Officer – Object**

Recommendation:

Whilst there are no heritage reservations regarding the change of use, or the majority of proposed interventions, it is considered the treatment of the W.D. Caroe fixtures in the nave and chancel would cause harm to the significance of St. Michael's Church, and to the artefacts themselves.

The overall degree of harm identified would be less than substantial, but this should be afforded greater weight in the planning balance due to the Grade II\* designation. Without sufficient amendment there is a heritage objection to the proposed scheme.

The following comments should be taken into consideration as part of the decision process.

Legislation & Policy:

A statutory obligation for decision makers is set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and it is ultimately designed to ensure development proposals preserve listed buildings, their setting, and any features of special architectural or historic interest they might possess.

In order to support decision making and interpretation of that statutory requirement, Chapter 16 of the National Planning Policy Framework provides a number of policies pertaining to the historic environment.

Paragraph 193 states that great weight should be given to the conservation of an asset, and that the more important the asset the greater that weight should be; St. Michael's Church is Grade II\*, a designation which recognises its higher level of national importance.

It also determines three categories of harm – substantial harm, total loss, and less than substantial harm – but suggests that great or greater weight should be applied regardless of the harm level identified.

Paragraph 194 states 'any harm to, or loss of, the significance of a designated heritage asset...should require clear and convincing justification.'

Whilst Paragraph 196 states that less than substantial harm should be 'weighed against the public benefits of the proposal' (greater weight as per Para.193 in this instance).

As it has not been demonstrated that the overall viability of the scheme is solely reliant on the degree of loss proposed, and less invasive or harmful solutions exist, it is considered reasonable to suggest that the public benefit would not outweigh that loss as a high degree of public benefit is still achievable, and there is additional public benefit to be accounted for in preserving any features which contribute to the significance of the church.

#### Heritage Background:

The Church of St. Michael's is a Grade II\* listed church of 12th century origin, with documented 14th, 16th, 18th, 19th, and early 20th century alterations; it was formerly the parish church of Brampton Abbots, a small settlement situated in south-east Herefordshire.

#### Heritage Comments:

##### Nave Pews & Chancel Choir stalls:

In order for a new use to be considered a suitably compatible use in conservation/preservation terms it should demonstrate that it will have no adverse impact, or minimal adverse impact, on the character and significance of the asset concerned; in this case it is minimal adverse impact which is sought.

It was advised at pre-application stage that retention of pews in order to define spaces should be considered, and that a thorough understanding of their history and significance would need to be demonstrated if potential interventions were to be justified.

Whilst the indicative pre-application scheme and proposed submitted scheme are broadly similar in terms of floor plan form, no heritage comment was requested, or provided, on the research findings, their interpretation, or subsequent revisions to the scheme, prior to its submission.

The heritage impact assessment rightly employs a recommended template for the assessment of significance which advocates descriptions based on historical, evidential, aesthetic, and communal themes.

However, it neglected to identify or assess what historical, evidential and communal significance the Caroe fixtures have, and suggests, by solely focussing on aesthetic merits, that their only contribution to significance is a purely visual one; although it does maintain that the Caroe furnishings/pews are of high significance, and, a major consideration within the scheme (2.2.2 & 3.2.4).

The 1908 re-ordering works – which included installation of the Caroe designed pews - do have historic, evidential and communal significance by virtue of their being a historic phase of the church's development undertaken by a known architect, with alterations to, and additions of, fabric and fixtures which evidence that phase and the architect's design intentions, and which have remained in-situ and relatively undisturbed for more than a century, ensuring their on-going

contribution to collective memory - as the married couple who visited the church would likely attest (2.4.2).

Reference to how the pews/choir stalls define the space within the church is an overly subjective one, restricted to their presence being a barrier to future use of those spaces, rather than an objective assessment of what contribution their spatial arrangement, and any spiritual intention, makes to the significance of the building as a place of worship, and longer-term, how the historic spaces can be understood by future generations; this would help inform the degree of change which may be achievable and constitute minimal adverse impact.

Any liturgical importance is particularly relevant as it is intended that the building will continue to be used, albeit in a limited capacity, for some form of worship.

The ability to interpret a space is an important conservation consideration, and utilising historic fabric in its original context will normally be a fundamental part of successful interpretation.

