

# Agenda

## Planning and regulatory committee

Date: **Tuesday 24 May 2022**

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Time: **10.00 am**

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Place: **The Conference Room, Herefordshire Council Offices,  
Plough Lane, Hereford, HR4 0LE**

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and regulatory committee**

## **Membership**

**Chairperson            Councillor Terry James**

**Councillor Paul Andrews  
Councillor Polly Andrews  
Councillor Sebastian Bowen  
Councillor Clare Davies  
Councillor Elizabeth Foxton  
Councillor John Hardwick  
Councillor Tony Johnson  
Councillor Mark Millmore  
Councillor Jeremy Milln  
Councillor Felicity Norman  
Councillor Paul Rone  
Councillor John Stone  
Councillor Yolande Watson  
Councillor William Wilding**

## Agenda

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<b>PUBLIC INFORMATION</b>	
<b>GUIDE TO THE COMMITTEE</b>	
<b>NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
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.	
<b>4. MINUTES</b>	13 - 26
To approve the minutes of the meeting held on 6 May 2022.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 213963 - LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP</b>	27 - 66
Proposed installation of a photovoltaic solar farm with associated infrastructure including inverters/transformers, battery storage and substation with client and DNO switching equipment with underground connection to the adjacent Dormington substation.	
<b>7. 210865 &amp; 210866 - CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD</b>	67 - 90
210865 - Proposed conversion of two outbuildings to create three new dwellings. Works include: lean-to extension to former workshop to be replaced with single storey extension and open courtyard attached to former dairy to be enclosed with a new flat roof. Proposed works to upgrade existing storage building.	
210866 - Proposed conversion of two outbuildings to create three new dwellings. Works include: lean-to extension to former workshop to be replaced with single storey extension and open courtyard attached to former dairy to be enclosed with a new flat roof. Proposed works to upgrade existing storage building.	
<b>8. DATE OF NEXT MEETING</b>	
Date of next site inspection – 28 June 2022	
Date of next meeting – 29 June 2022	



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

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at [www.herefordshire.gov.uk/meetings](http://www.herefordshire.gov.uk/meetings) and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 261699 or at [governancesupportteam@herefordshire.gov.uk](mailto:governancesupportteam@herefordshire.gov.uk)

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

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

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## **Public transport links**

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

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### 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 Terry James (Chairperson)	Liberal Democrat
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Sebastian Bowen	True Independents
Councillor Clare Davies	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Independents for Herefordshire
Councillor William Wilding	Independents for Herefordshire

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: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:*

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



**Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Friday 6 May 2022 at 10.00 am**

**Present:** Councillor Terry James (chairperson)

**Councillors:** Dave Boulter, Clare Davies, Elizabeth Foxton, Tony Johnson, Mark Millmore<sup>1</sup>, Jeremy Milln, Felicity Norman, Paul Rone, John Stone, Kevin Tillet, Yolande Watson and William Wilding

**In attendance:** Councillor David Hitchiner (virtual/remote attendance)

**Officers:** Development Manager North Team and Senior planning, highways and regeneration lawyer

**61. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Paul Andrews, Polly Andrews, Sebastian Bowen, John Hardwick and Graham Jones.

**62. NAMED SUBSTITUTES (IF ANY)**

Councillor Dave Boulter acted as a substitute for Councillor Paul Andrews  
Councillor Kevin Tillet acted as a substitute for Councillor Polly Andrews  
Councillor Clare Davies acted as a substitute for Councillor Graham Jones

**63. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**64. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 16 March 2022 be approved.

