

Agenda

Planning and regulatory committee

Date: **Wednesday 16 December 2020**

Time: **10.00 am**

Place: **Online meeting**

www.youtube.com/HerefordshireCouncil

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

For any further information please contact:

Tim Brown, Democratic Services Officer

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

Agenda for the meeting of the Planning and regulatory committee

Membership

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 Terry James
Councillor Tony Johnson
Councillor Graham Jones
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor William Wilding

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 2 December 2020.</p>	13 - 22
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>201300 - LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE</p> <p>Proposed erection of 5 no. Dwellings and associated works.</p>	23 - 58
7.	<p>193227 - LAND AT WHITE GATES FARM, LITMARSH, HEREFORD, HR1 3EZ</p> <p>Proposed erection of 2no. Dwellings with garaging.</p>	59 - 84
8.	<p>201738 - THE BUILDINGS AT TRETAWDY NATURE RESERVE, LLANGROVE, ROSS ON WYE, HEREFORDSHIRE, HR9 6EY</p> <p>Proposed development of the conversion of two small redundant barns into a luxury 6-8-person holiday let.</p>	85 - 104
9.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 12 January 2021</p> <p>Date of next meeting – 13 January 2021</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 Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	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.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held as an Online meeting on Wednesday 2 December 2020 at 10.00 am

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

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Mike Jones, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and William Wilding

In attendance: Councillors David Hitchiner

40. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Graham Andrews and Councillor Graham Jones.

41. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews and Councillor Mike Jones for Councillor Graham Jones.

42. DECLARATIONS OF INTEREST

Agenda item 6: 200299 - Land adjacent Garnom, Birch Hill, Clehonger

Councillor Milln declared an other declarable interest because he knew one of the objectors.

Agenda item 7: 202974 - Proposed extension and alterations at Hooks Cottage, Lea Bailey, Ross-on-Wye

Councillor Wilding declared a schedule 1 interest because he was the applicant. He left the meeting for the duration of this item.

43. MINUTES

RESOLVED: That the minutes of the meeting held on 2 December 2020 be approved as a correct record.

44. CHAIRPERSON'S ANNOUNCEMENTS

None.

45. 200299 - LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE

(Proposed erection of two dwelling houses with shared vehicle access.)

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

The Committee had deferred consideration of the application on 5 August 2020 to allow comment to be sought from the Landscape Officer.

The SPO reported that the Senior Landscape Officer had objected to the proposal. In addition the Clehonger Neighbourhood Development Plan had passed through independent examination with no changes. The Plan would now be subject to a referendum. It should be attributed significant weight at this point. Given these two factors the officer recommendation had changed to recommend refusal of the application.

In accordance with the criteria for public speaking for virtual meetings, Mrs A Davies of Clehonger Parish Council spoke in objection to the application, as a virtual attendee. Mr K Hastings spoke in objection to the application, as a virtual attendee. Mr D Baume, the applicant's agent had submitted a written submission in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Hitchiner, spoke on the application. He highlighted the housing growth in the village, the significant weight that could now be given to the NDP, to which the proposal was contrary, and the objection from the Landscape Officer. He considered that on balance the application should be refused.

The Committee discussed the application.

The Lead Development Manager commented that the significant weight that could now be given to the NDP, in conjunction with the cumulative impact of housing development, which meant that the minimum housing target had been significantly exceeded, and the landscape harm underpinned the recommendation for refusal.

The local ward member was given the opportunity to close the debate. He reiterated his support for refusal of the application.

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

- 1. The application seeks approval for the erection of 2 dwellings in a location that is adjacent to, but outside of the settlement boundary for Clehonger. Locationally this accords with policy RA2 of the Herefordshire Local Plan – Core Strategy, but is in direct conflict with policy C2 of the draft Clehonger Neighbourhood Development Plan, which is afforded significant weight, following the Examiner's Report that does not recommend any modifications. The Clehonger Neighbourhood Development Plan Area has experienced considerable growth and the Plan provides for a considerable exceedance of the minimum proportional growth target and the Examiner saw no reason to expand the settlement boundary (including to accommodate the application site as per the applicants' representations). The proposed development fails to meet any of the exceptions for development outside settlement boundaries, as specified in policy RA3 of the Herefordshire Local Plan – Core Strategy. In undertaking the test set out in paragraph 11d)ii of the National Planning Policy Framework, in light of the Council's current housing land supply position, the identified adverse impact of direct conflict with the draft Clehonger Neighbourhood Development Plan as set out in this reason for refusal, and the following reason, significantly and demonstrably outweigh the benefits.**

2. **The proposed development will adversely affect the landscape character in two material ways. Firstly, the proposed access arrangements, through the removal of 4.5m of hedgerow and the widening of the Poplar Road along a length of approximately 45m, will adversely effect the intimate rural character of Poplar Road in an important transitional location between the settlement of Clehonger and the open countryside to the South. This is contrary to both Policy LD1 of the Herefordshire Local Plan – Core Strategy and Policy C6 of the draft Clehonger Neighbourhood Development Plan, which is attributed significant weight. Secondly, the development of the site will obstruct a view that is protected via Policy C4 (3B) of the draft Clehonger Neighbourhood Development Plan thereby adversely affecting this protected landscape characteristic.**

INFORMATIVES:

1. **IP3 - Application Refused Following Discussion – Where there is no Way Forward**

(The meeting adjourned between 10.55 and 11.05 am.)

46. 202974 - HOOKS COTTAGE, LEA BAILEY, ROSS-ON-WYE, HR9 5TY

(Proposed extension and alterations.)

(Councillor Bowen had left the meeting and was not present during consideration of this application. Councillor Millmore had not heard the whole of the presentation and discussion and accordingly did not vote on this application.)

Councillor Yolande Watson fulfilled the role of local ward member on behalf of Councillor Wilding and accordingly had no vote on this application.

Councillor Wilding, the applicant, had declared an interest and left the meeting for the duration of this item.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, Councillor Watson fulfilling the role of local ward member had made a written submission. This was read to the meeting. She supported the application.

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. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with approved plans (Drawing nos. 1798.02 and 1798.03)**
3. **C14 - Matching external materials (extension)**
4. **CBK - Restriction of hours during construction**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

47. **203159 - 41 POOL COTTAGES, LOWER LYDE, HEREFORD, HR1 3AQ**

(Proposed erection of a single-storey extension to form annexe accommodation.)

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

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

In accordance with the Council's Constitution, the local ward member, Councillor Crockett had made a written submission. This was read to the meeting. She supported the application.

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

1. **C01 - Time limit for commencement (full permission)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 22LL-01 revision A; 22LL-02; 22LL-03 revision A; 22LL-04; 22LL-05 revision A; the design and access statement; the application form and the document titled "Brick for South & West elevations" dated 10 November) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **C14 - Matching external materials (extension)**

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. C79 - Occupation ancillary to existing dwelling only (granny annexes)

The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 41 Pool Cottages.

Reason: It would be contrary to Policy SD1 of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location.

INFORMATIVES:

1. IP1 – Application Approved Without Amendment

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

48. 202406 - 28 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NQ

(Proposed extension and alterations.)

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

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

In accordance with the criteria for public speaking for virtual meetings, Mr S Kerry, of Hereford City Council submitted a written submission in opposition to the scheme. This was read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Tyler, had made a written submission. This was read to the meeting. She supported refusal of the application.

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

- 1. The proposal would have an overbearing / overshadowing effect on neighbouring properties and would diminish the natural light to their habitable rooms; thus detrimentally impacting the amenity of adjoining dwellings. As such the proposal is wholly contrary to the intent of Herefordshire Local Plan Core Strategy Policy SD1, LD1 and SS6 and the relevant design policies of the National Planning Policy Framework.**

2. **The proposal by virtue of its form, size, scale, siting and design would present an incongruous addition which would have an unacceptable impact on the character and appearance of the host dwelling and local built form. Thus it would have a detrimental impact on the character and appearance of the street-scene, at odds with the sense of place that is experienced in the locale; thus being contrary to Policies SD1, SS6 and LD1 of the Herefordshire Local Plan – Core Strategy, the design guidance set out within Paragraphs 124, 127 and 130 of the National Planning Policy Framework, as well as the expectations of the National Design Guide.**

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 by identifying matters of concern with the proposal and discussing those with the Agent. Unfortunately, it has not been possible to negotiate a way forward for the current proposal. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

49. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 11.45 am

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 2 December 2020 10am

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

200299 - PROPOSED ERECTION OF TWO DWELLING HOUSES WITH SHARED VEHICLE ACCESS AT LAND ADJACENT GARNOM, BIRCH HILL, CLEHONGER, HEREFORDSHIRE

For: Mr Lewis per Mr DF Baume, Studio 2, Thorn Office Centre, Rotherwas, Hereford, HR2 6JT

ADDITIONAL REPRESENTATIONS

Climate change checklist completed in support of the application.

OFFICER COMMENTS

Outlines some of the commitments made in the efficiency of the design and details some potential additional options that could be incorporated later at the detailed design stage.

NO CHANGE TO RECOMMENDATION

203159 - PROPOSED ERECTION OF A SINGLE-STOREY EXTENSION TO FORM ANNEXE ACCOMMODATION AT 41 POOL COTTAGES, LOWER LYDE, HEREFORD, HR1 3AQ

For: Mr & Mrs Fishlock per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

Climate change checklist completed in support of the application. Can be seen on the website under supporting documents.

OFFICER COMMENTS

The climate change checklist provides further detail of the sustainability measures the applicants are taking in this proposal, enhancing the policy support for the proposal.

NO CHANGE TO RECOMMENDATION

**202406 - PROPOSED EXTENSION AND ALTERATIONS AT 28
MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NQ**

**For: Applicant per Mr Ian Williams, 9 Lyall Close, Hereford,
Herefordshire, HR1 1XG**

ADDITIONAL REPRESENTATIONS

City Council – “Hereford City Council Planning Committee objected to Planning Application. Councillors felt that the proposed plans are too close to the boundary wall of the neighbouring property. Councillors suggest an extension which does not extend beyond the existing side wall.”

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 DECEMBER 2020
TITLE OF REPORT:	201300 - PROPOSED ERECTION OF 5 NO. DWELLINGS AND ASSOCIATED WORKS AT LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE For: Mr & Mrs Thomas per Mr Matt Tompkins, 10 Grenfell Road, Hereford, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201300&search-term=201300
Reason Application submitted to Committee – Re-direction	

Date Received: 27 April 2020

Ward: Sutton Walls

Grid Ref: 352874,250099

Expiry Date: 22 June 2020

Local Member: Councillor Kema Guthrie

1. Site Description and Proposal

- 1.1 The application site relates to a parcel of land located to the west of Ashdown House, within the hamlet of Litmarsh, 2 miles to the north of Marden. The site is essentially level and rectilinear in shape, totalling to an area just greater than 1 hectare. The location of the application site in relation to Litmarsh is denoted by the red star in Figure 1 as set out below.

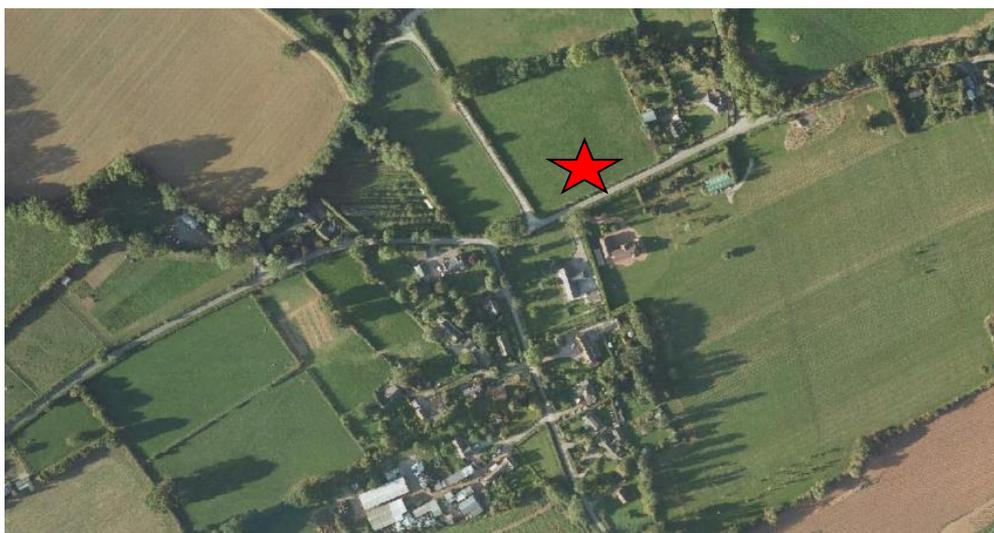


Figure 1 – Site Location Plan

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- 1.2 The site is laid to grass and benefits from mature species hedgerow boundaries to the west, east and south, the latter of which forming the boundary with the C1120, the road linking Marden with Bodenham via Litmarsh. Ashdown House and Little Berrington Bungalow lie beyond to the east and are elevated relative to the application site. The access road serving Berrington Water which lies some 150 metres to the north of the site and comprises a notable lake, flanks the western boundary of the site, as does Public Right of Way MR3. Further denser residential development is found to the southern side of the C1120, opposite the application site. These dwellings of typically red-brick construction are set within spacious plots set back from the highway. Further nucleated residential development is found to the south-east, largely accessed off the unclassified road running through the hamlet and leading towards The Vault.
- 1.3 This application has been made in full and seeks planning permission for the erection of five dwellings and associated development. The proposed layout of the site is shown below in Figure 2.



Figure 2 – Proposed Site Plan

- 1.4 The proposal would be served by two new tarmac accesses off the C1120. The westernmost access would serve plots 1 and 2 whilst that to the east would serve plots 3, 4 and 5. Between plots 4 and 5, the scheme seeks to retain a narrow strip of land in order to allow for access to the remainder of the undeveloped part of the site to the immediate north of the plots.
- 1.5 As set out above, five dwellings are proposed in total and these would come forward as three detached dwellings and a pair of semi-detached dwellings. A breakdown of the make-up of the proposed dwellings is shown below in Figure 3.

PLOT 1	Three bedroom detached dwelling with detached two bay garage
PLOT 2	Three bedroom detached dwelling with integral two bay garage
PLOT 3	Two bedroom semi-detached dwelling
PLOT 4	Two bedroom semi-detached dwelling
PLOT 5	Three bedroom, one and a half storey dwelling with integral two bay garage

Figure 3 – Breakdown of proposed dwellings

- 1.6 Each of the dwellings are individually designed, save the two semi-detached dwellings proposed for the central part of the development. There is a mixed palate of materials proposed for the dwellings, including horizontal weatherboarding, render and brickwork. The siting and positioning of the dwellings would not be strictly regimental in nature, with plot 1 to the west of the site orientated at a 45° angle relative to the remaining dwellings of which principally face the highway.
- 1.7 The proposal would retain the existing roadside hedgerow except for the part to be removed to facilitate the creation of the two new accesses to serve the development. The plots would be delineated by further native species planting and a fence would separate the rear gardens of the pair of semi-detached dwellings.
- 1.8 Foul water from the dwellings is proposed to be dealt with by way of individual, plot specific package treatment plants, discharging to three suitably sized and designed drainage mounds on land within the applicants control to the rear of the gardens. Surface water would be dealt with by way of an on-site attenuation tank.

2. Policies

2.1 The Herefordshire Local - Plan Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire's Countryside
- H1 - Affordable Housing – Thresholds and Targets
- 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
- 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

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

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

2.2 The Marden Neighbourhood Development Plan (MNDP) (made 6 October 2016)

M2	-	Development in Designated Hamlets
M3	-	General Design Principles
M4	-	Ensuring an appropriate range of tenures, types and sizes
M10	-	Landscape Character
M11	-	Flood Risk and Surface Water Run-off
M12	-	Public Rights of Way/Connectivity

2.3 It is noted that Marden Parish Council submitted their reviewed draft Neighbourhood Development Plan to Herefordshire Council on 26 November 2020. The consultation period runs from 30 November 2020 to 15 January 2021. At this regulation 14 draft plan stage, the draft Neighbourhood Development Plan (dNDP) can be afforded limited weight.

The Marden Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/9017/neighbourhood_development_plan

2.4 National Planning Policy Framework 2019 (NPPF)

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

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

3. **Planning History**

- 3.1 152314/O - Proposed bungalow, garage and access – Refused 17 September 2015
- 3.2 151485/O - Proposed dwelling, garage and new access – Refused 9 July 2015

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – no objection

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

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.

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 Natural England – comments on the submitted HRA Appropriate Assessment are awaited and shall be included in the committee update sheet.

Internal Council Consultations

4.3 Transportation Manager

9 July 2020 – no objection

The proposal submitted includes an access to serve multiple dwellings. The following observations are a summary of the highways impacts of the development:

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below.

The access proposed meets the visibility requirements and the associated rationale is acceptable in demonstrating the access amendments will not result in an unacceptable impact on road safety. The access meets the highway in a perpendicular fashion, this maximises visibility and ensures that turning movements can happen efficiently.

The details of the way in which the access drains is not included in the proposal. It is not acceptable for water to shed from accesses onto the public highway as a result condition CAE should be attached to any permission granted to ensure that this is addressed prior to construction.

The proposed access specification meets the requirements of the Section 184 licence, more specifically, it recognises this standard and confirms adherence to it. This is acceptable and a section 184 licence should be applied for in the event that permission is granted to construct the access points.

The vehicle turning/manoeuvring area is adequate for the scale of the dwellings. The parking levels provided is considered acceptable, having regard to the content of Herefordshire Council's Design Guide for New Developments. It is unclear from the submission if cycle parking is to be included. This is a requirement for all new developments and as such Condition CB2 should be applied to ensure its delivery.

The following link may assist the applicant in discharging conditions:

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

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

There are no highways objections to the proposals, subject to the recommended conditions being included with any permission granted.

In the event that permission is granted the following conditions and informative notes are recommended.

CAB - Visibility Splay Required (2.4m x 71m)
CAE - Access Construction Specification
CB2 - Provision of Secure Cycle Parking
I11 - Mud on Highway

4.4 Conservation Manager (Ecology)

20 November 2020 – HRA Screening and Appropriate Assessment

Appropriate Assessment information, discussion and proposed mitigation measures:

The following notes are made in respect of the HRA process

The Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 refers.

- Due to poor percolation a standard 'drainage field is not achievable at this location
- The revised proposal within the supplied report details the use of a private treatment system with outfall to a mound soakaway system on land under the applicant's control but outside the development site boundary.
- As advised in the Environment Agency's "Advice for Local Authorities on non-mains drainage from non-major developments" drainage mounds are not considered as being compliant with General Binding Rules and in all circumstances require a Discharge Permit/Licence to be obtained from the Environment Agency. This is supported by BS6297 Annex C – C.1.
- As this is an 'initial' planning consent the required EA 'discharge' licence can be secured by a relevant pre-commencement condition on any planning consent granted.
- The LPA from available information has no reason to believe the required EA Licence will not be granted.
- The detailed proposal within the supplied report appears to be demonstrate compliance with the other required criteria agreed between the LPA and Natural England in regard to private drainage systems.
- As the proposed system is not a standard soakaway system and requires an EA licence a formal appropriate assessment process and consultation with Natural England must be completed and a 'no objection' response received PRIOR to any final grant of planning consent.

- It is noted that surface water can be managed through an appropriate SuDS system within the development site. This ensures any potential contaminants, pollutants and particulates are removed from the water prior to a managed discharge to the adjacent watercourse - and thus removed from creating any adverse effect on the Lugg SAC)
- There are shared systems between the properties for both the surface water management scheme and some shared aspects of the foul water system, The management and maintenance for all shared features (as relevant to each property and system can be secured for the lifetime of the development through a relevant condition.