However, in this instance, the degree of physical harm and loss of context which would result from the proposed cutting up, re-purposing and re-location of pews, pew material and choir stalls would be seriously damaging, and not in the interests of best conservation practice.

It is considered that the limited assessment submitted undervalues the contribution the Caroe scheme makes to the overall significance of the church, and that, given the non-reversible nature of the proposals, a compelling case (clear and convincing) has not been made for the degree of loss and harm which would result.

## 5. Representations

### 5.1 Parish Council – Object

*At the meeting of Brampton Abbots and Foy Parish Council held on Tuesday 26th November, it was resolved to object to this application. The Council's reasons for objection are;*

- 1) Lack of available parking - car park is owned by the PCC*
- 2) Potential disturbance to local residents - early operating hours, additional light, noise and vehicular.*
- 3) Type of proposed usage for an historic church - artisan bakery*

### 5.2 21 letters of objection have been received the points raised are summarised as follows:

- Concern regarding proposed use as a bakery requires early starts to the day, stating 4 am in the application form
- Bakery is proposed to be in operation 7 days a week suggesting increased number of deliveries to the site
- PCC's control of parking land, if permission is not attained parking will be on the street, additionally there is no overspill parking arrangement
- The PCC requires two spaces in the car park for church yard maintenance
- Single road access in and out of the residential area
- Recycling and waste storage and collection to be stored in the car park suggests black bin bags stored outside the building and large vehicles to remove them
- Confusion relating to the proposed hours of opening within the application form for varying use classes
- No evidence that odour levels will be acceptable
- Visual impact of an extraction unit on the church building
- Lighting has not been shown to be suitable and of low impact to the neighbourhood
- Light industrial use should not be permitted within a residential area
- Limited toilet facilities showing only disabled WC

- Transport statement indicates a 7.5 foot box van for deliveries, not taking into account if deliveries would be made by 10 foot or larger vehicles
- Vehicles accessing the site may use private drives for passing points
- Historic asset is iconic in Brampton Abbots and should not become an industrial unit

1 letter of support has been received

- Excellent idea to broaden the use of the church.
- The only local model we have seen since moving to the parish and county is All Saints in Hereford, which is much livelier than any church we have seen

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=193665&search-term=193665](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193665&search-term=193665)

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=193666&search-term=193666](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193666&search-term=193666)

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 Brampton Abbott and Foy Neighbourhood Area, which sent the plan for Examination on 24<sup>th</sup> January 2020 with a Referendum date to be confirmed. Given the status of the NDP, it can be afforded significant weight as a planning consideration.

### Principle of Development

- 6.3 Strategic Policy SS1 of the Herefordshire Core Strategy sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF as a golden thread running through plan-making and decision-taking. Policy SS1 also confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 CS Policy SC1 ensures development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. This, by nature, should be in or close to settlements and where possible should be safely accessible by foot, cycle or public transport. In this instance, the church represents an existing community facility for worship located within an established residential area with a nearby village hall. However, though physically capable for community use, the church has been closed since 2008 and unused since that time. The scheme introduces a practical and multifunctioning use of the space to include further facilities as a bakery, cafe and social space with the space available for continued worship to serve the local community. This is in adherence with the policy in that the existing facility as a place of worship will be retained, whilst presenting additional community services ensuring the continued viable use of the heritage asset and making use of existing structures.

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

6.5 This is reinforced in the Brampton Abbots and Foy Group Neighbourhood Development Plan which is now awaiting Referendum and as such, can be afforded significant weight. Policy BAF7 seeks to protect and enhance existing community facilities and directly states the future plans for the church:

*“Development assessed to be in line with other policies in this Neighbourhood Development Plan that would enhance or improve these facilities, or in the case of St Michael & All Angel Church would bring the Church back to a place of worship with a certain level of commercial activity to fund it which would complement the Village Hall, will be supported subject to compliance with BAF2, BAF3 and BAF4.”*

6.6 The scheme is considered to satisfy the policy ensuring the building remains a place of worship with commercial activity to raise funds, improving upon the existing facility in order to provide services and functional space for the community. The scheme does not conflict with Policies BAF2, BAF3 and BAF4 given the external character, and therefore landscape, is not impacted and the heritage asset is conserved with a viable function going forward. The communal value of the church as a symbol of spirituality and centre of a community is pre-existing, lending the site to be a sustainable choice for the proposed function.