**65. 212634 - TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ (Pages 11 - 12)**

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking a statement was read out on behalf of Mr Bowen-Jones, Pyons Group Parish Council, Mr Garvey, local resident, spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. A statement from the local members was read to the committee. In summary he

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<sup>1</sup>Councillor Millmore took his seat on the committee at 10:59 a.m.

explained that the application site fell outside of the proposed neighbourhood development plan agreed settlement boundary. He explained that the five year land supply was currently sufficient and the Pyons Group Parish Council had exceeded its new homes target. The proposed site was productive agricultural land and on green belt land. There was concern that the approval of the application could lead to more substantial development in the area. Drainage from the site was raised as a concern and the impact on the River Lugg and its tributaries. The lane in front of the application site was too narrow and inadequate for access; the application would result in additional noise, traffic and pollution. The sustainability of the location of the application was questioned in a village without a regular bus service and no walking or cycling facilities. It was noted that new homes had been built in the locality which had then stood vacant.

The committee discussed the application.

A motion that the application be approved, consistent with the case officer's recommendation, was moved and was carried by a simple majority.

### **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 limits for implementation**
2. **C06 – Development in accordance with approved plans**

#### **Pre-commencement Conditions**

3. **Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the approved dwellings and a fixed datum point outside of the site shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework**

#### **Conditions Requiring Discharge**

4. **With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**
  - a) **Details and/or samples of materials for external walls and roofs**
  - b) **Details of all windows and doors (and associated panelling detail)**
  - c) **Details and/or samples of rainwater goods**

**The work shall subsequently be carried out in full accordance with such approved details.**

**Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character**

and amenity of the area in accordance with policies RA2, SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policy PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

5. Prior to any works to or removal of the existing roadside hedgerow commencing, a Translocation and Management plan shall be submitted to the LPA for written approval. The supplied plan must include a detailed method statement, establishment maintenance and ongoing management details. The approved plan shall subsequently be implemented and the hedgerow thereafter maintained in full as stated, unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

6. Prior to the first occupation of the development hereby approved, a detailed design specification for the foul water management scheme shown on approved plan 100A shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, a detailed design specification for the surface water drainage system (including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. With the exception of site clearance and groundworks, no further development shall take place until full details of the proposed scheme of renewable energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied on 2nd March 2022) have been supplied to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved prior to the first occupation of the dwellings.

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

9. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 10. Prior to the first occupation 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 in perpetuity.**

**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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework**

- 11. Prior to first occupation of any dwelling approved under this consent the legally binding details of how all shared aspects of the foul and surface water drainage scheme will be managed for the lifetime of the development 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 comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4**

#### **Compliance Conditions**

- 12. All planting, seeding or turf laying in the approved landscaping scheme shown on plan 1823.00A 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, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework**

- 13. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 72 metres to the west and 51 metres to east along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform to the requirements of**



**Policy MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework**

- 14. All foul water shall discharge through plot specific Package Treatment Plants with final outfall discharging to a shared system utilising a drainage ‘mound’ on land under the applicant’s control; and all surface water discharging through a shared system with a regulated flow discharge to a local watercourse under the applicant’s control.; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.**

- 15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Ecology Services dated November 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.**

- 16. At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.**

**Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.**

#### **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.**

*There was an adjournment at 10:41 a.m.; the meeting reconvened at 10:59 a.m.*

*Councillor Mark Millmore took his seat on the committee at 10:59 a.m.*

**66. 213842 - CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SN (Pages 13 - 14)**

The planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda and appended to these minutes. An update on the representation received from the sufficiency, planning and capital investment manager, as contained in the update sheets, was provided. The objection to the application had been made under the misapprehension the outdoor classroom would be enclosed on each side; it was clarified that the front and side of the outdoor classroom would remain open and the objection had been retracted.

There were no public speakers to the application.

In accordance with the council's constitution the local Ward members spoke on the application. In summary he explained that he supported the application which would provide better facilities at the school.

A motion that the application be approved, consistent with the case officers recommendation, was moved and carried unanimously.

**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. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans and materials**
- 3. The outdoor classroom shall be used only during the school day only.**

**Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development Plan and the National Planning Policy Framework.**

- 4. Prior to the first use of the building hereby permitted, the building shall be completed in accordance with the approved plans 349-02 Rev C & 349-03 and materials.**

**In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework**

- 5. The building hereby permitted shall be used solely as an outdoor classroom for a teaching and/or learning space and not as a permanent classroom.**

**Reason: The local planning authority is only prepared to allow this building as an outdoor classroom to support an educational need for these facilities having regard**

to Policies SC1, SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies C6 and C9 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework.