Recommended Planning Conditions to secure appropriate mitigation:

Habitat Regulations River Lugg (River Wye) SAC – Foul Drainage Strategy

As detailed in the Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 all foul water shall discharge through connection to new private foul water treatment systems with final outfall to mound soakaway drainage fields on land under the applicant's control 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 SS1, SS6, LD2 and SD4

Habitat Regulations River Lugg (River Wye) SAC – Surface Water Management Plan

All surface water shall be managed through a Sustainable Drainage as detailed in the Surface Water Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 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 SS1, SS6, LD2 and SD3

Habitat Regulations River Lugg (River Wye) SAC – Foul Water Outfall

Prior to commencement of any construction approved under this consent, written confirmation from the Environment Agency on the acceptability of the mound soakaway drainage system approved under this planning consent shall be supplied to, and be acknowledged in writing by the Local Planning Authority.

Reason: In order to ensure compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4

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

Prior to any construction above damp proof course level, details of how all shared elements of the foul water drainage and surface water schemes will be managed for the lifetime of the whole development approved under this consent shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

8 September 2020 – qualified comment

Surface Water

It is noted that a shared sustainable drainage scheme is proposed to manage surface water from the proposed development (5 residential properties). Subject to confirmation by the

council's drainage consultants on the proposed technical capacities and specifications being appropriate and the system deliverable at this location this would be an acceptable solution in regards of the required HRA process – subject to a relevant condition to secure the legal management and maintenance of all parts of the shared system for the lifetime of the development – this could be secured by a relevant pre-occupation condition.

Foul Water

It is noted that the local ground conditions preclude the use of a 'normal' soakaway drainage field to manage outfall from the proposed plot-specific Package Treatment Plants. The proposed scheme includes the use of two 'shared' drainage mounds (semi-detached plots and two western plots and one a plot specific drainage mound (serving the eastern most plot). In principle based on supplied information this foul water management scheme is likely to achieve an acceptable outcome within the required HRA process.

As the proposal is a 'non-standard' system the proposed drainage mound system will require relevant approval and licences from the Environment Agency. To provide the required security that the proposed systems can actually be achieved the relevant EA licences should be obtained and submitted in support of the application to enable the HRA process to proceed with required legal and scientific security. Natural England have in other cases not 'approved' the required HRA appropriate assessment submitted to them by the LPA until confirmation these Licences will have been issued by the EA has been presented to NE in support of the appropriate assessment. The applicant is advised to progress these applications and submit the relevant EA approvals to the LPA. Once received the HRA process and required appropriate assessment with supporting information can be completed by the LPA and submitted to Natural England for their required formal consultation.

In a similar requirement to the shared aspects of the SuDS system to provide required legal and scientific security of 'ownership' and management and maintenance for the lifetime of the development of the shared drainage mounds an appropriate legal agreement for each shared system will be required, this can be secured by a relevant pre-occupation condition on any planning consent granted.

12 May 2020 – object

As the applicant has identified in their Planning Statement dated April 2020 this application may not be granted consent until the required habitat Regulation Assessment process has been satisfactorily completed and a conclusion of 'no adverse effect on the integrity of the River Lugg SAC has been concluded.

The application site lies within the catchment of the River Lugg catchment, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Wye SAC'. Natural England; the statutory nature conservation body, advise that recent

case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

Therefore at this point in time on the basis of the information provided I find that the proposed development would harm a designated nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity.

Additionally, the proposal would be inconsistent with the provisions in the NPPF in relation to conserving and enhancing the natural environment and would not accord with the Conservation of Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017).

Further information and current guidance and information is available on the council's website:

https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/12

Notes:

The applicant has not supplied any professional drainage reports demonstrating that the proposed foul water and surface water management schemes are compliant with the currently agreed HRA 'soakaway criteria', Core Strategy policies SS6, LD2, SD4 and SD3 and all other relevant regulations.

The site is within approx. 600m of the River Lugg and is close to existing ponds that have the potential to support protected species. The supplied ecology report recommends that a relevant ecological working method statement/risk avoidance measures be secured prior to any work commencing on site. These should include consideration for all species including Great Crested Newts and Otters that may utilise the site in their terrestrial phase or as part of their foraging. Otters are recorded breeding on the River Lugg at Bodenham Lake and are known to be transient across large areas during their foraging and commuting. The proximity to the Lugg SAC and hydrological links means that the required EWEMS/RAMs should be included as part of a wider Construction Environmental Management Plan to ensure that all potential environmental effects and aspects of the construction process are fully considered and relevant mitigation secured. This CEMP can be secured by a condition on any planning consent that may be granted.

Habitat Regulations (River Lugg (Wye) SAC) and Nature Conservation Protection

Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present – including Otter, reptiles and amphibians, 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 the applicant has acknowledged developments should demonstrate how they are going to achieve a Biodiversity Net Gain and sufficient detail must be provided so that the LPA can secure these through condition. To provide this securable detail a plan with specification of proposed 'hard' habitat features such as boxes,, bricks and tiles should be supplied for approval by the LPA. This can be secured through condition on any consent granted.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehog houses and movement corridors 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 habitats on or off the site, boundary features or biodiversity net gain enhancements.

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.

4.5 Land Drainage Engineer

3 December 2020 – qualified comment

Surface Water Drainage

We understand that there is a ditch on the south side of the plot, which includes some culverted sections. Because there is no accurate level data, some assumptions have needed to have been made regarding the invert level of the ditch.

A geocellular tank has been proposed in front of two of the properties. This is shown discharging into the ditch that runs to the south western corner of the plot and into a culvert that crosses below the lane towards the west. We understand that the design work has been completed using LIDAR rather than topographical data, which should give sufficient detail to develop the design for an Outline planning submission.

The crates will need to be installed at a depth that meets the manufacturer's requirements. It is quite possible that the driveway would need to be raised upwards above the crates so that sufficient cover can be provided. This detail could be clarified under a detailed planning application.

There is no information regarding who will maintain the geocellular tank and the hydrobrake. The tank crosses below the two driveways. If the tank collapsed in the future, then the maintenance liability would need to rest with a suitable party. Will each respective access drive be jointly owned by the two properties that the drive serves? If this is the case then it would be easiest if there were two tanks each below the adjacent access drives, thus in the event of the tank collapsing the two residents who access their properties could then complete remedial work without a neighbourhood dispute arising with the other residents.

In principle we accept that the surface water drainage strategy is acceptable but consider that a condition could be included requesting a detailed Surface Water Drainage Strategy with supporting drawings

Foul Water Drainage

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020

Three drainage mounds have been proposed. Noting that the mounds would be raised, the drain serving the most westerly house appears to run uphill. There are four properties and so we consider that each property will need to have its own dedicated drainage mound. The land

on which the drainage mounds are installed will need to be owned by the respective home owners.

The applicant has approached the EA Permitting department and queried whether a Permit is required. Our interpretation is that discharge to a drainage mound located over impermeable soil would constitute a Water Discharge Activity as opposed to a Ground Water Discharge activity. Conversely a discharge to a drainage mound located over semi- permeable soil would constitute a Ground Water Discharge Activity. At the application site, owing to the clay soil water will re-emerge at the base of the drainage mounds, thus creating a Water Discharge Activity. The EA guidelines that have been presented request that the applicant checks to see whether the discharge is compliant with the Binding Rules, using the available evidence (such as soakaway test results) to make this judgement. The officer appears to have reviewed the case assuming that the water is discharging to ground. Please also refer to the applicant's email dated 26 October 16:30.

We note that Ecology have accepted the proposals to discharge effluent via drainage mounds over clay, within the Lugg catchment.

We are now in receipt of comments from the EA regarding our query regarding Drainage Mounds and this is attached. The EA have commented that their role is not to design the drainage mound, but only to determine any permit application.

We note the following comments in particular:

1. The drainage mounds should comply with both BS 6297 and the Building Regulations. If these criteria are met then in principle the EA would be unlikely to object.

In this case individual drainage mounds have been proposed serving individual properties, accordingly this is a low risk scenario which the EA may consider acceptable.

Relevant extracts from BS 6297 and the Building Regulations are copied below:

Diagram 2 in Part H2 of the Building Regulations includes Note 3 which reads as follows:

"Where the permeable soil is slow draining and overlaid on an impervious layer, the mound filter system should be constructed on a gently sloping site"

Our understanding is that Note 3 was included to reduce the likelihood of treated effluent resurfacing from the ground, forming springs.

The proposals for application 201300 include installing drainage mounds above impermeable soil, on a sloping site. On this basis we conclude that the proposals are not consistent with a discharge to ground. Accordingly in this scenario (owing to the provision of permeability tests showing inadequate soakage) the proposals to discharge treated effluent via a drainage mound would require an EA permit, because the discharge would be classed as a surface water discharge.

2. "...such mounds would be installed at the operator's risk"

We highlight the issue that the government guidance on Septic Tanks has recently changed. If a septic tank is causing pollution (discharging to a dry ditch for example) then the owner risks prosecution.

Any drainage mound will become less effective over time. The same environmental legislation will apply to drainage mounds. The future resident will need to be made aware of their duties to maintain and reinstate the drainage mound as required.

3. The permit application will need to include the submission of a risk assessment. "...the design/operation of the discharge system will form a part of that risk assessment.

A risk assessment needs to be presented to the EA as part of the permit application. This will need to be reviewed to ensure all of the design and operation risks have been considered. The installation of a drainage mound also requires approval from the LLFA. In this case we note that there is no risk of downstream flooding.

Diagram 2 in Part H2 of the Building Regulations includes Note 2 which reads as follows:

"Surface water runoff and uncontaminated seepage from the surrounding soil may be cut off by shallow interception drains and diverted away from the mound. There must be no seepage of waste water to such an interceptor drain"

The proposals for the design of the drainage mound should be identified on a drawing

Overall Comment

The surface water drainage strategy is acceptable in principle although we request clarification regarding the ownership of the proposed tank.

An additional drainage mound will be required to ensure that each home has an independent foul drainage system.

An EA permit (discharge to surface water) is required before planning approval is granted

30 September – qualified comment

The proposed strategies do in theory work, however we would like to see further details regarding the strategies due to the poor infiltration rates obtained by testing and the large amount of public representation mentioning flooding and water level concerns. I realise some of these points have been designated for the detailed design however due to the difficult nature of this site we request that information is provided at this stage.

We would like further information on:

- How the large storage tank will be situated, currently it is shown among the planted hedge and trees which could cause future problems with tree roots and such.
- The attenuation tank plan shows four separate inlets (Western house, Western garage, 2nd house in from west and the remaining properties) will each of these inlets have a silt trap and who is responsible for the maintenance of the tank, silt traps and outlet to ensure proper operation.
- The invert of the inlet to the storage tank is currently undetermined however the invert level of the outlet must be sufficient that it will discharge into the ditch, therefore the level of the ditch should be known to ensure discharge into the ditch is achievable.

The storage tank is shown as a shallow geocellular crate, taking up the entire width of the driveway. The applicant would need to consider how this tank may be replaced in the future, noting that in the event of collapse of the tank the access to the property would be compromised. There are two alternatives that could be considered:-

- I. Repositioning the most westerly house so that it is further from the road, this would then create space for a balancing pond.
- II. Installing a pipe below the full length of the driveway, i.e. parallel with the road. This would allow the same volume of storage to be provided. I note the comment below regarding the depth of the ditch, which is typically about 600mm - 700mm. Any below ground storage relies on the pipe or crate needing to have sufficient cover. The depth issue does not appear to have been considered by the applicant

We are currently in discussion with the EA regarding the implantation and use of drainage mounds in areas of poor infiltration rates. Further information from the EA should be with us soon.

17 June 2020 – qualified comment

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1.

In accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. However the representations online indicates that the highway adjacent to the proposed site does experience surface water flooding.

Other Considerations and Sources of Flood Risk

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

Having reviewed the online representations it has been noted that the highway adjacent to the proposed site has the potential to flood from surface water. It should be ensured that no surface water or run-off is allowed to discharge from the site onto highway land.

The Applicant has provided an indicative proposal for a surface water strategy. The applicant should provide a detailed surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

The Cranfield University Soils Map identifies the soils within the proposed development area to be slightly impeded drainage thus the use of infiltration techniques may not be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

Foul Water Drainage

As there is not a foul public sewer in this area, the Applicant will be required to complete a Foul Drainage Assessment (FDA) form and submit this as part of any forthcoming planning application. The FDA form can be found on the GOV.UK website at this link: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake 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).

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020 and as there is no foul public sewer in the area the following must be adhered to for use of drainage fields, this is to reduce the likelihood of phosphorus reaching the river:

- The drainage field is more than 50m from the designated site boundary or sensitive interest feature (includes Habitats of Principal Importance and other designated ecological important features identified through Core Strategy SD4/LD2/SS6 and;
- The drainage field is more than 50m from any surface water feature e.g. ditch, drain, watercourse, and;
- The drainage field in an area with a slope no greater than 15%, and;
- The drainage field is in an area where the high-water table groundwater depth is at least 2m below the surface at all times and;

- There are no other hydrological pathways which would expedite the transport of phosphorous e.g. fissured geology, flooding, shallow soil.

The document can be found at:

https://www.herefordshire.gov.uk/download/downloads/id/19059/current_development_in_the_river_lugg_catchment_area_position_statement.pdf

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

Before planning approval is granted, we request two sets of soakaway tests in accordance with BRE365 and BS629, including groundwater level data. This may demonstrate that the foul drainage strategy is acceptable.

On receipt of acceptable results we recommend that the following information provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

4.6 Public Rights of Way Development Officer – no objection

5. Representations

5.1 Marden Parish Council

14 July 2020 – object

At its meeting on 13.7.20 Marden Parish Council resolved to object to the amended plan for 201300 on the grounds of the comments in the PC's response of 27.5.20, namely:

1. The application is outside the Litmarsh settlement boundary, so is in non-conformity with Marden NDP policies M1 and M2; as it is in open countryside it should be determined against Core Strategy policy
2. Good agricultural land will be lost and the proposed density for the development is not in keeping with other properties in the area, so the application is in non-conformity with policies M3 and M10
3. The site is adjacent to MR3 footpath and access track to Berrington Water, which is used regularly by walkers and HGVs accessing Berrington Water; the 2 accesses are near a road junction and after a bend on a narrow country road, therefore in non-conformity with policy M3
4. The PC is concerned about proximity of the site to a water course and lake and the risk of a detrimental effect on wildlife from sewage or run-off contamination, so in non-conformity with policy M11
5. 2 previous applications (151485 and 152314), for a single house and bungalow respectively, were refused as they were in open countryside and unsustainable
6. Therefore the parish council considers this application for 5 dwellings, with an increased loss of agricultural land, much greater proximity to MR3 and increased waste to be disposed of, is certainly unsustainable and does not conform to the NDP, Core Strategy or NPPF.

27 May 2020 – object

At its meeting on 26.5.20, Marden Parish Council resolved to object to 210300 on the following grounds:

1. The application is outside the Litmarsh settlement boundary, so is in non-conformity with Marden NDP policies M1 and M2; as it is in open countryside it should be determined against Core Strategy policy
2. Good agricultural land will be lost and the proposed density for the development is not in keeping with other properties in the area, so the application is in non-conformity with policies M3 and M10
3. The site is adjacent to MR3 footpath and access track to Berrington Water, which is used regularly by walkers and HGVs accessing Berrington Water; the access is near a road junction and after a bend on a narrow country road, therefore in non-conformity with policy M3
4. The PC is concerned about proximity of the site to a water course and lake and the risk of a detrimental effect on wildlife from sewage or run-off contamination, so in non-conformity with policy M11

5. 2 previous applications (151485 and 152314), for a single house and bungalow respectively, were refused as they were in open countryside and unsustainable
6. Therefore the parish council considers this application for 5 dwellings, with an increased loss of agricultural land, much greater proximity to MR3 and increased waste to be disposed of, is certainly unsustainable and does not conform to the NDP, Core Strategy or NPPF.

5.2 To date, a total of 40 letters of objection have been received from 20 households. The comments can be summarised as follows;

Principle/Sustainability of site

- Site lies within open-countryside and is not included within the NDP as a site for residential development
- Proposal is representative of ribbon development in open countryside
- Infrequent bus service
- Many homes have been built in Moreton and Marden which address any local housing shortage
- The use of brownfield land should be prioritised
- The application site is outside of the settlement boundary for Litmarsh and therefore approval of this application would submit a precedent for further such development
- Prime reason for NDP was to prevent random small developments
- Social and economic benefits would be minimal rather than significant.
- Application for one dwelling on the site was previously refused so cannot comprehend how scheme for five can even be considered – nothing has changed since.
- Neighbourhood Development Plans carry statutory weight so they must be given due consideration in the determination of future planning applications.
- Proposal would represent a 25% increase in the size of the hamlet which is inappropriate

Design/Landscape Character

- Cluster of dwellings is out of keeping with the rest of the hamlet
- Design of the dwellings is modern and out of keeping and would be an 'estate character'
- Proposal does not maintain an appropriate density in respect of the surrounding area – it is more appropriate to an urban or suburban area.
- Lack of open-space surrounds the dwellings in contrast with the other dwellings in Litmarsh
- Harm to the Lugg Valley landscape
- Visual amenity harm – i.e to users of footpaths.
- Proposal has little regard to the amenity of future residents

Highways and Access

- Local roads in a poor state of repair and are prone to flooding
- The road is busy used as an alternative route between Hereford and Leominster when the A49 is closed
- Development would increase traffic on local roads by 25%
- On-street parking would be a problem given that the road is a bus route
- Development allows for 12 parking spaces but there would be more cars than this.

- Access arrangements are convoluted and close to the access serving Berrington Water which sees large numbers of HGVs
- Speed survey undertaken during the winter when roads were quitted
- Second access proposed is in shadow of hedge which means surface can be icy in winter
- Second access seems to allow for ease of access to the rear of the site – possibly for more housing.
- Second access would allow for further vehicular movements to and from the site simultaneously – exacerbating the problem.

Drainage

- No mains drainage which could lead to increased phosphates to River Lugg
- Localised flooding is already a problem and there are concerns that additional run-off could exacerbate flooding on the road to The Vault.
- Road to Berrington Water can become flooded and the development would exacerbate this
- The proposed foul water method is questionable and would take up the whole of the rear garden area.
- Concerns in respect of percolation testing.
- Concerns with foul water disposal close to lake.
- Use of the proposed mounds is unsightly and indicates high density development which would usually be served the mains.

Ecology

- Dis-benefits of proposal include harm to range of wildlife – particularly that using Berrington Water and its surrounds for nesting/feeding.
- Proposal would lead to an increase in light pollution – impact on wildlife
- Harm to the Berrington Lake

Other

- Site is on prime arable agricultural land which would be sacrificed
- Concerns over supply of fresh water in low pressure area
- Would not provide affordable housing
- Should permission be granted, the following should be conditioned;
- Energy efficiency measures
- Type of package treatment plant should be high quality
- Grey water treatment systems for dwellings

5.3 13 letters of support have also been received. The comments received can be summarised as follows;

Principle/Sustainability of site

- Whilst it is acknowledged that site is outside of the settlement boundary for Litmarsh, consideration must be given to the Council's lack of five year housing land supply and thus there is a presumption in favour of sustainable development.
- Site is within 50 metres of a regular bus service
- Encourages local building industry

Design/Landscape Character

- Good, sustainable design which would add to the attractiveness of the village
- Well laid out.
- Infill development here is appropriate
- Density responds well to the rest of the village

Housing Mix

- Good mix of dwelling types to cater for everyone
- There are a shortage of smaller properties in the area
- Accommodation required to sustain rural economy

Drainage

- The site is flat and flood free

Highways

- There are no traffic issues here.

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=201300

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:

6.2 "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."

6.3 In this instance the adopted development plan (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS) and the Marden Neighbourhood Development Plan which was made on 6 October 2016. The draft Marden Neighbourhood Development Plan (dMNDP) can be attributed limited weight in the decision-making process, as set out at Paragraph 2.3. The National Planning Policy Framework (NPPF) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.