6.7 Policy RA6 of the Core Strategy supports proposals which help diversify rural economy including proposals which promote the sustainable use of the natural and historic environment as an asset which is valued, conserved and enhanced. In this instance, the diversification of use of the heritage asset ensures a positive impact upon the rural economy and surrounding community. As a currently disused place of worship, the scheme secures a sustainable use of the historic building.

6.8 This is furthered by CS Policy E1 which supports the enhancement of employment provision and the diversification of the Herefordshire economy. The proposal is in adherence with policy given its appropriate scale and design, making better use of an existing building of local and heritage importance providing opportunity for employment. Moreover, Policy BAF5 of the NDP ensures proposals for small scale rural businesses are supported where they do not have a significant adverse impact on the landscape character or residential amenity. This is specifically supportive of proposals which utilise *“conversion or reuse of an existing building where the building is suitable for such a conversion without rebuilding or disproportionate extensions.”* In this instance, the building has been previously repaired to a sufficient standard to facilitate again the public use of the space whilst offering an opportunity for a local business to utilise the facility.

### **Design and Amenity**

6.9 Policy SD1 of the CS relates to the design of development. The 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. Policy BAF2 of the NDP reiterates the requirement for development to contribute to the sense of place whilst utilising existing infrastructure and not have significant adverse impact upon residential amenity. This is echoed through Policy LD1 which ensures development proposals demonstrate the character of the landscape and townscape have positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas.

6.10 Given the sole proposed change to the external appearance of the structure would be the installation of a small extraction fan, there are no concerns regarding the design of the proposal. The established street scene would remain unchanged ensuring no landscape disturbance is caused by the change of use in accordance with Policies LD1 of the Core Strategy and BAF4 of the NDP which protects the scenic beauty of the landscape.

- 6.11 With regards to residential amenity, it is generally accepted that any proposal would increase the current levels of use and therefore movement to and from the site as the church is currently unused. However, given the proposed use of the building as a café and bakery with community space for local gatherings, it is considered that this increase in movement would not create a detrimental impact upon residential amenity due to the generally sociable hours of business. Though the bakery element of the scheme includes an earlier start and goods deliveries, the modest scale of the business would not give rise to a level of noise which would warrant refusal.
- 6.12 Furthermore, the proposed B1 Business use is by nature appropriate for this location stating “*light industry appropriate in a residential area*”. Therefore, any noise nuisance caused by movement on, or to and from the site must be of an acceptable level within a residential area as secured by the proposed use class. In addition to this, no technical objections are raised by the Environmental Health Officer with regards to noise and nuisance. Due to the site’s location within the established residential area, planning conditions are included to restrict the hours of opening and deliveries, whilst hours of operation during development would also be restricted.

### **Heritage**

- 6.13 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for works which affect a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.14 In this respect, the advice set out at paragraph 193 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 194 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 195, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.15 Policy SS6 of the CS states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.16 With specific regard to heritage matters, Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and their settings through appropriate management, uses and sympathetic design. The Policy states “*development proposals affecting heritage assets and the wider historic environment should use the retention, repair and sustainable use of heritage assets to provide a focus for wider regeneration schemes.*” The scheme utilises an existing unused heritage asset, retaining the structure and, therefore, character of the building for a sustainable use ensuring the viability of the Listed Building in the future in accordance with point three of this Policy.
- 6.17 It is noted that the Building Conservation Officer raises objection to the scheme on the basis that the removal and re-use of the Caroe pews would constitute a less than substantial harm to the significance of the heritage asset. Furthermore he advises that due to the church’s listing status as Grade II\*, this has been attributed more weight in accordance with the increased historic significance. Whilst there is harm identified, it is considered that the proposal retains an acceptable proportion of the internal historic furniture ensuring the ecclesiastical character of the



asset is evident. A number of the choir stalls are to be converted into freestanding seated areas whilst the pews are to be repurposed to create cupboards and stairs to the mezzanine floor. The re-use of the pews ensures the evidence of previous human activity is not removed from the building, but is indicated in a new way. Additionally, the evidence of Caroe's work within the church will not be completely lost from the building given the chancel is retained. The traditional orientation of the pews pose a restrictive feature limiting the use options of the listed building going forward. Although harm is identified through the partial de-construction of the pews, utilising their fabric within the construction of the building ensures their historic significance remains within the church itself without physically impacting the more ancient fabric of the structure.