#### **INFORMATIVES:**

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

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

##### **2. Non Standard**

#### **67. 220137 - COUNTY GROUND OFFICES, HEREFORD, HEREFORDSHIRE, HR4 9NA**

The senior planning officer gave a presentation on the application.

There were no public speakers to the application.

In accordance with the council's constitution the local Ward members was given the opportunity to speak on the application. She provided her apologies but had indicated her support for the application.

A motion that the application be approved, consistent with the case officers recommendation, was moved and carried unanimously.

#### **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. Time limit for commencement (full permission)**

##### **2. C06 (Development in accordance with approved plans)**

The development shall be carried out strictly in accordance with the approved plans (Site Location Plan, except where otherwise stipulated by conditions attached to this permission.

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).**

##### **3. CNS (Non-Standard Condition)**

**Prior to first use of the approved development, an addendum to the community use agreement, as approved under P182950/F, shall be submitted to and approved in**

writing by the Local Planning Authority. The updated agreement shall incorporate the approved development under this decision notice and how this relates to the Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict accordance with the updated approved agreement.

- Reason: To secure and maintain a well-managed and safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).
- 4.

**CNS (Non-Standard Condition)**

The approved tannoy system shall only be used as a public address system, to be used for Lads Club FC first-team games only. In addition, no amplified or any music shall be played through the approved tannoy system at any time, nor shall it be used outside the following times: 12:00-21:00 Monday-Sunday inclusive. The approved tannoy system shall be used for no other purposes, unless listed above.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

5. **CC1 (Details of External Lighting)**

Details of any external lighting proposed to illuminate the approved stands shall be submitted to and approved in writing by the local planning authority before their relevant installation. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the approved 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 (2021).

**INFORMATIVES:**

1. IP2 – Application Approved Following Revision/Amendments/Additional Information
2. I05 – No drainage to discharge to highway
3. I11 – Mud on highway
4. I35 – Highways Design Guide and Specification
5. I33 – Ecology (General)
6. I10 – Access via public right of way
7. INS – The LPA would advise the applicant that in the event of activities from the premises and the proposal being perceived to cause a noise nuisance to neighbouring residents, there are legal powers and duties under the Environmental Protection Act 1990 by Environmental Health to investigate and require the abatement of the nuisance, as necessary.
8. INS – The LPA would advise the applicant that they may wish to contact Network Rail and to engage with Network Rail Asset Protection [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) to determine if a Basis Asset Protection Agreement is needed for these works.

**68. DATE OF NEXT MEETING**

Noted.

The meeting ended at Time Not Specified

**Chairperson**



**212634 - PROPOSED TWO DETACHED SINGLE STOREY DWELLINGS IN CARTSHED FORM AT TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ**

**For: Austin per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS**

**ADDITIONAL REPRESENTATIONS**

None received

**OFFICER COMMENTS**

In response to a Member question during Site Inspection, the site is located in an area that has a Grade 2 'very good' agricultural land classification.