6.4 Policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the current NPPF. The policy also confirms that proposals which accord with the policies of the CS and, where relevant, other development plan documents and NDPs) will be approved, unless material considerations indicate otherwise. This is broadly reflective of paragraph 11 of the NPPF.

- 6.5 Strategic Policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns. In rural areas, new residential development will be acceptable where it would contribute to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community. Likewise, at Paragraph 78, the NPPF advises that in order to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.6 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At Paragraph 11, the NPPF confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with Paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.7 It is acknowledged that, at this point in time, the Council cannot demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that as of the 1 April 2020, the supply position in Herefordshire stands at 3.69 years. Consequently, the presumption in favour of sustainable development as set out under paragraph 11 of the NPPF is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole, or if specific policies in the current NPPF indicate development should be restricted.
- 6.8 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing still attract full weight.
- 6.9 Also pertinent in this instance is the MNDP which was made on 16 October 2016 and therefore forms part of the statutory development plan in this part of Herefordshire, alongside the CS. At Paragraph 14, the NPPF advises that where the positive presumption at 11 d) (as set out above) applies to applications relating to the supply of housing, the adverse impact of allowing development that conflicts with an NDP is likely to significantly and demonstrably outweigh the benefits, provided that all of the following apply;
- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made*
 - b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement*
 - c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and finally*
 - d) *the local planning authority's housing delivery was at least 45% of that required over the last three years.*
- 6.10 Noting the above, it is only criteria a) which cannot be met as the MDNP became part of the development plan for this part of Herefordshire on 20 April 2018 and therefore the housing supply policies of the MNDP do not benefit from the enhanced protection as afforded by Paragraph 14.

- 6.11 Outside of Hereford City and the market towns, CS Policy RA1 identifies that Herefordshire’s rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county’s housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA’s). Litmarsh is within the Hereford HMA, which is earmarked for an indicative 18% housing growth, and is listed in Figure 4.15 under policy RA2 as an ‘other’ settlement where proportionate housing is appropriate where it is within or adjacent to the main built-up part of the settlement. The MNDP includes a policy relating to the scale and type of new housing development in designated hamlets, Policy M2, which includes Litmarsh. The policy sets out a number of criteria for new housing development to be considered against, one of which is that proposals should be within the settlement boundary as shown on the policies map for each settlement.
- 6.12 The parish of Marden is subject to an 18% growth target as a minimum over the plan period to 2031. This equates to 89 new dwellings, as shown Figure 4. To date, there have been completions of 42 dwellings in the parish, with commitments of 112 dwellings as of April 2020.

Parish / Group parish	Number of households in parish	% growth in CS	Number of new houses to 2031	Completions 2011-2020	Commitments as at 1 April 2020	Site allocations within NDPs at April 2020	Residual (minus red) is still to find)
Marden parish	580	18	104	42	112	Nil	50

Figure 4 – Housing figures for Marden Parish

- 6.13 It is acknowledged that the application site lies wholly outside of the identified settlement boundary for Litmarsh, as illustrated in Figure 5. In this regard the proposal is contrary to criteria a) of Policy M2 of the MNDP, given that the MNDP only supports new housing developments within the prescribed settlement boundary. This policy is therefore stricter than that set out by Policy RA2 of the CS, which requires that new residential development is located within or adjacent to the main built-up parts of the identified settlements.

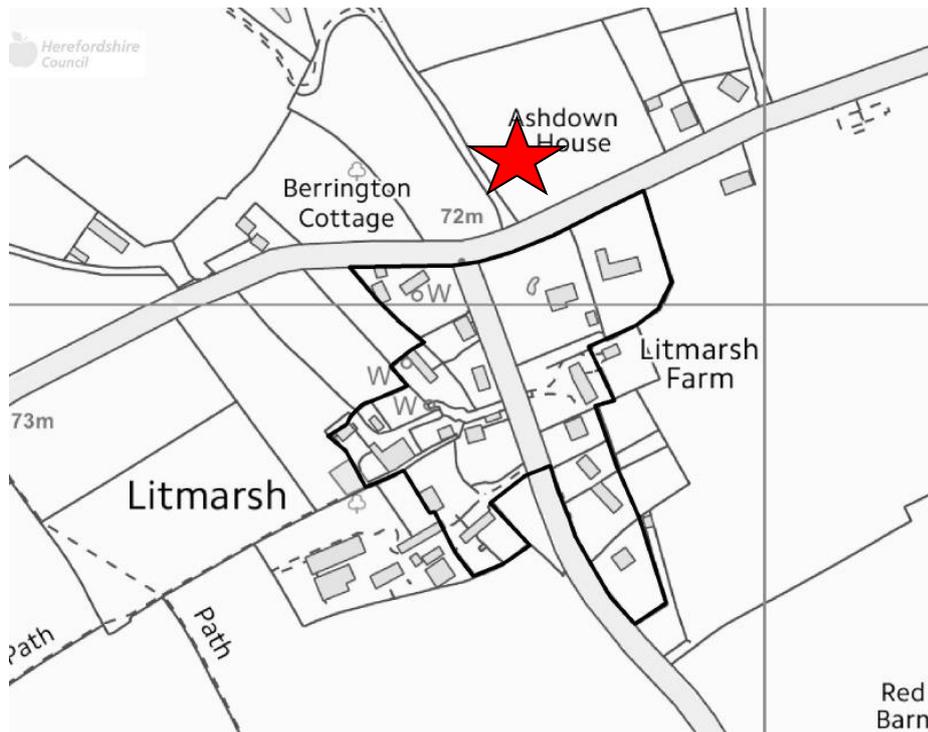


Figure 5 – Application site (red-star) in relation to Litmarsh settlement boundary

- 6.14 Given the relatively small size of the hamlet, it is recognised that the increase in built form would be appreciable. However, subject to an assessment on the proposed design, siting and visual impact, the provision of five dwellings is not considered to be disproportionate. In locational terms, the site is found to the immediate north-east of the main cluster of development in Litmarsh which is predominately accessed off the unclassified road leading south towards The Vault. However, further sporadic development is found along the C1120 and because of this, when traversing east/west along this route, there is notable sense of settlement. Furthermore, the application site is positioned between Ashdown House (and Little Berrington Bungalow beyond) and the access to Berrington Water. ‘Charnwood’ and ‘Cider Mill’ sit opposite the site on the southern side of the C1120 and so the site has a direct and proximal relationship with existing residential development, regardless of whether or not this is within the settlement boundary prescribed for the hamlet. As such, it is considered that in locational terms, the application site is well related to the existing built form and is somewhere in which new residential development can be looked upon favourably.
- 6.15 It is noted that the easternmost part of the site has previously been subject to two outline planning applications for single dwellings, both of which were refused. However, whilst the planning history of a site is material to the consideration of any subsequent application, in this instance the policy context has since altered, not least by the adoption of the CS and the MNDP, together with revisions to the NPPF and of course, a changing landscape with reference to the Council’s housing land supply position. The scale and nature of the development proposed is also fundamentally different. Therefore, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Design, siting, visual impact and amenity

- 6.16 Policy RA2 of the CS sets a number of policy requirements for new residential development in Herefordshire’s villages. Aside from the requirement that proposals are found to be within or adjacent to the main built up part, schemes should also be designed and laid out to reflect the size, role and function of the settlement. In smaller settlements (those listed at Figure 4.15)

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

which include Litmarsh, proposals are expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within the settlement. At the local level, Policy M2 sets out further criteria for new residential development within the hamlets, largely mirroring that set out at SD1 and LD1 of the CS and includes the following;

- b) Maintains an appropriate density in context with the immediate surrounding area;*
- c) Ensures appropriate and safe access can be achieved;*
- d) Provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities;*
- e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;*
- f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community;*
- g) Reflects the scale and function of the settlement; and*
- h) Ensures that any likely significant effect on the River Wye SAC is avoided or adequately mitigated.*

6.17 The provision of five dwellings on the site would be of a slightly increased density relative to the existing development located closest to the application site – notably ‘Charnwood’ and ‘Cider Mill’ to the south which benefit from extensive curtilages. However, when having regard to the density of development more widely within the locale – namely that to the east and west of the unclassified road to the south of the site, it would not be considered inappropriate. Policy M3 of the MNDP is pertinent here, stating that proposals should maintain the historic pattern of development by respecting the layout associated with historic plots in the immediate area. As such, taking reference from the density and plot size of the aforementioned dwellings to the south of the site is not strictly appropriate. Instead, regard should be had to the historic pattern of development along The Vault road and the C1120 whereby traditional dwellings are sited more densely with more restricted curtilages.

6.18 Moreover, the dwellings would be served by two, shared accesses. The westernmost access would serve the two dwellings to the west and the eastern access would serve the pair of semi-detached dwellings and the easternmost dwelling. This would help to break up the development and negate the need for an uncharacteristic ‘internal access road which would be more in keeping in an urban setting. The dwellings would all be sited and orientated so that they have, to some extent, a relationship with the C1120, although with Plot 1 would be positioned at a 45 degree angle to the other dwellings and Plot 5 having a more discrete principal elevation. This weakened relationship with the highway would mean that the scheme would present itself in a more organic fashion, rather than a regimented row of dwellings – a form of development that is not generally considered to be characteristic in rural settlements.

6.19 As instructed by Policy LD1 and the local level, Policy M10, proposals should be influenced by the local landscape character and retain existing field patterns and boundaries, amongst other things. The proposal presents the development of a green-field site adjacent to the main built up-part of a named settlement. However, the site is rectangular in shape and relatively small, when compared to the surrounding agricultural land. It is bound by existing vegetative features and is not prominently sited by way of elevation or exposure to long ranging vistas. Moreover, it is not subject to any local or national landscape designations. It is noted that Policy M3 sets out that new housing development should not result in the loss of an area which makes a significant contribution to public amenity by virtue of its open space character. Whilst the site does contribute somewhat to the generally rural character and the dispersed pattern of development

along the C1120, given that it is not contiguous with notably open agricultural land and does not afford wide-ranging vistas, it is not considered to be that which provides a significant contribution to the rural character so far that its loss would be considered harmful to local amenity and present conflict with Policy M3.

- 6.20 It is considered that the proposed development would sit neatly on the site and would not present as an incursion into the open-countryside and would be considered as an infilling of single-depth development along the C1120, contained within the existing parcel of land. In addition, the provision of new native species hedgerow planting and landscaping would ensure that the scheme integrates well into the existing landscape character. Further details of this, to include the landscaping of the area to the rear of the dwellings in which the drainage mounds would be sited, would come forward at a later date and would be secured by condition.
- 6.21 Notwithstanding the above, the proposal would inevitably change the character of the settlement, but the variation in the design and siting of the dwellings together with two separate accesses would ensure that the development is not uncharacteristically urban in its form as to appear as an incongruous or visually obtrusive addition to the hamlet. As such, it is considered that the proposal would not cause demonstrable harm to the landscape character or visual amenity of the settlement and would generally accord with Policy RA2, LD1, M2, M3 and M10 of the development plan.
- 6.22 The proposal includes a mix of dwelling types and designs and would utilise a varied palate of building materials including red facing brick, render and weatherboarding. Projecting gables and dormer windows would add some architectural interest to each of the dwellings with some comprising integral garages. The designs of dwellings as deposited would respond to the dwellings found to the south of the site and the materials would reference those used more widely within Litmarsh and the surrounding area. The variation in scale of the dwellings as proposed takes reference from the ad-hoc nature of existing dwellings in the locale where larger dwellings can be found adjacent to smaller dwellings. Examples of this within close proximity to the site including Ashdown House and Little Berrington Bungalow to the east and Charnwood and Cider Mill to the south. Furthermore, on the basis that Litmarsh does not present any clear design or architectural lead, the proposed are considered to be acceptable in this rural location. As such, whilst the concerns raised with regards to the dwellings appear urban in their character, it is considered that the deviation in the design of each dwelling and the use of appropriate materials (i.e weatherboarding) would help to ensure that the scheme would respond positively to the existing ad-hoc nature of the built environment in the locale. Details of materials would be secured by way of condition. To this end, the proposal is considered to accord with Policy M2 and M3 of the MNDP and Policy SD1 of the CS which seeks to ensure that new buildings are designed to maintain local distinctiveness, through incorporating local detailing and materials and respecting height, scale, proportions and massing of existing buildings.
- 6.23 Policy SD1 and M2 require new residential development to provide appropriate residential amenity for future occupiers and also those neighbouring the site. Given the fenestration and siting of the proposed dwellings, it is not considered that there would be any overlooking between Ashdown House and the site and the absence of any other dwellings within immediate close proximity to the site (noting the set back of Charnwood and the Cider Mill from the highway). Between the dwellings themselves, any overlooking has generally been designed out although a condition requiring obscure glazing is recommended for those windows which serve bathrooms. The scale of the proposed dwellings and their inter relationship would not be such which raises concerns in respect of overshadowing or any overbearing appearance which could cause harm to the amenity of future occupiers. The dwellings would be appropriately sited within plots with generous curtilage providing ample amenity space for future occupiers.

Affordable Housing and Mix

- 6.24 Policy H3 of the CS states that residential developments should provide a range and mix of housing units which contributes to the creation of balanced and inclusive communities. Echoing the tenets of this at the local level is Policy M4 of the MNDP which sets out that proposals for new housing development will have to demonstrate how they contribute to maintaining a mix of tenures, types and size of dwelling in the parish in accordance with the housing needs of the Parish. Whilst seven years old, the Herefordshire Local Housing Market Assessment (GL Hearn) provides an overarching picture with respect to the size and type of dwellings required through the plan period to 2031, in each of the Housing Market Areas (HMA). The Parish of Marden lies within the Hereford (Rural) HMA. The assessment clearly shows that three bedroom dwellings account for over 54% of the dwellings required, followed by two bedrooms and four bedrooms at 23% and 18% respectively.
- 6.25 The proposal would comprise a mix of two and three bedroom dwellings. This mix is considered acceptable and would reflect that demand as set out within the local housing market assessment. The provision of smaller dwellings (two bedroom) would be welcomed in a small hamlet such as Litmarsh and would contribute positively to the social well-being of the settlement, in accordance with RA2, H3 and M4 of the development plan. Noting the scale of the proposal, on-site or contributions towards, affordable housing are not required in this case.

Highways, Transport and Active Travel

- 6.26 Policy MT1 of the CS and NPPF guidance 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. Policy M2 echoes the tenets of the aforementioned policy and requires safe access to new residential development in the hamlets. Likewise, Policy M3 sets out that new housing development should not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Development should only be prevented or refused on transport grounds where the impact on the local highway network would be unacceptable or 'the residual cumulative impacts of development are severe, as set out at Chapter 109 of the NPPF.
- 6.27 As shown in Figure 5 below, Litmarsh, as denoted by the blue-star, is served by the 426 bus route which provides an extension of the Hereford City – Marden service to Leominster via Bodenham. The bus stop is located adjacent to the Vauld turning, 50 metres from the site and under a minutes' walk. The service allows those residing in the hamlet to access Hereford City before 09:00 with a further four services in a southerly direction each day. Conversely, there are 6 northbound services a day, two of which depart Hereford City after 16:00 and therefore is conducive to commuting for students and those with standard working hours. This level of public transport provision for what is a very small and rural community is considered to be an exception, when having regards to other, comparatively sized settlements throughout Herefordshire. As such, the proposal does offer real and genuine chose with respect to the choice of sustainable transport modes.

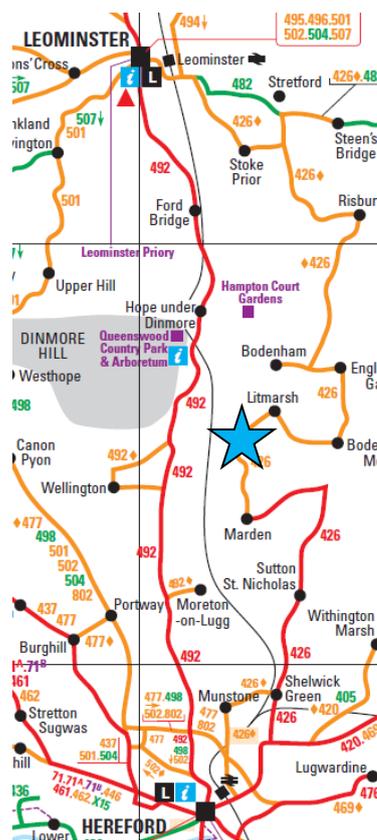


Figure 6 – Map of 426 Bus Service

- 6.28 As discussed in the forgone paragraphs, the dwellings would be served by two accesses taken from the C1102. It is noted that considerable amounts of representation raise concerns with regards to the proposed access arrangements and cite the use of the route as a rat-run between Hereford and Leominster when the A49(T) is closed, and the adverse condition of the road during the winter. Whilst the concerns about the new access being provided on the basis of providing for further development to the rear are acknowledged, the application is being considered on the basis of that submitted and the requirement for safe and characteristic access to the dwellings proposed. The applicant has undertaken an Automatic Traffic Count (ATC) survey to ascertain the vehicle speeds and traffic flow characteristics of the road, in order to determine the requisite visibility splays required. This was undertaken in January 2020 and notwithstanding the concerns raised which comments on the fact that this does not capture seasonal traffic (i.e agriculture or that associated with HGV traffic), the Council’s Highways Manager has not requested surveying be undertaken at varying times within the year.
- 6.29 The access as proposed to the site can demonstrate that the requisite splays (2.4m x 71m) can be achieved, with this being secured by way of condition. Policy M3 of the MDNP seeks to ensure that movement to, within, around, and through the development is satisfactory. With this in mind, the internal access arrangements are considered to be acceptable, with ample space afforded to each of the dwellings for parking through the provision of adequate external parking space or garaging. A condition is recommended to secure details of the access construction and this would safeguard against any water shedding from the access road to the highway. Provision of secure bicycle storage would also be conditioned. A dedicated space for bin collections is indicated and this is considered acceptable.
- 6.30 Taking the above into account, noting the scale of the development and the acceptability of the proposed access arrangements, it is not considered that the proposal would cause an unacceptable impact on the highway network or severe residual cumulative impacts which would warrant refusal of the application. As such, the proposal is considered to accord with

Policy M2 and MT1 of the development plan and the principles as set out at Chapter 9 of the NPPF.

Public Right of Way

- 6.31 It is noted that Public Right of Way (PROW) MR3 runs along the western boundary of the site along the access road to the Berrington Water. Policy M12 of the MNDP sets out that proposals for new housing take opportunities to include enhancements to footpaths, cycle routes and bridleways. The proposed site would be located within immediate proximity to MR3 and thus would provide good connectivity to the footpath network. The PROW officer raises no objection to the proposal.