- 6.18 Counter to the Building Conservation Officer's recommendation, Historic England have attributed significantly less weight to the less than substantial harm also identified whilst confirming the proposals are sensitive and conserve the significance to a considerable degree under the challenging context. In the application of the paragraph 196 test, it is considered that this harm is greatly outweighed by the public benefits of the scheme. The less than substantial harm identified is mitigated by the detailed documentation of the existing church creating an evidential source of human activity and the partial retention of the significance of the Caroe pews maintaining a relationship with the church, albeit in a re-constructed form.
- 6.19 Furthermore, Policy LD4 states "*development proposals affecting heritage assets and the wider historic environment should record and enhance the understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence or archive generated publically accessible and, where appropriate, improve the understanding of and public access to the heritage asset.*" As indicated in the submitted Heritage, Design and Access Statement, the applicants have commissioned the creation of a 3D scan of the interior of the church as a record which can be presented as evidence to future generations through virtual reality. This allows a creative and interactive record of the existing structure, documenting the pews before the partial loss and re-construction of their fabric, and, as such, is considered to be in adherence with the CS policy, undertaking measures to secure substantial evidence of the internal church appearance to date.
- 6.20 A planning balance is applied in that the public benefit to be derived from the scheme is compared with the less than substantial loss of heritage significance. This is furthered by Historic England's comments stating: "*We considered that the loss of many of the Caroe pews amounts to less than substantial harm that is outweighed by the public benefit of enabling a new apparently viable use for the listed building we therefore have no objection to the application.*" As such, no conflict is found with CS policy LD4 and the proposal accords with Section 16 of the 1990 Act.

### **Movement and Transportation**

- 6.21 With regards to movement around the site, Policy SS4 of the CS is applicable as it seeks to ensure new developments are designed and located to minimise the impacts on the transport network. Where practical, development proposals should be accessible by and facilitate a choice of modes of travel. This is reinforced by Policy BAF8 of the NDP which seeks to minimise the impact of traffic and create a safer environment for all road users.
- 6.22 This is furthered by CS Policy MT1 which requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also be designed and laid to achieve safe entrance and exit, and have appropriate operational and manoeuvring space.
- 6.23 As an existing community facility, it is considered to be sustainable to make use of an otherwise unused asset within an established residential area. Given the nature of the proposal, the bakery and café is proposed to serve the local residents as a space to be utilised by the community. As

such, it is expected that many sustainable modes of transport including walking and cycling will be utilised to access the site, with a condition included to provide secure cycle parking. When community events or religious services are being held, parking provision for 14 vehicles is proposed to the north of the site with an associated turning area. The Area Engineer has offered no objection to the proposed scheme with conditions included to secure the safe access and entrance to the site.

- 6.24 It is noted through public consultation that queries have been raised regarding ownership of the parking area. Although it is my understanding that an agreement has been made with the Parochial Church Council, this is a civil matter to be resolved and is not a material planning consideration.
- 6.25 In addition to this, the proposed waste management plan is considered to be acceptable with sufficient access being achievable to the storage areas. This is confirmed by the lack of objection from the Waste Management Officer.

### **Ecology and Drainage**

- 6.26 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.
- 6.27 The application has been supported by an Ecological bat report which makes several recommendations. The Council's Ecologist has had sight of the assessment and does not object to its conclusions. The report will be conditioned to be carried out on any approval as well as a condition requesting a scheme for proposed biodiversity net gain enhancement features including provision for bat roosting, bird nesting, hedgehog homes and pollinating insect nesting. With the foregoing in mind, subject to recommended conditions being attached to any approval the proposal is found to be compliant with policy LD2.
- 6.28 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 waste water 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). This is furthered by the NDP policy BAF9 which aims to protect the capacity of the public sewerage network.
- 6.29 The application form accompanying the submission states that foul water will be disposed of via connection to the mains sewer network and all surface water to be managed through on site soakaway infiltration. With these methods aligning with the aims of policies SD3 and SD4, and Welsh Water consultation response, and given the size of the land within the site, they are considered acceptable as confirmed by the Ecologist. These methods of water management are secured by condition.
- 6.30 The location of the site triggers a Habitat Regulations Assessment process. The HRA screening assessment identified No Likely Significant Effects. This was undertaken and forwarded to Natural England who have not raised an objection subject to the conditions suggested below being imposed. There are no other concerns or objections relating to biodiversity and as such the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural

Habitats, &c) Regulations 1994 (as amended) and Policy LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006 are met.

### **Other Matters**

- 6.31 With regards to the objections received, a number of these have been dealt with through the consultation process with internal and statutory consultees, including a waste management plan, visual impact of the extractor unit and residential amenity concerns. Whilst the Area Engineer offers no objection from a highway safety perspective, as previously stated the agreement of use between the PCC and applicant is a civil matter which is not a material planning consideration. The proposal does not look to turn the historic asset into an industrial unit, but maintains the external appearance of the structure whilst sympathetically re-ordering the internal space to maintain the historic character whilst providing a functional space for the community. The proposed lighting is considered to be appropriate for the intended use, utilising existing external lights and installing new lighting to footpaths, this is confirmed by the lack of objection from the Council's Ecologist. The amenity issues have been addressed as previously discussed due to the nature of B1 use as a light industry appropriate to be situated within a residential area and the inclusion of planning conditions to secure hours of business and delivery.

### **Conclusion**

- 6.32 The principle of development is shown to be acceptable and in accordance with policies SC1, RA6 and E1 of the Core Strategy which support proposals that make use of existing facilities to provide community space and service for local residents whilst actively encouraging the rural economy through the provision of employment. This is reinforced by the NDP policy BAF7 which aims to bring back the church as a place of worship with commercial opportunities to fund it which would complement the use of the village hall.
- 6.33 The impact upon residential amenity is not considered to be detrimental and is protected by the use of planning conditions and appropriate use class. No technical objections are raised by the Council's Ecologist, Waste Management Officer or Area Engineer, with conditions included to ensure these matters are safe and functional.
- 6.34 The less than substantial loss of an element of the listed building is considered to be outweighed in the planning balance by the significant public benefit to be derived from a community facility to provide services and function space in an existing and sustainable structure, which will allow enjoyment of the currently disused heritage asset for future generations in accordance with policy LD4 of the Core Strategy.
- 6.35 Therefore, in accordance with policy SS1 of the Core Strategy, the proposal does not conflict with the policies of the Local Plan nor the emerging Neighbourhood Development Plan and poses no material considerations to indicate the refusal of the scheme. As such it is recommended for approval subject to the below conditions.

### **RECOMMENDATION**

#### **193665**

**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. Development in accordance with the approved plans and materials**
- 3. Nature Conservation – Ecology Protection, Mitigation**

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Swift 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 church.

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

**4. Nature Conservation – Biodiversity and Habitat Enhancement**

Prior to first use of works approved under this decision, a detailed scheme and plan for proposed biodiversity net gain enhancement features including provision for bat roosting and hibernation, bird nesting, hedgehog homes and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature or adjacent habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

**5. Habitat Regulations (River Wye SAC) – Foul- and Surface Water**

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

**6. CAB - Visibility Splays**

**7. CAD - Access Gates**

**8. CAI - Parking – shared drives**

**9. CAT - Construction Management Plan**

**10. CB2 - Secure covered cycle parking provision**

**11. CB3 - Travel plan**

**12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

**13. CBK - Restriction of hours during construction**

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

**14. C54 - Restriction on hours of opening**

The A3 – Restaurant and café use hereby permitted shall not be open to customers outside the hours of 9:00 and 18:00 Sunday – Thursday and the hours of 9:00 and 22:00 Friday – Saturday, and the bakery use hereby permitted shall not be open outside the hours of 4:00 and 17:00 on Monday to Saturday.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**15. C56 - Restriction on hours of use (industrial)**

No deliveries shall be taken at or despatched from the site outside the following times [6:00 and 16:00] nor at any time on Sundays, Bank or Public Holidays