**CHANGE TO RECOMMENDATION**

N/A





**213842 - PROPOSED CONSTRUCTION OF OUTDOOR CLASSROOM AT CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HR2 9SN**

**For: Mrs Honey per Mr Matt Hobby, Easters Court, Leominster, Herefordshire, HR6 0DE**

### **ADDITIONAL REPRESENTATIONS**

- Sufficiency, Planning & Capital Investment Manager from the Children and Families Directorate:
  - “The Children & Families Directorate have not been specifically consulted on this application even though it relates to a school building, however, it was one that we were aware of and had agreed with the school. That said, I have just looked on the planning portal to see the current status of this application as there is another project that we wish, as a council, to undertake at the school which is dependent upon this planning application.  
I can see that the plans have now changed. I assume that this is in relation to the comments received by the neighbour and the Parish Council. The plans are now showing that the entire room is enclosed, so this is no longer an outdoor classroom but a log cabin. The idea behind the outdoor classroom was that it could be used as a teaching space by the school for outdoor activities but would not be a permanent use facility. Replacing this with a log cabin means the room can be used all year round and will be considered as an additional permanent classroom base which we do not require at the school (and would result in a potential increase in pupil numbers) and defeats the object of removing the portacabin that is currently on site (for which planning has expired).  
I am therefore unable to support this application with the plans as they are now proposed. Should the rear of the outdoor classroom be fully enclosed but the remaining sides open, this would be acceptable as it would not constitute an all year round facility.  
Should you need any further information in relation to any of the above then please let me know.”

### **OFFICER COMMENTS**

The above representation has not been considered in the Officers Report. The following comments should be considered:

It is important firstly to define what an ‘outdoor classroom’ is. The following definition comes from Academy Today which is a digital platform featuring education news/opinions/reviews etc. found at the following link: [Six ways outdoor classrooms can benefit learning | Academy Today](#) “an outdoor classroom is an external shelter within the school grounds, which creates an extended covered practical area for outdoor learning and play”.

As amended, the rear elevation would now be enclosed, however the front elevation would remain fully open. As such officers do not consider that the building is representative of a ‘log cabin’ but rather that the building would still fall within the description of an ‘outdoor classroom’. Notwithstanding, in order to address the concerns raised an additional condition

which aims to ensure that the building is used as a teaching / learning space only and not as a permanent classroom is recommended.

### **CHANGE TO RECOMMENDATION**

Additional condition:

The building hereby permitted shall be used solely as an outdoor classroom for a teaching and/or learning space and not as a permanent classroom.

Reason: The local planning authority is only prepared to allow this building as an outdoor classroom to support an educational need for these facilities having regard to Policies SC1, SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies C6 and C9 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework.

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>24<sup>TH</sup> MAY 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>213963 - PROPOSED INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTERS/TRANSFORMERS, BATTERY STORAGE AND SUBSTATION WITH CLIENT AND DNO SWITCHING EQUIPMENT WITH UNDERGROUND CONNECTION TO THE ADJACENT DORMINGTON SUBSTATION AT LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP</b></p> <p><b>For: Mr Nicoll per Mr James Youngs, Suite 1c Swinegate Court East, 3 Swinegate, York, YO1 8AJ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213963&amp;search-term=213963">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213963&amp;search-term=213963</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 25 October 2021

Ward:  
Backbury/Hagley

Grid Ref: 357108,239628

Expiry Date: 24 January 2022

Local Members: Cllr J Hardwick and Cllr P Andrews

## 1. Site Description and Proposal

- 1.1 This application was submitted on the 25th October 2021 to the Council following pre-application advice in September 2020. The application seeks permission for a solar farm comprising an array of ground mounted solar PV panels with associated inverters/transformers and a sub-station compound, as well as fencing, security cameras and cabling. The export generation capacity for the development is 45MW.

### Site Description

- 1.2 The application site occupies several agricultural fields within the Parishes of Mordiford and Lugwardine on land located 5.4km to the east of the city centre of Hereford. The site is located on the western side of Clay Hill Pit Road (C1292) which connects the villages of Dormington and Mordiford. The site is located immediately to the west and south of the existing Dormington sub-station and extends beyond the River Frome at the northern end of the site, whilst at the southern end of the application site the River runs along the western boundary, with Larport Lane running along the southern boundary.
- 1.3 The site is currently agricultural land that has been used for purposes incidental of arable crop production. The topography of the site is relatively flat and all falls within flood zone 3. There are

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

clusters of established trees and woodland belts along the western and northern boundaries, with fields having established hedgerows with the occasional hedgerow tree. There are no public rights of way within the site. The large established Dormington electricity sub-station stands immediately to the east of the application site.