Drainage and Flooding

- 6.32 Considerable representation raises concerns with regards to the proposed drainage arrangements and the impact they may have on existing flooding problems experienced on the highway and other locations close to the site. To this end, Policy SD3 of the CS 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. Locally, Policy M11 of the MNDP sets out that new development should preferentially be located within Flood Zone 1 and should be designed to maximise the retention of surface water, minimising run off. It sets out that water attenuation facilities such as lagoons, ponds and swales should be provided within the development site. Policy M3 also requires the use of sustainable drainage systems.
- 6.33 The Environment Agency flood map for planning indicates the site is in Flood Zone 1 and is therefore considered to be an area having less than 0.1% annual exceedance probability of river flooding. This suggests the site is at low risk of fluvial flooding. As the site exceeds 1 ha (1.14), a Flood Risk Assessment (FRA) has been submitted as required by footnote 50 to Paragraph 164 of the NPPF. However, it is noted that there are no recorded pluvial or fluvial risks associated with the application site.
- 6.34 The applicant has submitted a detailed surface water management plan. This summarises that infiltration at the site is very poor and thus not possible as a means of dealing with surface water due to low permeability given the presence of clay soil and bedrock. As such, it is proposed to deal with surface water by way of an attenuation tank which would be constructed from cellular storage crates wrapped in an impermeable geotextile. This would be installed below the access road. Run-off from the development would discharge to the watercourse running along southern boundary of the road. The Council's Land Drainage Engineer does not raise any objections to the principle of this method. However, finer details are required for review by the Engineer and these would be secured by condition. With this in mind, there is considered to be no overriding conflict with Policy SD3 or M3.
- 6.35 In respect of foul 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). Litmarsh is not served by mains drainage and therefore private treatment of waste water is required. As such, it is proposed that the foul water generated from the five dwellings would be dealt with by way of an individual, plot-specific package treatment plant. Thereafter, the water would flow to drainage mounds to the rear of the plots. A standard, linear drainage field in this location is not considered to be suitable given that the area has low permeability. The design of this non-linear method of foul drainage is based on a formula including the population/occupancy of the dwellings and the percolation rate. At present, three

mounds have been proposed to serve the five dwellings and they would be positioned to the rear of the plots. The applicant's Drainage Consultant has provided an indicative cross section of a drainage mound as shown in Figure 6.

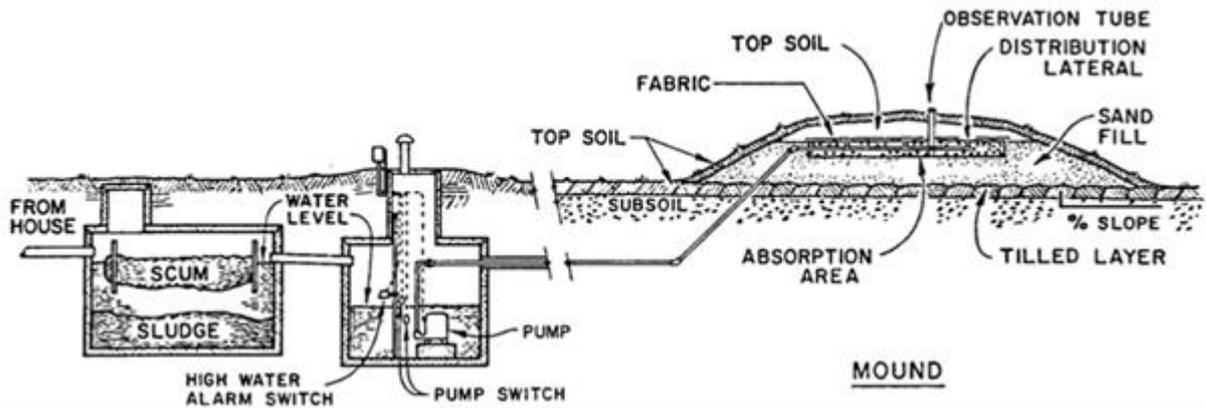


Figure 6 – Indicative drainage mound cross-section

- 6.36 The Council's Land Drainage Engineer does not raise any explicit objection to the use of a mound system in this location or suggest it not to be achievable – noting the abundance of land within the control of the applicant, but comments on the need for an individual mound for each dwelling. The finer details of the drainage strategy would be forthcoming, secured by way of condition. These details would be reviewed by the Land Drainage Engineer prior to being approved.
- 6.37 It is also noted that the Land Drainage Engineer comments on the requirement of a license to discharge from the Environment Agency. Given the poor permeability of the ground at the application site, the use of drainage mounds would create a 'Water Discharge Activity'. The guidelines from the Environment Agency place the onus on the applicant to ascertain whether or not the proposal accords with the General Binding Rules and therefore, requires a licence or not. At this juncture, it is pertinent to recall the principles of Paragraph 183 of the NPPF which makes the distinction between the role of a planning decision and other controls and states the following:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 6.38 The implications of the above on the Habitat Regulations Assessment process will be discussed in the proceeding sections. However, with regards to compliance with Policy SD4 and SD3, there is considered to be no conflict, subject to safeguarding conditions to re-inforce the critical aspects. This would include details of ownership, management and maintenance of the various elements of the foul and surface water drainage methods.

Ecology

- 6.39 In regards to ecology & biodiversity matters generally on the site, Policy LD2 of the CS is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures. Policy LD3 also requires that proposals should protect, manage and plan for the preservation and provision of green infrastructure, whilst policy LD3 states that developments

should maintain and extend tree cover where they are important to amenity. All of these policies are in line with the dictum set out by Chapter 15 of the NPPF.

- 6.40 Concern has been raised with regards to the proposal's impact on local biodiversity, namely due to the proximity to lakes at Bodenham and those to the immediate north of the site at Berrington Water, all of which have the potential to support protected species. The Council's Planning Ecologist has reviewed the submitted ecology report which recommends that a relevant ecological working method statement/risk avoidance measures be secured prior to any work commencing on site. This would include consideration for all species including Great Crested Newts and Otters that may utilise the site in their terrestrial phase or as part of foraging. Otters specifically, are recorded to breed on the River Lugg at Bodenham Lake. A condition is therefore recommended, to secure a fully detailed Construction Environmental Management Plan (CEMP). This would be submitted prior to commencement on the site. With this in mind and subject to the conditions, it is considered that the proposal would accord with Policy LD2 of the CS.

Habitat Regulations

- 6.41 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017. The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 6.42 Under the Habitats Directive, Herefordshire Council as the 'competent authority' has a statutory duty to assess if a proposal is likely to have 'a significant effect' on the SAC. This initial assessment is known as the 'screening stage' and is to consider if there is a possibility of a likely significant effect on the integrity of the SAC. Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' that the proposal would not adversely affect the integrity of the SAC.
- 6.43 The AA must consider the implications on the European site in view of the site's conservation objectives; in cases where there is considered to be an effect on a site but it will not undermine the conservation objectives, the proposal cannot be considered to have a LSE on the European site; as the procedures are designed to maintain designated habitats and species 'at a favourable conservation status'. However if the European site's conservation status is not considered to be favourable, then the proposal must 'maintain' / 'restore' the condition and not worsen it.
- 6.44 The River Lugg as part of the SAC, is currently failing its conservation objectives as the present levels of phosphates in the River Lugg exceed the SAC's ecology objectives for water quality, it is therefore considered to be in an unfavourable ecological condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. As such, direct discharge from treatment works (either mains treatment works or private treatment plants), are considered to have a LSE, as there would be an increased phosphate discharge into the River Lugg.
- 6.45 However in respect of discharges of treated foul water to drainage fields in the River Lugg catchment, Natural England have advised that if compliance with all of the following criteria is demonstrated, then phosphate pathways to the River Lugg would be considered unlikely.
- The drainage field is more than 50m from the designated site boundary or sensitive interest feature (includes Habitats of Principal Importance and other designated ecological important features identified through Core Strategy SD4/LD2/SS6 and;

- The drainage field is more than 50m from any surface water feature e.g. ditch, drain, watercourse, and;
 - The drainage field in an area with a slope no greater than 15%, and;
 - The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - There are no other hydrological pathways which would expedite the transport of phosphorous e.g. fissured geology, flooding, shallow soil.
- 6.46 The above is set out in the Council's Position Statement for Development in the River Lugg Catchment Area March 2020.
- 6.47 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening Assessment has been undertaken; this concludes that due to the application meeting the five criteria, there would be no likely significant effects on the integrity of the SAC. Further, an AA has been completed and submitted to Natural England. This comprises mitigation secured by planning conditions and includes written confirmation on the use of mound drainage systems from the environmental regulator (the EA). Subject to Natural England concurring with Herefordshire Council's conclusions, the proposal would not cause any harm to the integrity of the River Wye SAC, according with Policy SD4 of the CS and M2 of the MNDP.

Climate Change

- 6.48 Policy SS7 of the CS requires a focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; to aid the consideration of development proposals the Council produced a Climate Change Checklist.
- 6.49 As discussed in the forgone sections of the report, new residential development is locationally directed to those places in which offer a baseline of provision of services and amenities, thus, generally reducing the need to travel for these. Whilst Litmarsh is absent of any notable amenities, it benefits from a regular bus service and thus offering a sustainable means of transport for services in Leominster, Bodenham, Marden and Hereford City.
- 6.50 Notwithstanding the sustainable location of the development, thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living. Paragraph 110 of the NPPF sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change. In this regard, the applicant agrees to a condition requiring the details of electric vehicle charging points to be submitted to the LPA. Bicycle parking and storage could be provided for in the garages proposed but a condition is recommended requiring the specific details on this matter.
- 6.51 As underlined in the completed Climate Change Measures compliance checklist, the proposed dwellings would be orientated to face south, maximising solar gain and therefore reducing the need for space heating and electric lighting. In respect of renewable and low carbon energy measures, solar panels are proposed for the roofs of the dwellings and the applicant agrees to a condition requiring the submission of details of these. These would reduce the amount of energy required from the grid and would help to heat water and provide some heating. Air

source heat pumps are also proposed and these would be predominately provide for heating. Details of these would also be required as part of a condition to which the applicant consents to.

- 6.52 With the above suite of climate change measures in mind, it is considered that the proposal has regard to the Climate Emergency and explicitly demonstrates ways in which it can assist Herefordshire's in mitigating the impact of new development on climate change. As such, it is considered that the proposal accords with Policy SS7 and SD1 of the CS.

Heritage

- 6.53 With reference to the proposals impact on the historic environment, the site is not located within a conservation area, nor are there considered to be any heritage assets within immediate proximity to the site. The Grade II listed Litmarsh Farm is found 100 metres to the south of the application site. Given that the asset is accessed off The Vault road, together with the intervening development, there is limited inter and co-visibility between the application site and the heritage asset. It is therefore considered that the impact that the proposed development would have on the setting on the listed Litmarsh Farm would be de-minimis. As such, no conflict with Policy LD4 of the CS is found and the duty as placed on the Council at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 can be discharged.

Other Matters

- 6.54 Comments received have raised concern over the loss of prime agricultural land. Conversely, it has been commented that additional residential accommodation is needed in rural areas to support the land based industry in the locale, contributing positively to the local economy. Pertinent here is Policy SS6, a strategic policy of the CS which sets out that development proposals should be shaped through an integrated approach to planning, including the impact they would have on components including agriculture and food productivity. Whilst there is no policy per se which directs decision-takers to withhold planning permission which would lead to a reduction in prime agricultural land, the proceeding text to SS6 states that the approach should generally be to avoid land of high sensitivity, including that which is of high agricultural value. Further text then goes onto set out that 'areas of lower quality agricultural land will be utilised in preference to the best and most versatile agricultural land'. Material here is also Paragraph 170 of the NPPF which sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital including the economic benefits of the best and most versatile agricultural land.
- 6.55 It is accepted that the parcel of land is relatively small and given that it does not lie contiguous to other open agricultural land, it is considered to be conducive to modern farming practices. According to Natural England's Agricultural Land Classification Map for the West Midlands Region, the site is classified as Grade 3, the middle grading where land is described to be good to moderate. Given the abundance of land of a higher grading with close proximity to the site and noting the very small amount of land which would be taken out of agricultural use, the proposal is not considered to raise any material conflict with Policy SS6 of the CS.
- 6.56 Finally, in respect of concerns over the supply of pressured water to the new dwellings, this would be the responsibility of Welsh Water and it is noted that they have not raised any objection to the application.

Conclusion

- 6.57 The NPPF has at its heart a presumption in favour of sustainable development. Sustainable development is considered to consist of the three key elements – social, environmental and economic. These are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

- 6.58 The Council is noted to be unable to demonstrate a five year housing land supply at the present time, and so the NPPF directs that the policies most relevant for the determination of applications should be considered to be out of date. However, these housing policies remain to accord with the NPPF and should be provided considerable weight in this decision. Via paragraph 11(d)(ii), the NPPF directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.59 It is further noted that the MNDP does not benefit from the enhanced protection afforded by Paragraph 14 of the NPPF, given that it became part of the development plan for Herefordshire more than two years ago.
- 6.60 It is accepted that the parish of Marden has delivered its requisite supply of housing however, it is stressed that the housing growth target is a minimum, not a ceiling. In fact, Litmarsh has experienced very limited growth so far with the majority of development within the Parish being focussed on Marden.
- 6.61 The application site is found outside of the settlement boundary prescribed for Litmarsh in the MNDP. As such, the proposal represents conflict with Policy M2 of the MNDP. However, the site is considered to be contiguous with the main built-up part of the hamlet and consequently can be found to adhere with the requirements of CS Policy RA2. Some additional tensions are noted in respect of the level of growth experienced within the Parish and the scale of the development proposed relative to the scale of the hamlet. However, in the absence of any identified demonstrable landscape harm or negative impact on the amenities of the locale, only limited weight can be attached to this tension.
- 6.62 The proposal would bring forward needed smaller units to this rural hamlet, in the form of two and three bedroom dwellings – the demand for which is set out in the local housing market assessment. This would safeguard and enhance local social wellbeing and there would be associated benefits in the economic sphere from increased local expenditure, bolstering local service provision. Specifically, Marden hosts a village shop and a newly re-opened public house – The Volunteer Inn. Nearby Bodenham also benefits from such village services.
- 6.63 In environmental terms, subject to appropriate mitigation and safeguarding conditions, it is considered that the proposal would not cause any undue harm to biodiversity networks in the locale, with additional landscaping providing the opportunity for net gain. In addition, the proposal would not cause or exacerbate existing flooding or harm the integrity of the River Wye SAC. In this regard, the proposal is therefore considered to accord with Policies M10, LD2, LD3, SD3 or SD4 of the development plan.
- 6.64 In addition to the forgone paragraph, the proposal includes a suite of measures aimed at tackling climate change at the local level. For example, the installation of solar panels, electric charging points and dwellings orientated to face south are recorded as environmental benefits of the scheme, according with Policy SD1 and SS7 of the CS.
- 6.65 The proposal would not result in an unacceptable impact on the local highway network given the demonstration of appropriate visibility splays. Moreover, the proposal would allow for genuine choice with regards to modes of transport by way of proximal access to a regular bus service to Hereford City, provision for private electric vehicle charging points and secure, covered cycle storage.
- 6.66 In weighing the above in the balance as prescribed by Paragraph 11 of the NPPF, it is not considered that the minor harm identified with respect to the conflict with Policy M2 as a result of the site being located outside of the settlement boundary would significantly and demonstrably outweigh the identified benefits associated with the five houses to be provided in

this instance, when considered against the provisions of the NPPF as a whole. Therefore, on balance the application is recommended for approval, subject to the conditions as set out below.

RECOMMENDATION

That the application is delegated to officers to grant planning permission, subject to written confirmation from Natural England that they have no objection to the submitted Appropriate Assessment, subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 - Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**
3. **C13 - Samples of external materials**
4. **CBK - Restriction of hours during constructionHours of construction**
5. **C58 - Domestic use only of garages**
6. **C68 - Obscure glazing to windows**
7. **CAB - Visibility splay required (2.4m x 71m)**
8. **CAE - Vehicular access construction**
9. **CB2 - Secure covered cycle parking provision**
10. **CK3 - Landscape scheme**
11. **CK4 - Landscape maintenance plan**
12. **CE6 - Efficient use of water**
13. **CBM - Scheme of foul and surface water drainage strategy**
14. **As detailed in the Foul Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 all foul water shall discharge through connection to new private foul water treatment systems with final outfall to mound soakaway drainage fields on land under the applicant's control 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 SS1, SS6, LD2 and SD4.
15. **All surface water shall be managed through a Sustainable Drainage Strategy as detailed in the Surface Water Drainage Strategy by Hydro Logic Services ref L0284 dated 26/10/2020 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 SS1, SS6, LD2 and SD3.
16. **Prior to commencement of any construction approved under this consent, written**

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

confirmation from the Environment Agency on the acceptability of the mound soakaway drainage system approved under this planning consent shall be supplied to, and be acknowledged in writing by the Local Planning Authority.

Reason: In order to ensure compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

17. Prior to any construction above damp proof course level, details of how all shared elements of the foul water drainage and surface water schemes will be managed for the lifetime of the whole development approved under this consent shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS1, SS6, LD2, SD3 and SD4.

18. CE2 - Renewable energy installations

- Solar panels
- Air source heat pumps

19. Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present – including Otter, reptiles and amphibians, 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.

20. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehog houses and movement corridors 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 habitats on or off the site, boundary features or biodiversity net gain enhancements.

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.

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

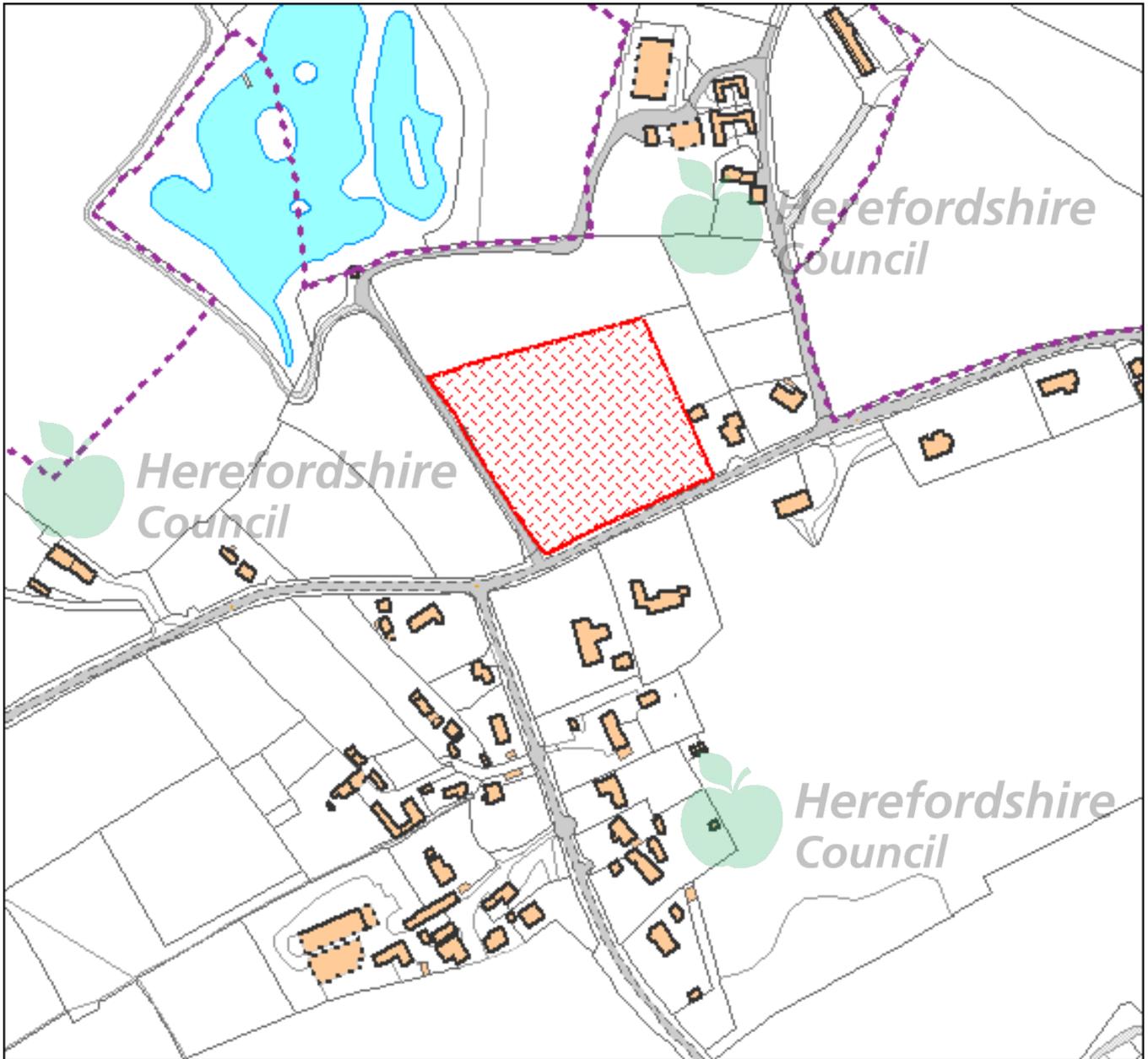
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201300

SITE ADDRESS : LAND TO THE WEST OF ASHDOWN HOUSE, MARDEN, HEREFORDSHIRE

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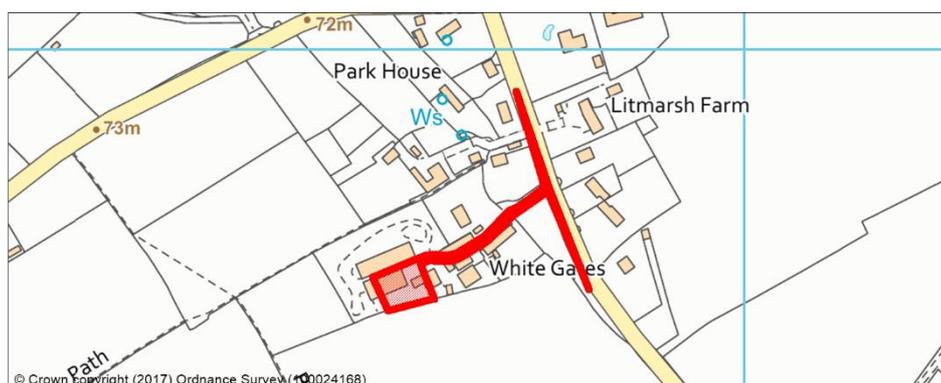
Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 December 2020
TITLE OF REPORT:	193227 - PROPOSED ERECTION OF 2NO. DWELLINGS WITH GARAGING AT LAND AT WHITE GATES FARM, LITMARSH, HEREFORD, HR1 3EZ For: Mr Vickress per Mr Andrew Last, Brookside Cottage, Knapton, Hereford, Herefordshire HR4 8ER
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=193227&search-term=193227
Reason Application submitted to Committee – Redirection	

Date Received: 12 September 2019 Ward: Sutton Walls Grid Ref: 352803,249886
Expiry Date: 28 August 2020
 Local Member: Councillor Kema Guthrie

1. Site Description and Proposal

1.1 The application relates to land at White Gates Farm, Litmarsh, which is a modest farm on the fringes of the village of Litmarsh. The site benefits from an existing access off the unclassified Litmarsh Road which serves the existing farm and farm house (White Gates farm), as well as two dwellings Oakridge and Green Acre House which received consent in 2016 (ref: 160668) & 2017 (ref: 170058) respectively. The site is currently occupied by agricultural buildings.