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

**16. C57 - Restriction on Use**

The light industrial element of the premises hereby approved shall be restricted to use as a bakery and for no other purpose in Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

- 1. IP2 - Application Approved Following Revisions**
- 2. I11 - Mud on highway**
- 3. I09 - Private apparatus within the highway**
- 4. I05 - No drainage to discharge to highway**
- 5. I47 - Drainage other than via highway system**
- 6. I41 - Travel plans**
- 7. I35 - Highways Design Guide and Specification**

**193666**

That Listed Building Consent 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. CE7 - Time Period**

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

**2407.02P(0)303 Rev C, 2407.02P(1)300 Rev G, 2407.02P(0)301 Rev F, 2407.02P(0)305 Rev E, 2407.02(0)401, 2407.02(0)402 & Design & Access Statement and Heritage Impact Assessment.**

**3. CE8 Expert Supervision**

**Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the local planning authority.**

**Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**4. CF1 Protection: Specific**

**Before work begins in relation to any of the specified features, details of measures to protect the following interior features from damage shall be submitted to and approved in writing with the Local Planning Authority. The work shall be carried out in accordance with the approved details and shall remain in place for the duration of the construction/alteration work hereby permitted. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority:**

- West Tower Structural Timberwork**
- Communion Rail**
- Chancel Screen**
- Panelling**
- Doors**
- Memorials**
- Historic Window Glass**

**Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

## **5. CF4 Features**

**Before work begins in relation to any of the specified features, a schedule showing their retention/re-use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

- **West Tower Structural Timberwork**
- **Communion Rail**
- **Chancel Screen**
- **Panelling**
- **Doors**
- **Memorials**
- **Historic Window Glass**

**Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

## **6. CF5 Misc Details**

**Before work begins in relation to the specified features drawings to a scale of 1:20 and 1:5 fully detailing the following new, replacement or altered features shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

- **Vestry Wall & Floor Lining (to include means of ventilation)**
- **New staircase and Mezzanine structure (to include methods of attachment to historic fabric)**

**Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

## **7. CG1 Recording – Standing Structures**

**No development approved by this permission shall commence until a Level 3 drawn and photographic survey of church fabric to be altered or removed has been submitted to and approved in writing by the Local Planning Authority – Level 3 Survey requirements as defined in Historic England’s guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice'.**

**A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 3 months of approval.**

**Reason: This information is required before development commences to record the historic fabric of the building prior to development in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

## **8. CG2 Matching existing work and samples – General**

**All new external and internal works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and**

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

finished appearance unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### **9. CG4 Roofing details**

Before any works in relation to the features specified below begins, details and drawings (1:20 & 1:5) of construction methods shall be submitted to and approved in writing by the Local Planning Authority:

- Roof ventilation and valley gutter treatment (Vestry Roof);
- Flues, vents or other pipework piercing the building (and decorative finish)
- Leadwork details (in accordance with LDA good practice);

The works shall be carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### **10. CH7 Damp proof course**

Before work begins, a detailed justification for, and methodology for inserting, a damp proof course shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### **11. CH8 Joinery works**

No joinery works shall commence until precise details of all internal joinery and glazing have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Full size or 1:2 sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method and type of glazing
- Colour scheme/surface finish

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.



**12. CI7 Repairs in situ**

Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ and the approved conversion scheme shall be carried out without dismantling timber elements (including the roof) or rebuilding brickwork or masonry.

**Reason:** To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

**13. CJ2 M&E Services**

All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling etc. and interior fittings such as radiators, electrical socket outlets and switch-plates. The development shall be carried out in accordance with the approved details.

**Reason:** To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**14. CJ5 Ornamental Mouldings**

All new partitions and other elements of construction shall be scribed around historic and architectural features and shall not cut through such features.

**Reason:** To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**15. CJ6 Making Good – Submit Details**

Full details of ‘making good’ exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.