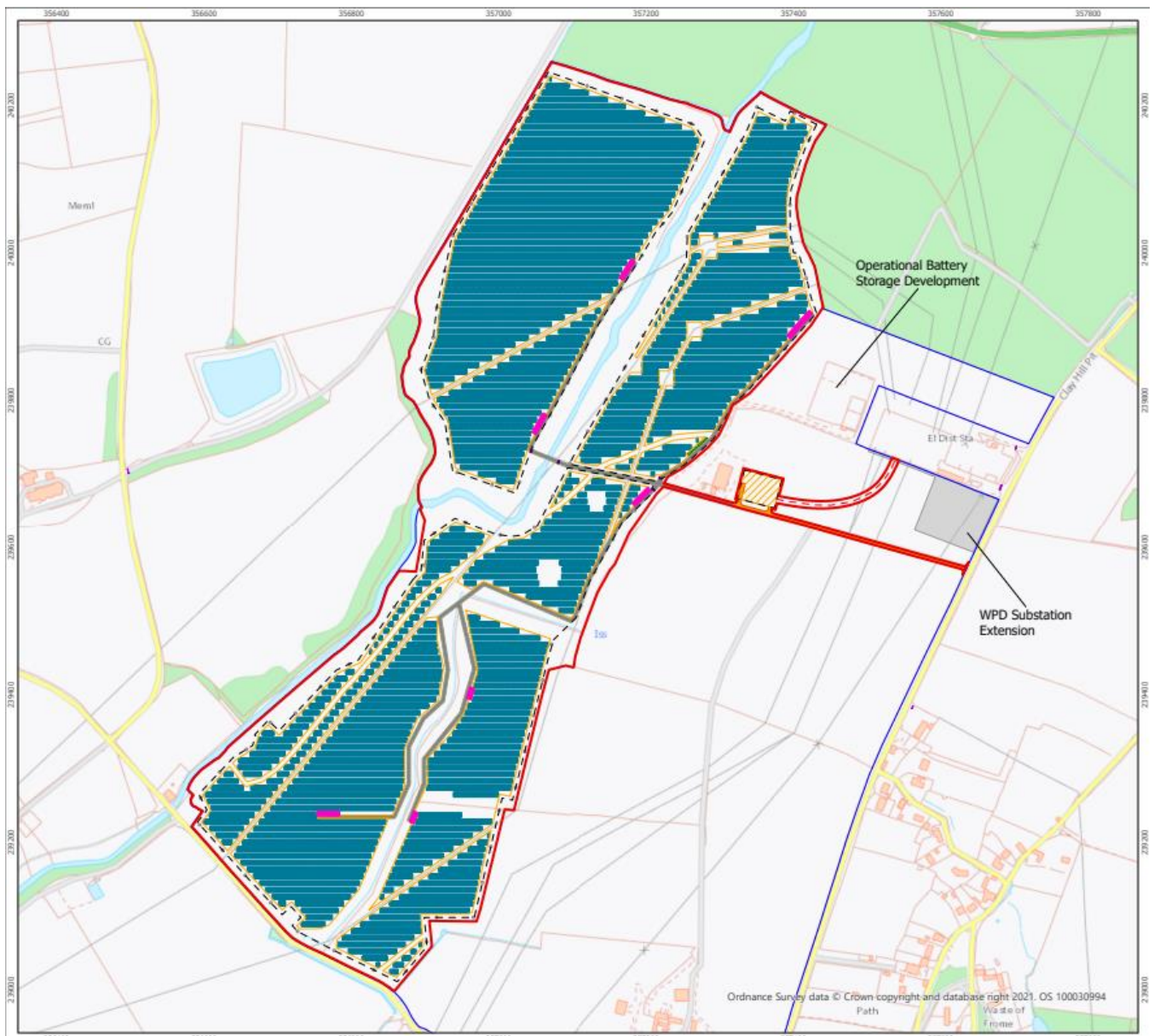


Planning Drawing 1 Site Location – 3900-REP-038

- 1.4 The boundary of the Area of Outstanding Natural Beauty (AONB) is located 480m to the south east of the site. There are a number of Ancient Woodlands within the surrounding area, however the large Haugh Woods are located 850m to the south east of the site. The southern part of the site is located within the unregistered Historic Park and Garden of Old Sufton. The Registered Park and Garden of Sufton Court, which also forms the boundary of the Mordiford Conservation Area is located 900m to the south of the boundary of the site. It is also noted that the unregistered park and garden of Longworth Hall is located to the west of the site. The River Frome meets the River Wye 1.8km to the south of the site. There are a number of PROW within the surrounding area, however of note is the locally recognised Three Choirs Way which is located 950m to the south of the site.
  