Application site edged in red

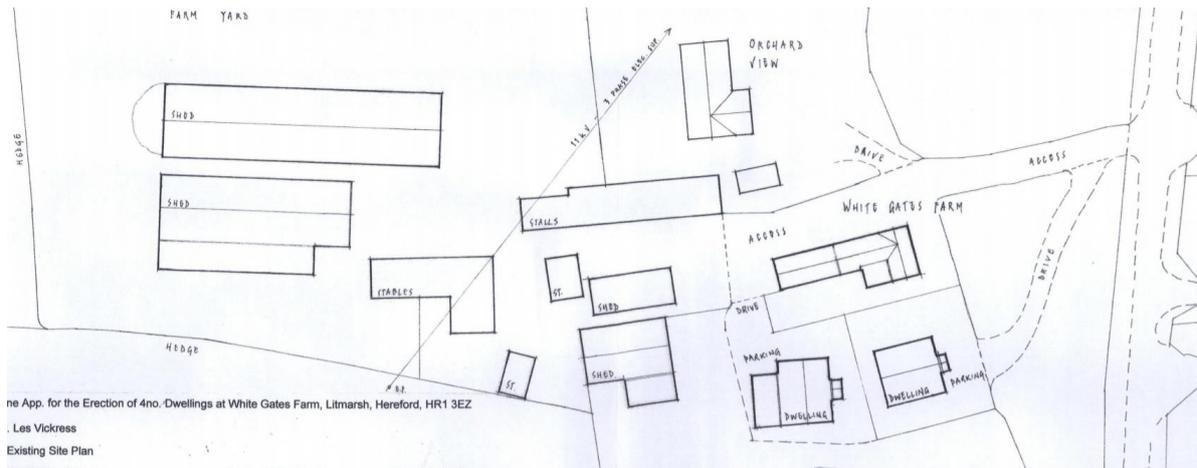
1.2 The application is made in outline form with only access and layout for consideration at this outline stage, with the other matters being reserved for future consideration as the Reserved Matters (for clarity these are: Appearance, Landscaping and Scale). The Local Planning Authority has not exercised its powers within four weeks of the submission of the application to require the consideration of any other matters (under article 5 (2) Part 3 of the Town and Country Planning (Development Management Procedure Order (England) Order 2015), thus the decision-maker

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

can not consider any of the reserved matters at this juncture. The matters for consideration are defined as follows:

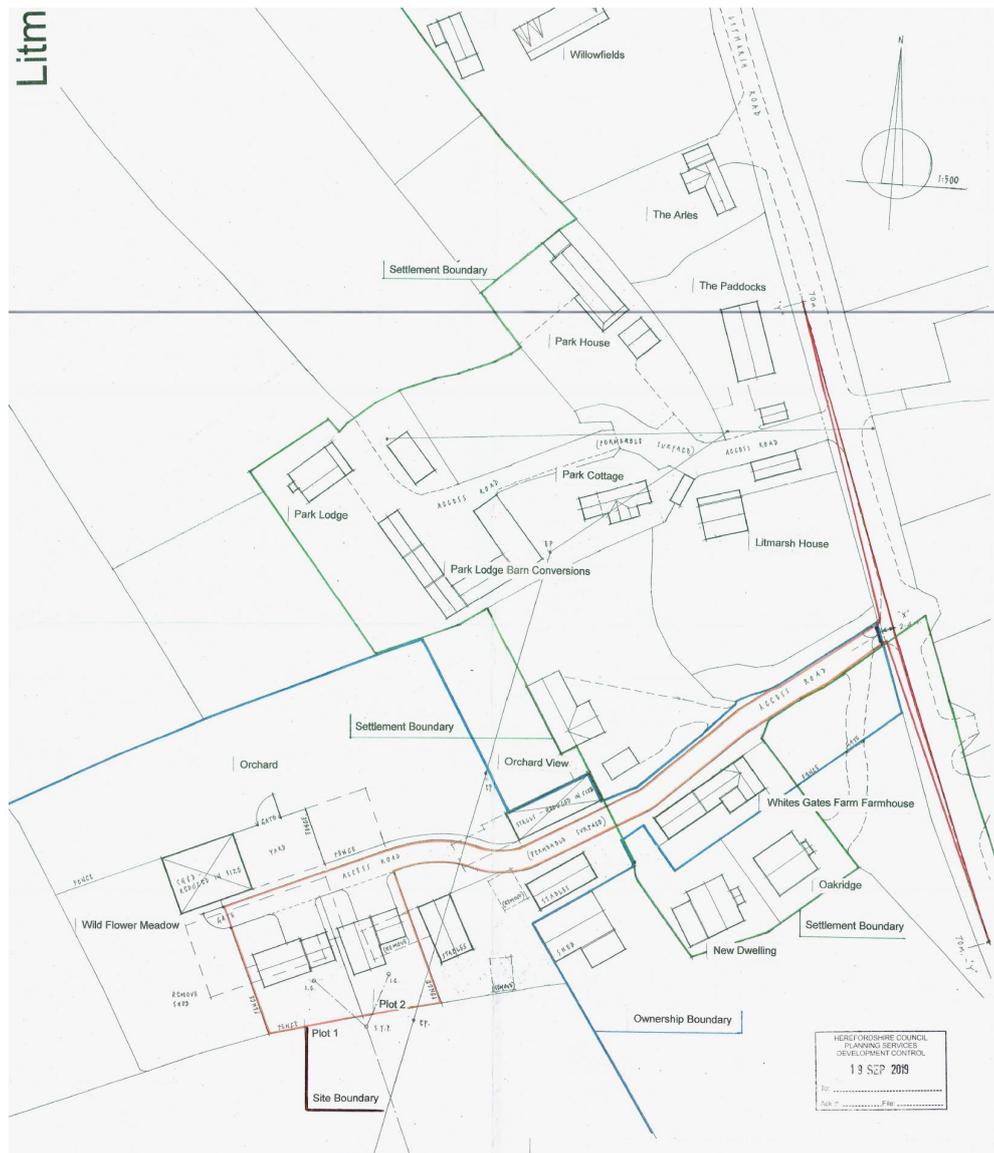
“access”, in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;



Site as existing

- 1.3 The proposed description of development is the erection of two dwellings with garaging. The development would be accessed via the existing junction with Litmarsh Road, leading past the existing three dwellings to the two proposed. The proposed dwellings have a linear layout to the south side of the access road with attached garaging and the number of bedrooms per dwelling is not defined at this stage. The proposed plans indicate an orchard area and wild flower meadow, though these lie outside of the application red line, with a stable also adjoining the site. Rather than describe the proposal in extensive detail, I refer one to the plans under consideration.



Proposed site plan

2. Policies

Herefordshire Local Plan – Core Strategy 2011-2031

2.1 The following policies are considered to be relevant to this application:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental Quality and Local Distinctiveness
- SS7 - Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- RA3 - Herefordshire’s Countryside
- 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
- LD4 - Historic Environment and Heritage Assets

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

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

https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

Marden Neighbourhood Development

2.3 The Marden Neighbourhood Development was made on 6 October 2016, following a referendum. The following policies are considered to be relevant to this application:

- Policy M2* – *Scale and Type of New Housing Development in designated hamlets*
- Policy M3* – *General Design Principles*
- Policy M4* – *Ensuring an appropriate range of tenures, types and sizes of houses*
- Policy M10* – *Landscape Character*
- Policy M11* – *Flood Risk and Surface Water Run-off*
- Policy M12* – *Public Rights of Way/Connectivity*

It is noted that Marden Parish Council submitted their reviewed draft Neighbourhood Development Plan to Herefordshire Council on 26 November 2020. The consultation period runs from 30 November 2020 to 15 January 2021. At this regulation 14 draft plan stage, the draft Neighbourhood Development Plan (dNDP) can be afforded limited weight.

The Marden Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/9017/neighbourhood_development_plan

National Planning Policy Framework

2.4 The following chapters of the framework (2019) are considered to be pertinent to this application:

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

2.5 The Planning Practice Guidance published by the Government at the following link is considered to be a material consideration.

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 2.6 Further the government's recently publish National Design Guide is considered to be material to the consideration of this application, link below.

<https://www.gov.uk/government/publications/national-design-guide>

3. Relevant Planning History

- 3.1 160668 – Proposed detached three bedroom dwelling – Approved, June 2016
3.2 170058 – Proposed detached 4 bedroom dwelling - Approved, March 2017

4. Consultation Summary

Statutory Consultations

4.1 Natural England

“Natural England advise that a Habitat Regulations Assessment is required (Screening /and Appropriate Assessment). The River Lugg currently suffers from the effects of point source and diffuse water pollution and levels of phosphates have exceeded the conservation objectives. Please be aware that Natural England is unable to respond to casework in the Lugg catchment in the short term, while we seek guidance from national specialists and our legal team regarding our position on proposals that are not phosphate neutral or ecologically inconsequential. We would advise the Local Authority to also seek their own legal advice.”

4.2 Welsh Water – No objection

Internal Council Consultations

4.3 Transportation Manager – No objection

“The proposed access to the site has a 70m splay which is acceptable for the character and usage of the lane which it joins. It is also noted that the access lane proposed is of sufficient width to allow vehicles to pass. It is unclear if the gate depicted on drawing number 19/357/03 Rev A are existing or proposed, but in any case these should be set a minimum of 5m from the carriageway edge.

The layout of the site allows for sufficient parking for the dwellings and in this circumstance it is acceptable to form driveways rather than turning areas. The design and access statement says that secure cycle parking will be delivered, although its not clear if this is the use of the garage or some other outbuilding. In order to resolve this it is recommended that condition CB2 (provision of secure cycle parking) is applied to the application.

There are no highways objections to the proposal, although further condition of CAB (Visibility splays measuring 2.4m by 70m in each direction) and CAE (Specification of Access) are recommended.”

4.4 Conservation Manager (Ecology) – No objection

“The site lies within the River Lugg SAC catchment area of the wider River Wye SAC. The River Lugg is currently failing its conservation status Phosphate Levels and so as identified in attached Position Statement applications can only be granted permission, at any stage of the planning process, if they can return a ‘no adverse effect on the integrity of the Lugg SAC’ result to the legally required HRA Appropriate assessment.

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

The information supplied is currently not sufficient for this LPA to be legally or scientifically certain that there are no pathways for phosphates created by this proposed development to enter the Lugg SAC catchment.

Additional professional reports confirming that all 5 of the criteria for soakaway discharge fields laid out in the Council's Position Statement can be met should be supplied to this LPA.

Once received the HRA process and required consultation with Natural England can be initiated.

No consent should be granted until such time as this HRA process has been fully and satisfactorily completed.

Notwithstanding the above:

Providing planning consent is granted within 2 years of the ecological report (March 2019) the supplied report can be considered valid and relevant and the following condition should be included on any consent granted:

Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Wilder Ecology dated March 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. All fruit trees planted should be on full vigorous or 'seedling' rootstock 'full standard' trees as relevant to fruit type being planted

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

Updated Comments

"The foul water scheme by Exploration & Testing Associates dated 30/06/2020 is noted alongside other information available to the LPA Ecology. The following points are noted as part of the required HRA process:

- Plot specific private treatment plants will be installed (Two Plots/Dwellings)*
- The individual PTP will discharge to a shared soakaway field managing the outfall from both plots and their PTPs.*
- The management/maintenance for the lifetime of the development of the shared drainage field can be secured through a relevant condition on any consent granted*
- The soakaway drainage field has been demonstrated as achievable by appropriate percolation tests.*
- The soakaway field is not within 50m of any designated site of nature conservation interest.*
- The soakaway field is not within 40m of any recorded watercourse.*
- The soakaway field is located within an area with a ground water level greater than 2m from normal ground level.*
- The soakaway field is on land with a slope less than 15%*
- The LP has no reason to believe there are any local soil or geological conditions to create expedited phosphate pathways.*

- All surface water can be managed through onsite soakaway-infiltration features*

Further information on the subject of this report is available from Mr Alastair Wager on 01432 383882

The agreed schemes can be secured for implementation by conditions on any planning consent granted.

As agreed between the Local Planning Authority and Natural England on the satisfactory outcome of the HRA foul water soakaway outfall 'checklist' (and no surface water or other considerations) it can be concluded that there are NO identified scientific pathways for phosphates to enter the River Lugg SAC hydrological catchment. This allows the LPA to conclude that there are NO 'adverse effects on the integrity of the River Lugg (River Wye) Special Area of Conservation from the proposed development – subject to the agreed drainage schemes and ongoing management being secured through appropriate and relevant conditions.

Habitat Regulations (River Lugg (River Wye) SAC) – Foul Drainage Strategy

As detailed in the drainage report by Exploration & Testing Associates dated 30/06/2020, all foul water shall discharge through new plot-dwelling specific package treatment plants with final outfall to a shared soakaway drainage field on land under the applicant's control 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 SS6, LD2 and SD4

Habitat Regulations (River Lugg (River Wye) SAC) – Surface Water Management Plan

All surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant's control 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 SS6, LD2 and SD4

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

Prior to first occupation of any property approved under this permission the legally binding details of how all the shared aspects of the foul drainage scheme will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4

No further Appropriate Assessment process or additional consultation with Natural England is required on this specific application.

The previous ecology comments on other aspects of the application remain applicable.”

4.4 Land Drainage – No objection

Overview of the Proposal

The Applicant proposes the construction of 2 new dwellings with garages.

The site covers an area of approx 0.18 hectares.

An ordinary watercourse sits to the north of the site.

The topography of the site looks relatively flat.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), August 2020

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is

located within the low risk Flood Zone 1.

In accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1.

Table 1: Scenarios requiring a FRA

Within Flood Zone 3 Within Flood Zone 2 Within Flood Zone 1

Site area less than 1ha FRA required FRA required FRA not required*

Site area greater than 1ha FRA required FRA required FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy.

Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

We note that soakaway tests have been completed using BS 6297. This is not the normal method determining the soakage rate for surface water soakaways.

However there is an equation in the Building Regulations Part H (part 3.28) that allows the use of a V_p figure to define soakage rates.

We await the provision of calculations showing the size of the soakaways for 100 year + 40% climate change

It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

Foul Water Drainage

The Applicant has undertaken percolation tests in accordance with BS6297 to demonstrate that infiltration techniques are a viable option for managing treated effluent. The test result show that a soakaway is viable on the proposed site.

We notice that the site is located within the river Lugg catchment area, as stated in the Current Development in the River Lugg Catchment Area Position Statement March 2020. A ground water test pit was excavated to 2.2m which demonstrates compliance with the NE guidelines

The Council ecologist has confirmed that the impact of the site is negligible on surface water features such as ditches, drains and watercourses. We note that there is a pond located to the north of the proposed site but it appears to not be connected to any watercourse.

As it has been suggested that a package treatment plant is to be used as the foul water drainage strategy. We recommend individual package treatment plant and individual corresponding drainage fields serve each property. As the location plan suggests that the proposer owns more land to the south of the proposed building with no constraints.

The location plan should be adjusted to show the individual plots including their individual drainage field and individual Package Treatment Plants. Each drainage field should have a minimum distance of 2m between the edge of the drainage field to the boundary fence. The drainage field and PTPs should be located a minimum of 7m from any building as set out in BS 6297, A detailed plan showing the two separate drainage fields and the new red line boundary, will need to be submitted.

• Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.

• Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

Overall Comment

We hold no objection to this development

If the council are minded to approve this development, we consider that a condition should be included as follows :

• The provision of a drawing showing the layout of the two foul drainage fields and package treatment plants , that demonstrates compliance with BS 6297

5. Representations

5.1 Marden Parish Council - Objection

At its meeting on 14 October, Marden parish Council resolved to object to application 193227 on the following grounds: the site is in open countryside as it is outside settlement boundary for litmarsh; the development is not on footprint of the barns being demolished, so it is not a conversion windfall; the application does not conform to Marden NDP policy M2.

5.2 Public Representations – Nine letters of support have been received from members of the public, the main points raised are summarised as follows:

- The hamlet needs to expand modestly to keep up with the needs of the wider community
- The proposal is commensurate with the location
- The dwellings would be serviced by regular buses
- The proposal would be an enhancement and visual improvement on the site

5.3 The consultation responses and representations may 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=193227&search-term=193227

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 The proposal is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states the following:

"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 (taken as a whole) is the Herefordshire Local Plan – Core Strategy (CS) and the Marden Neighbourhood Development Plan (NDP) which was made on 6 October 2016. As set out in the above section (2.3), the draft Marden Neighbourhood Development Plan (dMNDP) can be attributed limited weight in the decision-making process. The National Planning Policy Framework ('the framework' henceforth) is also a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the framework will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain consistent with the framework and as such may continue to be afforded significant weight in decision-making.
- 6.4 As is set out at paragraph 30 of the framework and stipulated at Section 38 (5) of the Planning and Compulsory Purchase Act 2004 (as amended), *"if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document"*. In this way should a conflict between the NDP and the Core Strategy arise, the NDP will take precedence over the Core Strategy.
- 6.5 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

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Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Again, this is broadly reflective of Paragraph 11 of the current NPPF.