**Reason:** To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**16. CJ9 Schedule of works**

A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**17. CK1 Insulation**

**Details including a specification and scale drawings of new sound and heat insulation is to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**18. CK2 Fire Proofing**

**Details including a specification and scale drawings of new fire proofing measures are to be submitted to and approved in writing prior to the commencement of the relevant section of works. The development shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy , the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**INFORMATIVES:**

**1. I66- Extent Of Permission**

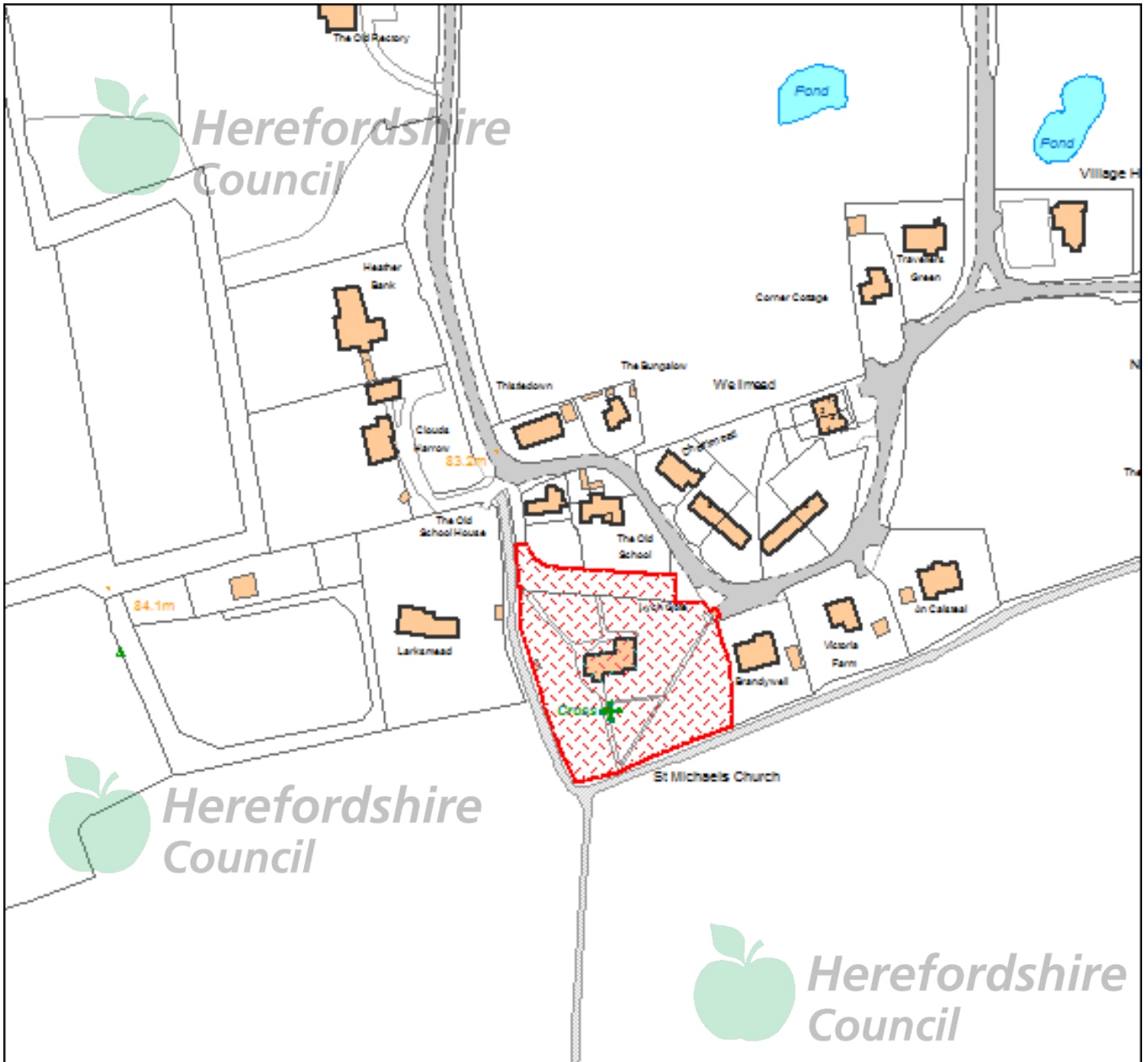
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 193665 & 193666

**SITE ADDRESS :** ST MICHAELS CHURCH, BRAMPTON ABBOTTS, ROSS-ON-WYE,  
HEREFORDSHIRE, HR9 7JE

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