- 1.5 The nearest villages to the site are Dormington to the north east at around 800m, Priors Frome to the south east at around 600, and Bartestree and Hagley to the North West at around 450m. St Michaels Hospice is located 250m to the northwest and Longworth Hall 440m to the east of the site. The nearest residential dwellings are Longworth Mill located on the southwest corner of the site; Larport Farm located 350m from the south east corner of the site; and properties to the east of Clay Hill Pit road at distances around 450m from the site.

## Proposal

- 1.6 The application site covers an area of 46.15ha, and the proposed development will occupy an area of approximately 45ha. The proposal is to provide a solar farm with a capacity of up to 43MWp which will generate enough to power the equivalent of up to 11,108 homes. The proposed solar farm and battery storage will be connected to the electricity distribution network at the Dormington sub-station. The construction phase for the development is expected to last no longer than 6 months. The proposed development will be operational for 35 years after which the site will be fully decommissioned and restored.



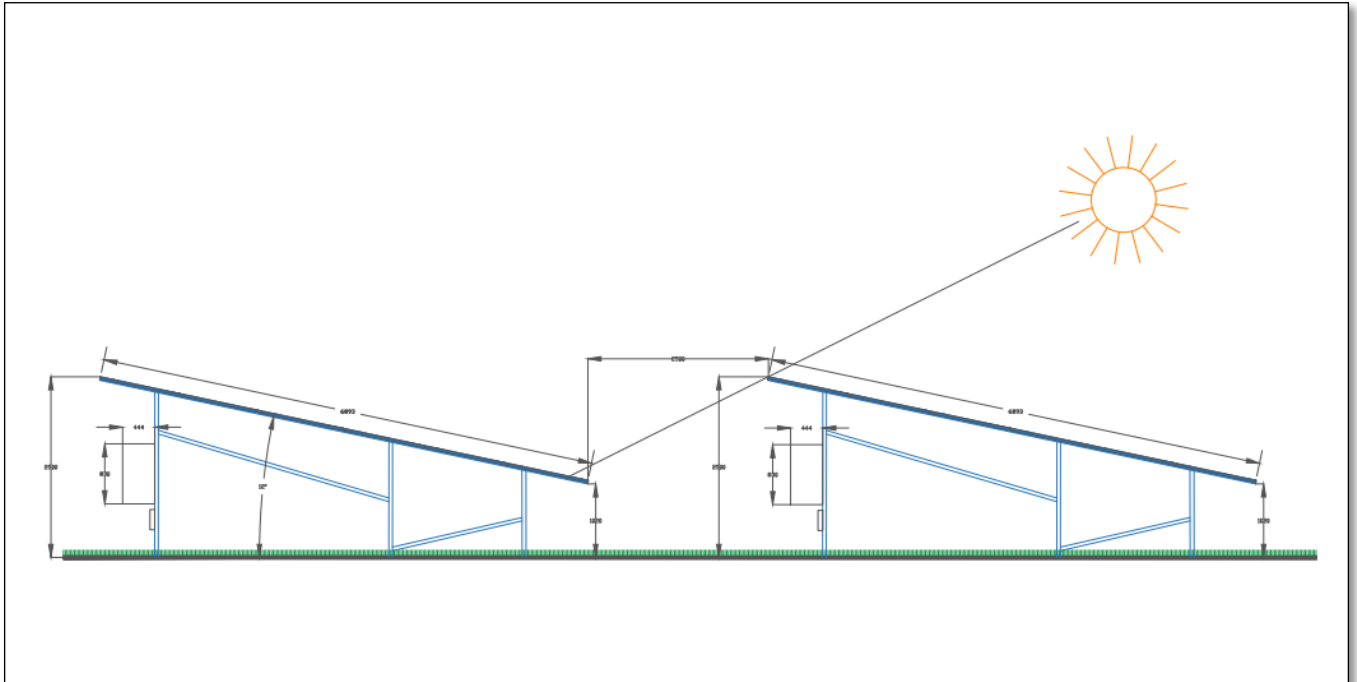
Planning Drawing 2 – Site Layout – 3900-REP-039