- 6.6 Strategic policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, followed by the five market towns in the tier below. In rural areas new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, at paragraph 78 the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements.
- 6.7 The application at this time must be considered in the context of the Council being unable to identify a five year supply of deliverable housing sites or demonstrate it can meet the housing deliverability test. At paragraph 11, the framework confirms that when making decisions the 'presumption in favour of sustainable development' should be applied. It goes on to set out at 11 (d) that where the policies most important for determining the application are 'out-of-date' planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 7, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render relevant policies to delivering housing out-of-date.
- 6.8 It is acknowledged that, at this point in time, the Council is unable to demonstrate a five year supply of deliverable housing sites. A supply statement has recently been published which outlines that at 1st April 2020, the supply position in Herefordshire stands at 3.69 years. As a result, the presumption in favour of sustainable development set out under paragraph 11 of the Framework is fully engaged. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current framework as a whole, or if specific policies in the current framework indicate development should be restricted.
- 6.9 Notwithstanding this, Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision. Moreover, policies not directly relevant to the supply of housing (such as those dealing with matters of flood risk, highways safety or heritage impacts) still attract full weight.
- 6.10 CS Policy RA1, Rural housing distribution, explains that the minimum 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs). This recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for the production of Neighbourhood Development Plans (NDPs). The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The Core Strategy, leaves flexibility for NDPs to identify the most suitable housing sites, through their policies and allocations.
- 6.11 CS Policy RA2 states that Neighbourhood Development Plans (NDPs) will be the principal mechanism by which new rural housing will be allocated. Where these are

absent or not advanced in the process to be afforded weight in the planning balance the main focus for development will be within or adjacent to the main built up parts of the settlement. Litmarsh is identified as an “other settlement where proportionate housing is appropriate” under Policy RA2 as it is identified in Table 4.15 of the CS, the policy sets out that it is for NDPs to define the bounds of settlements where considered necessary. The area does benefit from a Neighbourhood Development Plan (NDP), the Marden Neighbourhood Development Plan was made on 6 October 2016, though it is now over two years old and so does not benefit from the provisions of paragraph 14 of the framework.

6.12 The NDP includes a policy relating to the scale and type of new housing development in designated hamlets, Policy M2, which includes the settlement of Litmarsh. The policy sets out a number of criteria for new housing development to be considered against:

- (a) Within the settlement boundary as shown on the Policies Maps for each settlement;*
- (b) Maintains an appropriate density in context with the immediate surrounding area;*
- (c) Ensures appropriate and safe access can be achieved;*
- (d) Provides appropriate residential amenity for future occupiers including consideration of any adjacent noise generating agricultural, industrial or commercial activities;*
- (e) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape;*
- (f) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing, to meet the needs of all sectors of the community;*
- (g) Reflects the scale and function of the settlement; and*
- (h) Ensures that any likely significant effect on the River Wye SAC is avoided or adequately mitigated.*

6.13 The application site is noted to fall partially outside of the identified settlement boundary for the settlement of Litmarsh, specifically whilst the access point from the public highway is within the boundary the proposed dwellings would be outside of the settlement boundary. In this regard the proposal is contrary to criteria ‘a’ of NDP policy M2, as this policy only supports new housing developments within the settlement boundary, thus taking a stricter approach than that outlined in policy RA2 of the CS, which requires that new residential development is located within or adjacent to the main built-up parts of the identified settlements. Officers note that paragraph 30 of the framework and legislation requires the most recent policy to take precedent, thus there is plain conflict with criteria ‘a’ of NDP policy M2; as CS policy RA2 allows for NDP’s to define settlement boundaries, the proposal is also considered to give rise to tension with CS policies RA2 and so RA3 as the dwellings would be outside of the identified settlement. This policy conflict is a matter to be weighed in the overall planning balance.

6.14 In spatial terms and notwithstanding the aforementioned policy conflict, the settlement of Litmarsh is considered to be modest in its size and officers recognise that the increased residential development may be appreciable from two residential dwellings, however in this case two dwellings is not considered to be harmful nor disproportionate. Further the relationship with the main built form of the settlement is a close one, the proposal is considered to be reflective of the density of development that is typical in the locale and is reflective of the scale and function of the settlement. Thus officers consider in locational terms, the application site is well related to the existing built form and is somewhere in which new residential development can be looked upon favourably as a matter of fact and degree.



Map showing application site in red, Litmarsh settlement boundary in black and heritage assets in blue.

Design / Amenity / Character / Landscape

- 6.15 In regards to the design of proposed developments, the LPA has a statutory duty under Section 39 of the Planning and Compulsory Purchase Act 2004 to have regard to the desirability of achieving good design.
- 6.16 When considering the design and landscape impact of a proposed development, Policy SD1 of the Core Strategy is significant as it requires that development proposals to create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing. Specifically regarding landscape matters, Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. In wider terms, policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape,

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biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.

- 6.17 The framework is a key material consideration for the proposal, it includes a chapter focused on achieving well-designed places (chapter 12), which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure developments will: function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience. The framework is clear at paragraph 130 that *"planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides."* The government has confirmed by way of a Written Ministerial Statement (on 1st October 2019) that *"in the absence of local design guidance, local planning authorities will be expected to defer to the illustrated National Design Guide"*; the National Design Guide is therefore considered to be a material consideration for consider what achieves good design in proposed developments. Equally design shouldn't be concocted as a reason for refusal when proposals accord with the design expectations of the framework, material considerations and development plan.
- 6.18 Policy RA2 of the CS sets a number of policy requirements for new residential development in Herefordshire's villages. Aside from the requirement that proposals are found to be within or adjacent to the main built up part, schemes should also be designed and laid out to reflect the size, role and function of the settlement. In smaller settlements (those listed at Figure 4.15) which include Litmarsh, proposals are expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within the settlement. The NDP is also pertinent with Policy M2 (as set out above) including criteria to shape development related to settlements, specifically criteria b,
- 6.19 Further policy M10 of the NDP sets out that development proposals should retain the development form of scattered hamlets and farmsteads within the wide setting of the area, retaining existing field patterns and boundaries, as well as encouraging country stewardship and similar schemes to enhance the biodiversity and natural and historic environments.
- 6.20 The layout of the proposed dwellings and their general design (with the scope of considerations being limited at this outline stage) is considered to be generally acceptable. The density of development is considered to be reflective of the local area with the sporadic & scattered sense of place not being unduly impacted, equally with field boundaries not being impinged. Further the proposal for the erection of only two dwellings is considered to be reflective of the scale and function of the settlement. The proposed dwelling at plot two is noted to adjoin a building identified as a stable, with officers not considering this arrangement to offer good levels of amenity, and so a condition is recommended to preclude the housing of livestock in this building.
- 6.21 The pattern of development in Litmarsh is not linear in its form but rather nucleic, clustering around Litmarsh Road and the junction to the north, with development extending more than one plot in places away from the public highway. This is readily discernible on the map above which also denotes the application site. Specifically for this proposal the development behind Litmarsh House and around Park Lodge is noted to be accessed via a shared driveway extending some distance from the public highway. Further the approval of two dwellings adjoining Whitegates farm has

begun to initiate a similar pattern of development, that being one which doesn't readily address the public highway.

- 6.22 The proposal would be accessed via a shared driveway with the dwellings being set away from the public highway. The proposal would replace existing agricultural buildings and so would not be an entirely new visual protrusion away from the core of the settlement, though officers do not consider it feasible to label the proposal as an enhancement with the matters of appearance and scale being reserved for future consideration, however the proposal is considered to not constitute a detrimental impact visually. The proposal in terms of its relationship with the existing spatial character of residential development is in the opinion of officers considered to give rise to some limited harm; specifically in the manner in which the proposed dwellings would sit with the existing pattern of development in the locale, giving rise to some limited tension with policy LD1 & RA2 of the CS and M2 & M10 of the NDP. This tension is a matter to be weighed in the planning balance.



Site plan showing proposed dwellings (partial, access not shown)

Highways

- 6.23 The framework sets out (at paragraph 108) applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 109 the framework sets out 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 impact on the road network would be severe.
- 6.24 At a local level, the NDP Policy M2 echoes the tenets of the aforementioned policy (MT1) and requires safe access to new residential development in the hamlets. Likewise, Policy M3 sets out that new housing development should not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure.
- 6.25 As shown below, Litmarsh, as denoted by the blue-star, is served by the 426 bus route which provides an extension of Hereford City – Marden service to Leominster via Bodenham. The bus stop is located adjacent to the Vauld turning, 50 metres from the site and under a minutes' walk. The service allows those residing in the hamlet to access Hereford City before 09:00 with a further four services in a southerly direction each day. Conversely, there are 6 northbound services a

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Habitat Regulations Assessment

- 6.28 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 ('Habitats Regs.' henceforth). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.

Policy context

- 6.29 The Core Strategy requires under policy SD4 that development should not undermine the achievement of water quality targets for rivers within the county, in particular with the treatment of wastewater. Further the Core Strategy at policy LD2 sets out that development proposals should conserve, restore and enhance biodiversity; explicitly development that is likely to harm sites and species of European importance will not be permitted. This mirrored by the NDP at policy M2 criteria h. This is also reflected in the framework at paragraph 177, in that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a SAC, unless an appropriate assessment has concluded the proposal will not adversely affect the integrity of the habitat's site. Further paragraph 11 d) i. (when read with footnote 6) of the framework includes adverse effects to habitat sites as clear reason for refusing development proposals, with there being no need to undertake the pre-weighted test of d) ii (i.e. any harm significantly and demonstrably outweighing the benefits of the proposal).

HRA Process

- 6.30 Under the Habitats Directive (which is transposed into UK legislation in the Habitat Regs.), Herefordshire Council (as the 'competent authority') has a statutory duty to assess if a proposal is likely to have "a significant effect" whether in combination or alone, this must take place before granting planning permission (or any consent, permission, other authorisation, including any variation or modification to the consent or permission (i.e. section 73 applications, discharge of conditions & non-material amendments), Regulation 61, Habitat Regs.). This initial assessment is known as the 'screening stage' which considers if there is a possibility of a 'likely significant effect' on the integrity of the SAC, this considers both the effect of the proposal and the in-combination effect; this is considered to be a notably low threshold which acts as a trigger, (thus ruling out only cases where there is no doubt or no real risk of significant effects). At the screening stage the proposal must be considered without regard to any mitigation, any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site, these may only be considered as part of an appropriate assessment. Any proposal that has the mere possibility of a 'likely significant effect' (LSE) on the integrity of the SAC triggers an 'Appropriate Assessment' of the proposal.
- 6.31 Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' using the 'best scientific knowledge in the field' that the proposal will not adversely affect the integrity of the SAC, this assessment should utilise 'best scientific knowledge in the field' as well as considering mitigation and in-combination effects.

Screening Stage

- 6.32 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening Assessment has been undertaken; this concludes that due to the application meeting the five criteria, phosphorous would be unlikely to reach the River Lugg and there is therefore no pathway for a likely significant effect on the European protected site. Thus the application is screened out of the HRA process and there is no need for an appropriate

assessment. Therefore in this aspect, the proposal is considered to accord with Policy LD2 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye and accords with criteria h of policy M2 of the NDP.

Climate Change

- 6.33 The Core Strategy at strategic policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making. With this resolution came a countywide aspiration to be zero carbon by 2030; to aid the consideration of development proposals the Council producing a Climate Change Checklist.
- 6.34 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The framework sets out at paragraph 108 that LPAs in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 110 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change. The government has reaffirmed by way of a Written Ministerial Statement on 18th November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the effective provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points of one per dwelling is recommended to require such provisions are available for future residents.
- 6.35 With the above suite of climate change measures in mind, it is considered that the proposal has regard to the Climate Emergency and explicitly demonstrates ways in which it can assist Herefordshire in mitigating the impact of new development on climate change. As such, it is considered that the proposal accords with Policy SS7 and SD1 of the CS.

Other matters

- 6.36 In regards to drainage matters and as considered in the Habitat Regulations Assessment section above, the applicant has supplied a drainage report; this has been considered by the Council’s drainage engineer and foul/surface water drainage solutions are deemed to be acceptable in principle subject to conditions requiring technical details. Officers have included a number of conditions as part of the recommendation relating to these matters, including around water efficiency; with the proposal considered to be policy compliant in these regards.
- 6.37 It should be noted that contrary to the assertions of the Design and Access statement, and whilst noting that the site is currently occupied by buildings; the land is not considered to be a ‘brownfield’ site. The framework defines ‘brownfield land’ as ‘previously developed land’ which means land that is or was occupied by a permanent structure (including the curtilage of said structure and any fixed surface infrastructure); however there are a number of exclusions including: agricultural buildings, land-in built up areas including residential gardens, parks and allotments, and where previous permanent structures have blended into the landscape. In this instance the site forms part of a farm and so is precluded from being previously developed land, however officers note that the site is occupied by built development in the visual sense.

- 6.38 The listed building located to the north east of the application site (Litmarsh Farm, Grade II) is noted, and special regard is given to it; however the proposal is not considered to affect the setting of this designated heritage asset due to the separation distance and so no further consideration is necessitated. As such, no conflict with Policy LD4 of the CS is found and the duty as placed on the Council at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged.
- 6.39 The proposal does not quantify the number of bedrooms or mix of housing units at this stage, with this matter being left open to be defined at the reserved matters stage; at which point the provisions of the development plan and the Herefordshire Local Housing Market Assessment may be considered; this is considered to be an acceptable arrangement.

Housing supply

- 6.40 The Council is noted to be unable to demonstrate a five year housing land supply at the present time, and so the framework directs (at 11 d ii.) that the policies which are most important for determining the application are out-of-date.
- 6.41 It is noted that the parish of Marden has already delivered or has commitments to housing growth, with its quota of housing, and so does not need any more residential development to be granted consent. However the housing growth figure from the development plan is a minimum not a limit and the settlement of Litmarsh has had relatively little growth to date with most development being focused on the settlement of Marden.
- 6.42 In relevant case law it is suggested that *“where the development plan upon which the calculation of the five year requirement for a district is based contains a policy distributing development to different areas of the district, the decision-maker may consider such factors as to whether a failure to provide a five year supply in the district is in fact attributable to problems with delivering sites in a discrete part of the district, whether reliance upon the development proposed to address the shortfall would breach the objectives of the distribution policy which continue to be soundly justified and whether the shortfall would be addressed within an appropriate timescale by other means which would not breach the distribution policy”* (Edward Ware Homes Ltd v SSCLG & Bath and North Somerset Council [2016] EWHC 103 (Admin)).
- 6.43 The parish of Marden is planned to have 18% growth as a minimum over the Core Strategy’s plan period (2011-2031), this level of growth would result in 89 new dwellings, as shown in the table below. To date there have been commitments to or completions of 42 dwellings in this area, with commitments to 112 dwellings as of April 2020; thus the parish is set to deliver 50 dwellings over the minimum growth target. However it is notable that the majority of these dwellings come from a major development in the village of Marden; where as Litmarsh has had comparatively little growth of the plan period to date.

Parish / Group parish	Number of households in parish	% growth in CS	Number of new houses to 2031	Completions 2011-2020	Commitments as at 1 April 2020	Site allocations within NDPs at April 2020	Residual (minus (red) is still to find)
Marden parish	580	18	104	42	112	Nil	50

- 6.44 The framework is clear at paragraph 11, that where an authority is unable to demonstrate a five year housing land supply, the policies most relevant to the determination of applications should be considered to be out of date. The most relevant policies for this application are considered to be the restrictive policies around the supply of housing; however it is for the decision maker to consider and attribute the weight to these out of date policies. Whilst the group parish has delivered more dwellings than the minimum so far through the plan period, this is not considered to outweigh the housing policies being out of date and is not considered to amount to a reason for the refusal of an application.
- 6.45 On the basis that the Council cannot demonstrate a five year housing land supply, and that it is otherwise accepted that the site is sustainable in all other respects, the addition of a further two dwellings in this location is not considered to represent disproportionate growth and the fact that the minimum target has been slightly exceeded is not; in this particular instance, reason to withhold planning permission.

Conclusion

- 6.46 The National Planning Policy Framework has at its heart a presumption in favour of sustainable development which is echoed in CS policy SS1. Sustainable development is considered to consist of three key elements, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting
- 6.47 Though the three objectives of sustainable development are not criteria against which every decision can or should be judged, they play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.48 Development proposals that are considered to represent sustainable development, meet the first test and are considered to be sustainable development, thus benefiting from a presumption in favour of the development. The second half of Paragraph 11 of the NPPF applies the presumption in-favour of sustainable development for decision-making; 11 c) outlines that development proposals in accordance with an up-to-date development plan should be approved without delay; 11 d) outlines that where the development plan is silent or the policies most relevant for the determination of the application are out-of-date (those being the housing policies), permission should be granted unless either of the following criteria are met:
- 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.

- 6.49 The restrictive policies set out at Paragraph 11 are set out at Footnote 6 of the framework, they include protected areas or assets such as Special Areas of Conservation, Sites of Special Scientific Interest, Local Green Space, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding. None are considered to apply in this instance.
- 6.50 Officers consider that the outline application does represent a sustainable form of development; spatially the site adjoins Litmarsh which is identified as a settlement for growth and is serviced by a regular bus service. With other sustainability matters and details being reserved for later consideration.
- 6.51 As the application is for residential development and in light of the housing land supply deficit, the policies most relevant to housing are considered to be out of date and so permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.
- 6.52 In this instance Officers consider that the restrictive housing policies of the development plan are the most important policies for determining the application. These include policies RA2 & RA3 of the Core Strategy, as well as Policy M2 & M10 of the NDP; accordingly these policies are attributed reduced weight in the planning balance. Further the provisions of paragraph 14 of the framework are not considered to apply in this case as the NDP was made over two years ago.
- 6.53 The appraisal has identified some conflict with the provisions of the development plan; with there being conflict with the spatial settlement boundary criteria 'a' of NDP policy M2 which results with ensuing tension with policy RA2 & RA3 of the CS; this is considered to give rise to modest harm given the limited spatial discourse from the development plan. Further officers considered there to be limited harm in the manner in which the proposed dwellings would sit with the existing pattern of development in the locale, giving rise to some limited tension with policy LD1 & RA2 of the CS and M2 & M10 of the NDP.
- 6.54 The proposed development is considered to give rise to benefits including additions to the housing supply for the area, safeguarding and enhancing local social wellbeing and there would be associated benefits in the economic sphere from increased local expenditure, bolstering local service provision. Specifically, Marden hosts a village shop and a newly re-opened public house – The Volunteer Inn. Nearby Bodenham also benefits from such village services. Thus whilst there have been two elements of harm identified (that being quantified as moderate and limited harm respectively), this is not considered to significantly and demonstrably outweigh the benefits of providing two dwellings in this instance, when considered against the provisions of the framework as a whole and the reduced weight attributed to the most important development plan policies. Therefore, on balance the outline application is recommended for approval as per the recommendation below.

RECOMMENDATION:

That outline 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. **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

2 **The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by section 92 of the town and country planning act 1990.

3 **Approval of the details of the scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 **Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

5 **C06 – Development in accordance with the approved plans**

6 **C13 – Materials**

7 **CCK – Details of slab levels**

8 **No development shall commence until the Developer has prepared and agreed a scheme for the comprehensive and integrated drainage of the site showing precisely how foul water will be dealt with; this shall be inline with the drainage report by Exploration & Testing Associates dated 30/06/2020 with all foul water shall discharge through new plot-dwelling specific package treatment plants with final outfall to a shared soakaway drainage field on land under the applicant's control and, the scheme must include the provision of a drawing showing the layout of the two foul drainage fields and package treatment plants , that demonstrates compliance with BS 6297. The scheme shall be submitted to and agreed in writing by the local planning authority, the work shall be carried out in accordance with the approved scheme.**

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 SS6, LD2 and SD4.