- 1.7 The development consists of rows of solar panels across the site, arranged and divided up into several areas to take account of the existing environmental constraints such as the river, power cables and existing trees/vegetation. The rows of panels are to be mounted on metal frames, with metal supports, pile driven into the ground at a depth of 1 to 2m deep, depending on the ground

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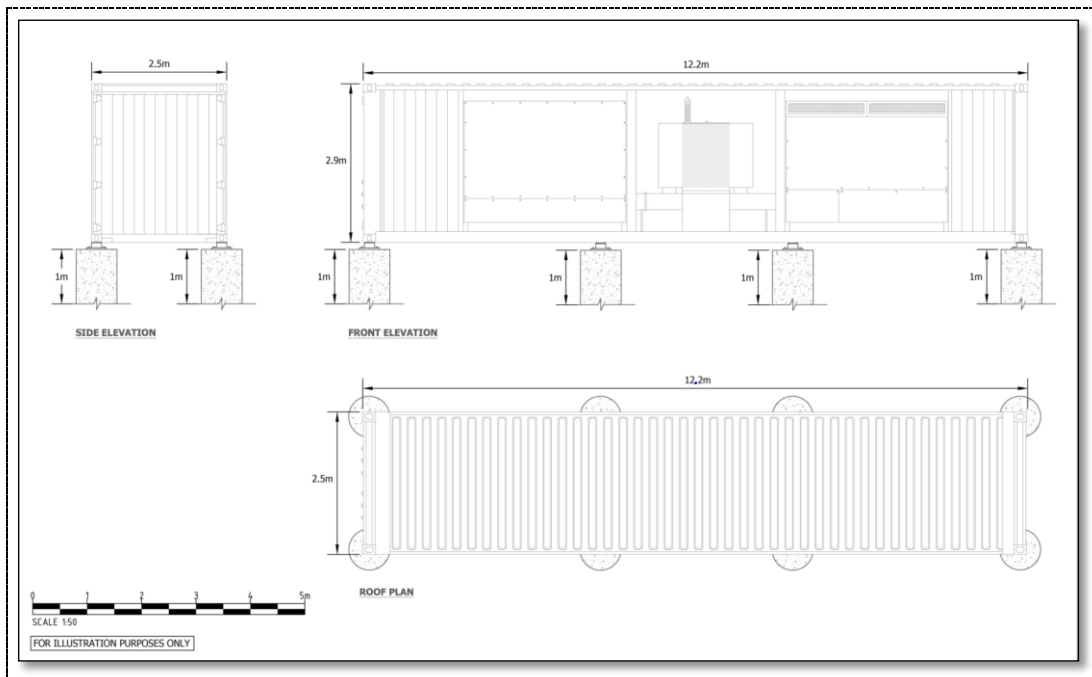
Further information on the subject of this report is available from Rebecca Jenman on 01432 261961

conditions. The panels are tilted at 12 degrees from the horizontal and orientated to face south. The panels are mounted 1.02m above the ground at the lowest point and rise to 2.5m at the highest point. Each row has 6 panels stacked giving a width of 6.9m, with the length of each row varying across each area. A gap of 2.5m is to be left between each row of panels. Within the proposed layout there is a 20m buffer allowed either side of the existing power lines, with the security fencing positioned 12m back from the highway on the southern boundary.