9 **All surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant's control 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 SS6, LD2 and SD4

- 10 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) incorporating:
- a) a Construction Traffic Management Plan (CTMP),
 - b) Construction Phasing and Routeing Plans, including construction traffic arrival and departure times,
 - c) onsite construction working hours
 - d) a method for ensuring mud is not deposited onto the Public Highway
 - e) a scheme for the management of all waste material arising from the site (i.e. stockpiles, waste soils, materials movements etc)

shall submitted to and approved in writing by the Local Planning Authority.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, neighbouring amenity and to conform to the requirements of Policies MT1 & SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

- 12 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Wilder Ecology dated March 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. All fruit trees planted should be on full vigorous or ‘seedling’ rootstock ‘full standard’ trees as relevant to fruit type being planted

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

- 13 CAB (Visibility splays measuring 2.4m by 70m in each direction)

- 14 CAE (Specification of Access)

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

Reason: To prevent pollution of controlled waters and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16 All planting, seeding or turf laying in the approved landscaping scheme pursuant to condition three) 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.

17 Before the development is first occupied, a schedule of landscape management and maintenance for a period of five years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

18 Prior to first occupation of any property approved under this permission the legally binding details of how all the shared aspects of the foul drainage scheme will be managed for the lifetime of the approved development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure ongoing compliance with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies SS6, LD2 and SD4.

19 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by written and illustrative details of the number, type/specification and location of Electric vehicle charging points of at least one per dwelling, shall be submitted to and approved in writing by the local planning authority. The Electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 & 110 of the National Planning Policy Framework.

20 Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the dwellings are occupied. 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 to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21 The stable building adjoining plot 2 as identified on the approved site plan, shall not be used for the housing of any livestock or animals from the date of the first occupation of either dwelling and shall remain so henceforth.

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

INFORMATIVES:

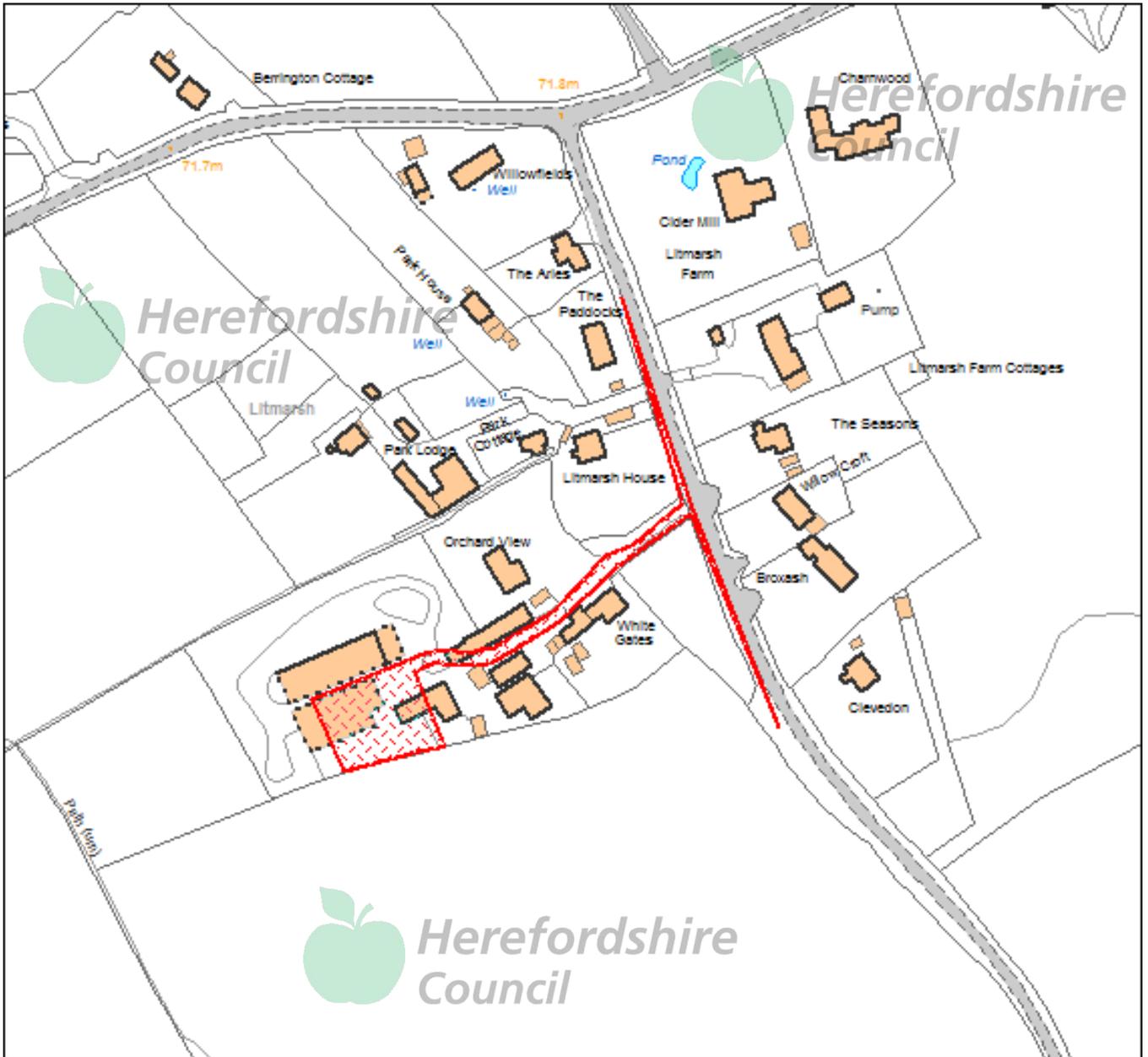
1. IP2
2. Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permit Regulations (England and Wales) 2010.
3. Use of waste on site will need suitable authorisation issued by the Environmental Agency in accordance with the Environmental Permit Regulations (England and Wales 2010)

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 193227

SITE ADDRESS : LAND AT WHITE GATES FARM, LITMARSH, HEREFORD, HR1 3EZ

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	16 DECEMBER 2020
TITLE OF REPORT:	<p>201738 - PROPOSED DEVELOPMENT OF THE CONVERSION OF TWO SMALL REDUNDANT BARNs INTO A LUXURY 6-8-PERSON HOLIDAY LET. AT THE BUILDINGS AT TRETAWDY NATURE RESERVE, LLANGROVE, ROSS ON WYE, HEREFORDSHIRE, HR9 6EY</p> <p>For: Mr Hitchcock per Mr Edward Busby, 141 Whitehall Road, Wapping Road, Redcliff, Bristol, BS5 9BJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201738&search-term=201738
Reason Application submitted to Committee – Redirection	

Date Received: 4 June 2020

Ward: Llangarron

Grid Ref: 352453,219021

Expiry Date: 10 August 2020

Local Member: Councillor Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application relates to a site located to the south of Llangrove and is accessed off an unclassified road through an established residential area. The site slopes towards the south west and comprises two disused agricultural buildings with hardstanding and lies approximately 87 metres to the south west of the edge of Llangrove. There are a number of dwellings around the site, the closest approximately 30 metres to the south.
- 1.2 This application seeks planning permission for the conversion and adaptation of the disused buildings into a holiday let for 6-8 people. This would include the construction of a glazed link between the structures to consolidate the buildings and the raising of the roof with glazing by approximately 0.8 metres. The lower agricultural building would utilise a green roof. Parking is proposed to the north of the access.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy Policies

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

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

SS1 – Presumption in Favour of Sustainable Development

SS6 – Environmental Quality and Local Distinctiveness

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

LD1 – Landscape and Townscape
LD2 – Biodiversity and Geodiversity
SD1 – Sustainable Design and Energy Efficiency
SD3 – Sustainable Water Management and Water Resources
SD4 – Wastewater Treatment and River Water Quality
RA3 – Herefordshire’s countryside
RA5 – Re-use of rural buildings
E4 – Tourism
MT1 – Traffic management, highway safety and promoting active travel

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

2.2 Llangarron Neighbourhood Development Plan (Regulation 14 draft plan submitted 18 February 2020)

SUS1 – Sustainable development
EMP2 – Tourism and rural diversification
HOU3 – Change of use of agricultural buildings to dwellings and holiday use

The Llangarron Neighbourhood Development Plan can be afforded limited weight for the purposes of decision-making given it is at Regulation 14 draft stage

<https://www.herefordshire.gov.uk/directory-record/3079/llangarron-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development
Chapter 6 Building a strong, competitive economy
Chapter 12 Achieving well-designed places

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

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

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

3. Planning History

3.1 None relevant

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – No objection

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

4.2 Environmental Health Housing – No objection

1. The proposed plans should include for a fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. kitchen, utility, living or dining room. If there is more than a 4.5 meter drop from bedroom windows (e.g. from the third floor), then an alternative layout should be provided so that persons can exit the property from the bedroom without the need to go through a risk room.

2. In addition, an appropriate automatic fire detection system complying with BS5839:2013 should be fitted to cover the whole development including common areas and leisure facilities.

3. If the property is in a Radon affected area, suitable mitigation measures should be put in place.

4. There should be sufficient, secure ventilation to the outside air from all living/dining and bedrooms as well as internal bathrooms.

5. All bedrooms should meet the minimum room sizes laid out in the DCLG Technical housing standards.

4.3 Environmental Health Officer (Contaminated Land) – Approve with condition

According to our records, the development is near to a former quarry later recorded as 'unknown filled ground'. Sites identified as unknown filled ground can be associated with contaminative fill material. In practice, many sites identified through the historical mapping process as unknown filled ground are instances where hollows have been made level with natural material, have remained as unfilled 'hollows' or have filled through natural processes. However, there are some instances where the nature of the fill is not inert and would require further investigation.

Given the change of use I'd recommend the condition be appended to any approval so that the above can be assessed alongside any other risks the commissioned technical specialist may identify.

4.4 Environmental Health Officer (Noise and Nuisance) – Approve with conditions

In general terms our department does not object to changes of uses for individual barns or houses to holiday accommodation and from this perspective we do not object to this proposal.

However, it is noted that the applicant has suggested in their proposed plans that up to 16 people could be accommodated in this proposal which could have potential amenity impacts for neighbours. Should it be minded to grant permission, I therefore recommend conditions.

4.5 PROW – No objection

Public footpath LG29 is already obstructed by one of the barns. PROW do not object to the conversion itself, but the footpath must not be further obstructed by development. It would seem a good opportunity for the applicant to apply to divert the path away from the buildings.

4.6 Ramblers Association – Object

The Rambler's Association continues to object to the proposed development as it appears to development will be built across public footpath LG29 thus obstructing the public right of way.

Regardless of what is visible on the ground, the line of the public right of way cannot be changed without a legal order to that effect. The agent says the barn is over 100 years old, in which case a Definitive Map Modification Order may apply.

However, a legal diversion under the Town & Country Planning Act 1990 (provided a new line of the path can be agreed during the pre-order consultation process) would be acceptable.

The applicant would then need to wait until the Public Path Order is confirmed by the highway authority before commencing work on site. I understand there is a standard planning condition to this effect, and should be applied if permission is granted.

4.7 **Natural England – No objection**

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

Internal Council Consultations

4.8 **Ecology – Approve with conditions**

Habitat Regs. Assessment – R. Wye SAC

The site falls within the River Wye SAC (Wye-Lower Wye) catchment and within the River Wye SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer.” This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to septic tank and associated drainage field within the applicant’s ownership and surface water will outfall to on site SuDs.

Land Drainage have reviewed the proposed drainage scheme (comments dated 28/09/20). The scheme is approved in principle, subject to further information being provided. The additional information requested is:

- A revised surface water drainage strategy including drawings
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

Therefore in this case further drainage details are required to be supplied but subject to inclusion of a relevant drainage condition to ensure that this further information is provided, the principle of the scheme is approved.

Subject to this mitigation being secured through a relevant condition the Habitat Regs. Appropriate Assessment can confirm a conclusion of ‘No Likely Significant Effect’ on the River Wye SAC.

Habitat Regs. Assessment - Wye Valley Woodlands SAC

The potential for local bat foraging is recognised as being high, and the site is within 3km Upper Wye Gorge SSSI, which is part of the Wye Valley Woodlands SAC, .Any application within 3km of the SAC falls within the Core Sustenance Zone for Lesser Horseshoe bats. The 3km threshold that applies here is set by Natural England’s SSSI Impact Risk Zones.

A condition is attached to this planning consent to ensure that there is no increased illumination due to any new external lighting being installed. A relevant condition is requested to manage any detrimental impact of external lighting on night foraging routes of bats.

Subject to the condition below being secured, a conclusion of No Likely Significant Impacts to Lesser horseshoe bat Core Sustenance Zones within the Wye Valley Woodlands SAC is anticipated.

Bat Survey Report

The ‘Winter bat check and summer bat survey’ report (Worcestershire Wildlife Trust Consultancy, dated September 2020) found no evidence of bats roosting in the barns to be converted. Significant foraging and commuting of bats (common pipistrelle, soprano pipistrelle, brown long

eared and *Myotis* spp.) around the barn was detected. The recommendations and ecological working methods as outlined in the report should be followed.

The Construction Environment Plan provides recommendations for protection of on-site wildlife (hedgerow root protection zone), nesting birds and bats, during construction/renovation works and should be followed.

NB. Wye Valley Woodlands SAC referred to in terms of potential HRA impacts, is a different site to the Wye Valley and Forest of Dean Bat Sites SAC, to which comments are addressed in the CEMP report. The 'trigger' here is the for lesser horseshoe bats associated with Wye Valley Woodlands SAC. Although close by and with a similar name, the Wye Valley and Forest of Dean Bat Sites SAC is a different site for which the HRA process is not triggered here.

Biodiversity Net Gain

In line with NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential (net gain). Typically 'enhancements' should include consideration for a wide range of species, such as bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding with bitumen felt, bird nesting, pollinating insect-solitary bee homes built in to or attached to all the new building, and hedgehog homes within any boundary features and soft landscaping within the development boundary.

Although the bat survey report and Construction Environment Management Plan both refer to proposed bat boxes and bird nest boxes, and proposed generic native wildlife landscaping schemes, there is no site specific plan, providing detailed box locations etc. provided in either.

It is noted that the development includes a green roof with native wild flower meadow seed, and that this also forms part of the 'biodiversity net gain' in terms of the proposed buildings footprint. However we would also be looking to see a 'biodiversity enhancement plan' to provide an indicative layout showing how many or where the additional bat or bird roost boxes mentioned will be located.

It is of course noted that the proposed barn conversions are set within the Tretawdy Farm nature reserve, which is managed for biodiversity and hence provides 'biodiversity enhancement' on a large scale. However, for the purposes of this planning application we are looking for 'net gain' in relation to the buildings to be converted.

Transport – Approve with conditions

No objections to the proposed development. Please condition as shown below.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.9 Historic Building Officer - Approve with conditions

Recommendation:

From a heritage perspective the proposed scheme presents a sympathetic conversion which retains and respects the agrarian character of the buildings; approval with conditions is recommended.

Heritage Background:

The proposed site is situated at the southern edge of the settlement of Llangrove; and 350m south-east of Llangrove Cottage and an adjacent former Congregational Chapel, and 350m

south-west of Christ Church, all of which are Grade II listed buildings. The building group at Tretawdy Farm, which includes these barns, is detailed on the 1840 OS mapping.

Comments:

The submitted structural report suggests a number of interventions may be necessary to stabilise the existing structures to enable their conversion; details of these works will be required to determine their extent and what their impact might be on the character of the buildings.

As the buildings are of traditional construction Part L1B of the Building Regulations (Para. 3.8c) provides a degree of flexibility in terms of meeting certain requirements:

'When undertaking work on or in connection with a building that falls within one of the classes listed...the aim should be to improve energy efficiency as far as is reasonably practicable. The work should not prejudice the character of the host building or increase the risk of long-term deterioration of the building fabric or fittings.' (Part L1b, Para. 3.9)

This flexibility should be taken into consideration when specifying works and materials for conversion.

Historic England have produced a useful series of guidance documents relating to the conversion and upgrading of traditional farm buildings, which are worth consulting before submission of relevant specifications:

<https://historicengland.org.uk/advice/caring-for-heritage/rural-heritage/farm-buildings/>
<https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>

4.10 **Land Drainage – Approve with conditions**

Surface Water Drainage

The applicant is proposing to use SUDS design using soakaways. The property will be using permeable paving for the driveways.

Soakaway testing has been completed which has demonstrated that the ground is permeable. A soakaway design has been presented. The surface water drainage design needs to be based on a 100 year + 40% climate change storm.

We note the presence of a layer of clay just beneath the top soil. The proposed permeable paving design needs to be developed so that water can permeate downwards into the permeable strata below.

It should be noted that soakaways should be located a minimum of 5m from building foundations, a plan will be needed demonstrating the location of the soakaways.

Foul Water Drainage

The nearest public sewer is approximately 123m from the site. The applicant is proposing to provide a septic tank with a volume of 3300 litres. They are also proposing to drain to a drainage field designed and installed in accordance with BS 6297. The permeability testing completed by the applicant (and a check on ground water) has demonstrated that this is possible.

There is an operational risk associated with the use of septic tanks. There is no reason why the applicant cannot utilise a septic tank for treatment of effluent, but if a pollution incident occurred then there may be a need to upgrade the system to utilise a package treatment plant. As the site is for a holiday let, we appreciate that a package treatment plant may prove expensive to install and operate.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from

the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds. Maintenance of the package treatment plant and drainage field will need to be agreed before planning approval can be granted

Overall Comment

We hold no objection to the proposed development and consider that conditions could be utilised.

4.11 **Building Control**

In response to the above consultation I would like to comment that as suitably qualified and experienced Structural Engineer (Andrew Collinson) has visited the site and inspected the condition of the barns, we would be accepting in his conclusions. From the images available it is clear to see that rebuilding of certain areas will be required as with many barn conversions. I appreciate that the structure has failed in places therefore any existing areas that will form part of the final build will need to be adequately protected during construction.

5. **Representations**

5.1 **Parish Council – Object**

The Parish Council strongly objects to the proposals set out in the planning application for the following reasons:

- a) Access in and out of the site via a steep and narrow track will be impossible without entering the property of a neighbouring householder.
- b) The holiday let will generate unacceptable levels of noise for neighbouring households.
- c) Increased traffic visiting the site will threaten the safety of people using the footpath which crosses over the access track.
- d) Despite assertions to the contrary no public consultation with local residents has taken place.
- e) The applicants have exaggerated both the level of money that will be spent in the village and the projected employment opportunities for local people.
- f) The proposed holiday let is at odds with the general aims of the Hereford Wildlife Trust.
- g) The individual who gifted the land to the Hereford Wildlife Trust had assumed it would be used solely as part of the nature reserve and not a commercial venture.

5.2 83 letters of objection have been received and the points raised are summarised as follows:

- Structural survey supplied is too simplistic and contains assumptions, the buildings are not in a good condition and are lean-to shed and a byre not barns
- The buildings are not worth of conversion and were never joined so connection should not be made, not of any architectural or historic merit
- Concerns regarding access to the site not being suitable for purpose
- The site was left to the Herefordshire Wildlife Trust in Mrs Cook's will and this proposal would not be in keeping with her last will and testament, barns should be used for enjoyment of the wildlife trust
- Query boundary lines within another person's ownership
- Does not meet requirements of policy RA2 and RA3, directly adjacent to a field previously rejected for development
- Limited services available in Llangrove, including bus services, proximity to Llangrove does not integrate it into the village
- Increased vehicle movements would impact highways safety and change character of the village, does not address sustainable transport with the likelihood being that occupants will not car share
- Increased noise impact within Trefassey Valley and loss of privacy to Tretawdy Farmhouse
- Light impact from additional glazed openings
- Lack of space around the building would lead to inappropriate use of surrounding area

- Would not aid local economy given single pub and lack of bus services leading occupants to go elsewhere for services
- Application form states 1 full time person required which would be unlikely the case
- Area not suitable for 'glamping' and the customers it may attract, it would disrupt the quiet nature reserve and Herefordshire Wildlife Trust would not have control over booking management
- Concern that further tourism development will follow approval of this
- Purely for profit plan with no neighbour consultation as stated to have been undertaken in the submitted documents
- Ecologically valuable to the nature reserve with lack of disturbance, should not be regarded as redundant as they will be habitat/provide breeding opportunity for many species
- Quite nature of village would be impacted by 6-8 people
- Llangrove becoming over developed

5.3 9 letters of support have been received and are summarised as follows:

- Any form of tourism would benefit the local economy and government should be supporting rural economy
- Many objections are factious claims
- Proposed accommodation will be attractive and effective at bringing tourists to support the county and local economy
- Eat Sleep Live Herefordshire supports the application for the eco-friendly tourism initiative to fulfil the county's need for visitor attractions, fitting in with local and regional strategies as a nature and wildlife focus
- Secures future use of the buildings and sustainable income to support the ongoing ecological restoration of the land, if these were to become derelict and lost it would impact the landscape character
- Fulfils requirements for 6-8 people accommodation in Herefordshire for larger families and small groups
- Allows engagement with nature in winter and summer, aimed at people who are interested in local foods, shops and markets – including families
- Executor of Mrs Cook's will believes this is within her wishes and would welcome people visiting the site in this manner and the income to be derived from it
- Herefordshire Tourism Partnership states it is what is needed to complement the supply of tourist accommodation filling the demand for such residential tourist accommodation which is currently lagging behind regional and national averages due to lack of availability
- Proposal allows opportunity for ecological enhancements
- Contribution to education for visitors

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=201738&search-term=201738

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 Llangarron Neighbourhood Area,

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

which published a draft Neighbourhood Development Plan (NDP) for Regulation 14 consultation in February 2020.

- 6.3 As a starting point, Paragraph 83 of the NPPF sets out its in-principle support in enabling a prosperous rural economy. It states that planning decisions should provide for the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. It goes on to provide support for sustainable rural tourism and leisure developments which respect that character of the countryside.
- 6.4 Echoing these principles at the local level, Policy RA6 of the CS sets out its support for proposals which help to diversify the rural economy including the small scale extension of existing businesses and those which promote sustainable tourism proposals of an appropriate scale which are in accordance with Policy E4. It makes it clear that proposals should be of a scale which is commensurate with their location and setting, would not cause unacceptable levels of traffic and would not cause harm to the amenity of neighbours. Policy E4 recognises the value of tourism to the Herefordshire economy. The policy states that the tourist industry will be supported by a number of measures, which include retaining and enhancing existing, and encouraging new accommodation throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying in the county overnight.
- 6.5 Objective 9 of the CS seeks the pursuit of sustainable tourism opportunities which develop Herefordshire into a destination for quality leisure visits. This is echoed throughout the CS and most pertinently via Policy RA3 – Herefordshire’s Countryside whereby it is stated that the sustainable re-use of redundant or disused buildings will be supported in cases where it complies with Policy RA5 and leads to an enhancement in the immediate setting.
- 6.6 With this in mind, Policy RA5 – ‘The Re-use of rural buildings’ goes on to state that the re-use of disused and redundant rural buildings will be permitted where:
- It respects the character and significance of the redundant/disused building and it is demonstrated that it is the most viable long-term option
 - Provision is made for protected and priority species and other associated species and no other undue environmental impacts arise from the development
 - The buildings proposed for re-use are of permanent and substantial construction which is capable of conversion without the requirement to undertake major or complete reconstruction
 - The building is capable of accommodating the proposed new use without the need for substantial extension, alteration or through the formation of additional ancillary buildings or areas of hardstanding which would adversely impact the existing character of the area.
- 6.7 Policy E4 - Tourism recognises the value of tourism to the Herefordshire economy. The policy states that the tourist industry will be supported by a number of measures, which include retaining and enhancing existing, and encouraging new accommodation throughout the county, which will help to diversify the tourist provision, extend the tourist season and increase the number of visitors staying in the county overnight. In this instance, the long term income will facilitate the upkeep and running of the Wildlife Trust, further aiding the rural economy. This is echoed in the NDP policy EMP2 which supports small scale proposals to contribute to the tourist economy as part of agricultural diversification where they are suitable for the character of the area, make positive contribution to the protection and enhancement of landscape with suitable vehicular access. Furthermore, policy HOU3 supports conversion of agricultural buildings to holiday let where the building is substantially intact and capable of conversion, as evident in the structural report, and does not adversely affect the character of the existing buildings with no detrimental impact to residential amenity.

6.8 Taking into account the policy context as outlined above, it is considered that support can be given to the re-use of rural buildings for residential/tourism uses. It is a pre-requisite of a conversion scheme that in accordance with Policy RA3 the development would result in an enhancement of its immediate setting. It is therefore considered that the proposal is acceptable in principle, subject to the following considerations to be discussed in the following sections of this report:

- Acceptability of the proposed conversion on the character and appearance of the building and the landscape setting
- Residential amenity impact
- Heritage impact
- Highways and access
- Drainage
- Ecology

Conversion Design and Landscape

6.9 The NPPF is a key material consideration for the proposal, it includes a chapter on achieving well-designed places, which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, as good design is a key aspect of sustainable development. Decision-making (as directed at paragraph 127 of the framework) should ensure developments will function well and add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character including the surrounding built form and landscape setting (whilst not preventing innovation or change); establish or maintain a strong sense of place creating attractive and distinct places to live and visit; with a high standard of amenity for existing and future users that doesn't undermine quality of life or community cohesion and resilience.

6.10 As confirmed by the structural report submitted with the application, the buildings are suitable for conversion without requiring substantial rebuilding. The existing buildings will retain their form with the necessary repair works as detailed within the report. It is recognised that some additional building is required to secure the proposed use, but it is considered that the proposal would not lead to extensions or alterations to the host building which would harm its character, due to the use of glazing to the link extension and raised roofing reading clearly as later additions. Despite it not possessing any particular heritage significance, the repurposing of it to provide an enhanced tourism offering is considered a viable option for its long term conservation and makes an effective use of a redundant building that at present, does not contribute particularly positively to the site as a whole.

6.11 Although the conversion would alter the existing appearance, this would not appear out of keeping with the rural setting retaining the essential agrarian character of the existing buildings. The existing openings would be utilised to form glazed doors and windows. The proposal seeks to raise the roofline, incorporating glazing, and introduce a glazed link between the lower and upper barns. This would extend the existing gap of 2.7 metres, sitting below the eaves height of the barns and thereby remaining subservient. Given this positioning, it is not considered that the addition would cause harm to the appearance of the building or the wider landscape setting. These are not identified as being substantial alterations or extensions and do not detract from the agricultural character, clearly differentiating between existing structure and later addition.

6.12 Whilst additional landscaping is limited, this is appropriate in ensuring the site does not read as overly engineered or domesticated in its design and setting and remains to be read as agricultural in character. The scheme would reduce visual impact upon the landscape through the use of green roof to the lower barn. In summary, the proposed design and landscaping would be appropriate in this rural setting in line with policies SD1, LD1 and SS6 of the Core Strategy.

Residential Amenity

- 6.13 The surrounding Wildlife Trust site of Tretawdy Farm is an established tourist attraction, as such the option of accommodation would enhance the appeal of the site. 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 barns are currently unused. Given the scale of the proposal and wider residential context, it is not considered that the increased use of the site would present a detrimental increase in noise so as to warrant refusal. As confirmed by the Environmental Health Officer, there are no objections to the proposal with suggested conditions included to further protect amenity and the wider rural setting. In addition to this, there is sufficient distance and boundary treatments between surrounding dwellings to alleviate concerns for overlooking. The proposed parking to the south of Tretawdy Bungalow is currently used for volunteers and visitors of the nature reserve in agreement with Herefordshire Wildlife Trust, as such the movements associated with a holiday let would not result in any fundamental change in the nature of the site or result in a detrimental increase in the existing noise created from current use.

Heritage Considerations

- 6.14 As touched upon, the barn does not have any notable historical significance or character and is of a simple and functional design located with easy access immediately off the access track. Notwithstanding this, Policy LD4 of the CS sets out that development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible. As confirmed by the Historic Buildings Officer, no objection is raised as the proposal presents a sympathetic conversion, retaining and respecting the existing character. It is noted within the Design and Access Statement that it is proposed that re-pointing work will be done using traditional lime mortar with conditions included to determine the extent and suitability of works protecting the viability of the buildings.

Highways and access

- 6.15 The NPPF sets out at paragraph 108 applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 109 the NPPF sets out 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 impact on the road network would be severe.
- 6.16 As existing agricultural buildings, it is considered to be sustainable to make use of an otherwise unused asset adjacent to an established residential area. Parking is offered on site off the access road and the Area Engineer has raised no objection. The restriction to number of occupants as suggested by the Environmental Health Officer will ensure movement to and from the site would not create a severe impact upon the highways safety or network, and as such would not warrant refusal in accordance with the NPPF and MT1.

Drainage

- 6.17 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).

- 6.18 The proposal confirmed the use of sustainable drainage systems using soakaways with permeable paving for driveways. Testing has been undertaken to show these systems are achievable and no objection is raised by Land Drainage with conditions included to secure drainage details. The proposal is therefore policy compliant in foul water terms. Both foul and surface water drainage arrangements are to be secured by way of conditions attached to any approval.

Ecology

- 6.19 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.
- 6.20 There are considered to be no known immediate concerns although there is a recorded presence of some protected species in the locality, namely bats. The Planning Ecologists re-iterates the fact that the applicant and any contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.
- 6.21 The site lies within the River Wye Special Area of Conservation (SAC) and Wye Valley Woodlands SAC, both internationally important conservation sites which have been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to screen the development and ensure that it would have no likely significant adverse effect upon the integrity of the designated site.
- 6.22 The proposal has been assessed by the Council's Ecologist and a Habitats Regulations Assessment – Screening and Appropriate Assessment has been undertaken as a report. This concludes that due to the mitigation included within the proposal and secured via planning conditions, including no external lighting and methods identified within the supporting ecological documents, it is considered to mitigate against any 'Likely Significant Effect' on the Special Area of Conservation. This document has been published on the Council's planning website and sent to Natural England for consultation, who concur with the Council's HRA conclusions and so have no objection to the proposal. Therefore in this aspect, the proposal is considered to accord with Policies LD2 and SD4 as it will not detrimentally impact on the biodiversity or ecological significance of the River Wye or the Woodland SACs.

Other Matters

- 6.23 With regard to the objections received, a number of these have been dealt with through the consultation process with internal and statutory consultees. They relate to structural integrity, highways safety, ecological factors and residential amenity. Furthermore, the objections regarding the principle of development have been addressed at the start of the appraisal. To address concerns raised regarding the will of Mrs Cook, former landowner, this is not a material planning consideration and is considered entirely irrelevant in relation to this scheme. Furthermore, the access rights over the adjacent property is a civil matter and cannot be considered under this application. Any further tourism development or expansion of the use of the site would require planning permission. The scale of the buildings would not result in detrimental light pollution with a condition included to secure appropriate control over this.

- 6.24 It is noted that a structural report was submitted with representations to state that the buildings are not capable of conversion. The Building Control Officer was consulted for comments on the matter and it is confirmed that the submitted structural report by the applicants, undertaken by the qualified and experienced structural engineer, is given weight and his conclusions are accepted. It is noted that the barns would require repair work with rebuilding in some areas, however these would not be considered alterations or extensions that would harm the character of the building within the context of CS policy RA5. The buildings would not require significant structural alteration. Furthermore the benefit to be derived from tourism and diversifying the rural economy are considered to outweigh any perceived harm associated with the works required to ensure the long term viability of the barns.
- 6.25 The existing barns are constructed over a small portion of a public right of way footpath which is identified by the PROW and Ramblers Association consultation responses. Whilst the objection from the Ramblers Association is acknowledged, PROW have no objection to the scheme noting the significant amount of time the barns have been in this position, and as such it would not warrant refusal, and that a Definitive Map Modification Order may be possible. An informative is included to this effect.

Conclusion

- 6.26 The principle of development is shown to be acceptable and in accordance with policies E4, RA3, RA5 and RA6 of the Core Strategy which supports the viable and sustainable re-use of rural buildings for the purposes of tourism whilst sustaining and diversifying the rural economy. Any impact upon residential amenity is not considered to be detrimental and is further protected by the use of planning conditions. No technical objections are raised by the Council's Ecologist, Land Drainage or Area Engineer, with suggested conditions included. It is considered that there are genuine economic and social benefits associated with securing a viable use for the building and supporting the aims of the Wildlife Trust. Some environmental impacts are identified in relation to alterations to the building and the increased intensity of the use but these are limited and to a large extent can be mitigated by conditions. They do not in your officers opinion outweigh the benefits that are identified
- 6.27 With the above in mind and noting that the proposal accords with the relevant policies of the Herefordshire Local Plan – Core Strategy and the principles of the National Planning Policy Framework, the proposal is considered a sustainable form of development. Therefore, in accordance with policy SS1 of the Core Strategy, it is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. CBK Restriction of hours during construction**
- 4. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of 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: Having regard to Policy SD1 and RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.

5.

Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

6. The building hereby permitted shall not be occupied by more than 8 persons at any one time.

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.

7. There shall be no overnight staying in camper vans, caravans, tents or similar temporary forms of accommodation outside the permitted accommodation.

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.

8. No amplified or other music shall be played outside the accommodation outside of the following times (18:00 and 09:00)

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.

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

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

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

Reason: In the interests of human health and to accord with policy SD1 of the Herefordshire Local Plan and the National Planning policy Framework.

- 10. The Remediation Scheme, as approved pursuant to condition 7 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to accord with policy SD1 of the Herefordshire Local Plan and the National Planning policy Framework.

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

Reason: In the interests of human health and to accord with policy SD1 of the Herefordshire Local Plan and the National Planning policy Framework.

- 12. 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

- 13. All foul water shall discharge through connection to a new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

- 14. Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)**
- a) At no time shall any external lighting (except in relation to safe use of the property; and consisting of low lumens, warm LED 'down' lighting units on time limited PIR sensors) be installed or operated on the site without the written approval of this local planning authority.**
 - b) No external lighting should illuminate any boundary feature, adjacent habitat or area around the biodiversity enhancement features.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19)

15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the bat survey report and Construction Environment Management Plan by Worcestershire Wildlife Trust Consultancy dated September 2020, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

16. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision for bird nesting and encouraging pollinating insects 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 or radiated lighting from the development should illuminate any biodiversity net gain features.

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.

17. Prior to the first occupation of the development hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. 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
- 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.

19. Prior to the first use of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict

accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. With the exception of any site clearance and groundwork, no further development shall take place until details and samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the local planning authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

22. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

- Schedule of Works; detailing all structural stabilisation/repair works;
- 1:5 details and sections, and 1:20 elevations;

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

23. All works of making good to retained fabric shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

24. No joinery works shall commence (timber or metal) until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- 1:5 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings.
- Method & type of glazing;

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

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

25. 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 or rebuilding the brickwork or masonry.

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

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

Reason: To safeguard the character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

27. Details including a specification and scale drawings, at appropriate scales, 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 character, appearance and significance of the building, in accordance with Policies RA5 & LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework.

28. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use [occupation] of any of the building[s] hereby permitted.

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

INFORMATIVES:

1. IP1
2. 106 Public rights of way affected
3. I05 No drainage to discharge to highway
4. I09 Private apparatus within the highway

- 5. I11 Mud on highway
- 6. I35 Highways Design Guide and Specification
- 7. I47 Drainage other than via highway system

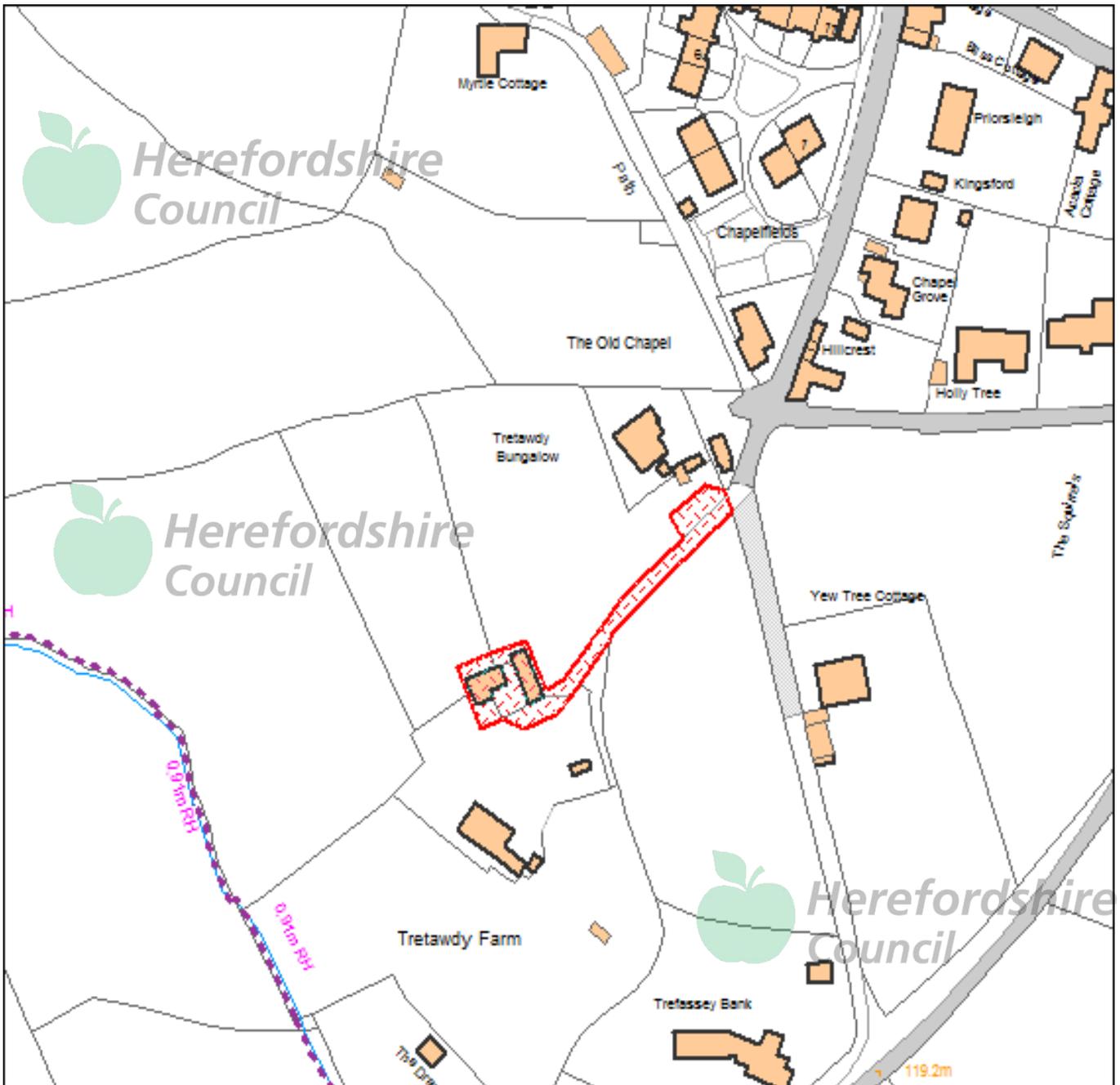
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201738

SITE ADDRESS : THE BUILDINGS AT TRETAWDY NATURE RESERVE, LLANGROVE, ROSS ON WYE, HEREFORDSHIRE, HR9 6EY

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