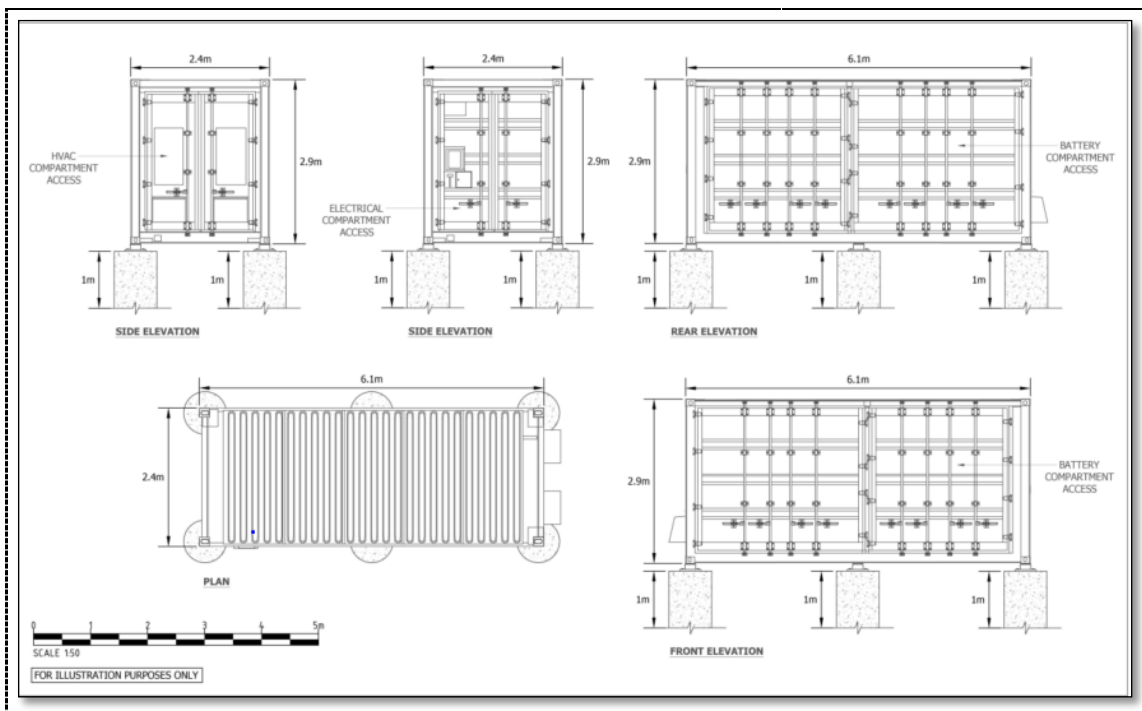
*Planning Drawing 4 Typical PV Panel Section – 3900\_DR\_P\_0002*

- 1.8 The solar development requires 7 inverters/transformers to be installed across the site. The Inverters consists of an electrical converter which changes the direct current electricity captured by solar panels into alternating current, which is the standard flow of electricity required for electrical circuits. The inverters will be located in shipping style containers measuring 12.2m x 2.5m at a height of 2.9m. To take account of the flood risk, each of the units will be set 1m above ground level, incorporating a +300mm freeboard allowance above the 1:100-year (+40%) event flood depths. This gives an overall height of 3.9m from the ground.



Planning Drawing 7 40ft Inverter Elevations and Dimensions – 3900\_DR\_P\_0007

- 1.9 Included in the development are 4 Battery Storage containers measuring 6.1 m x 2.4 m x 2.9 m (h) to capture and reserve the solar energy for later consumption, usually during energy demand peaks. However due to the potential flood risk across the site, the containers are all raised on concrete blocks 1m above the ground, giving an overall height of 3.9m.



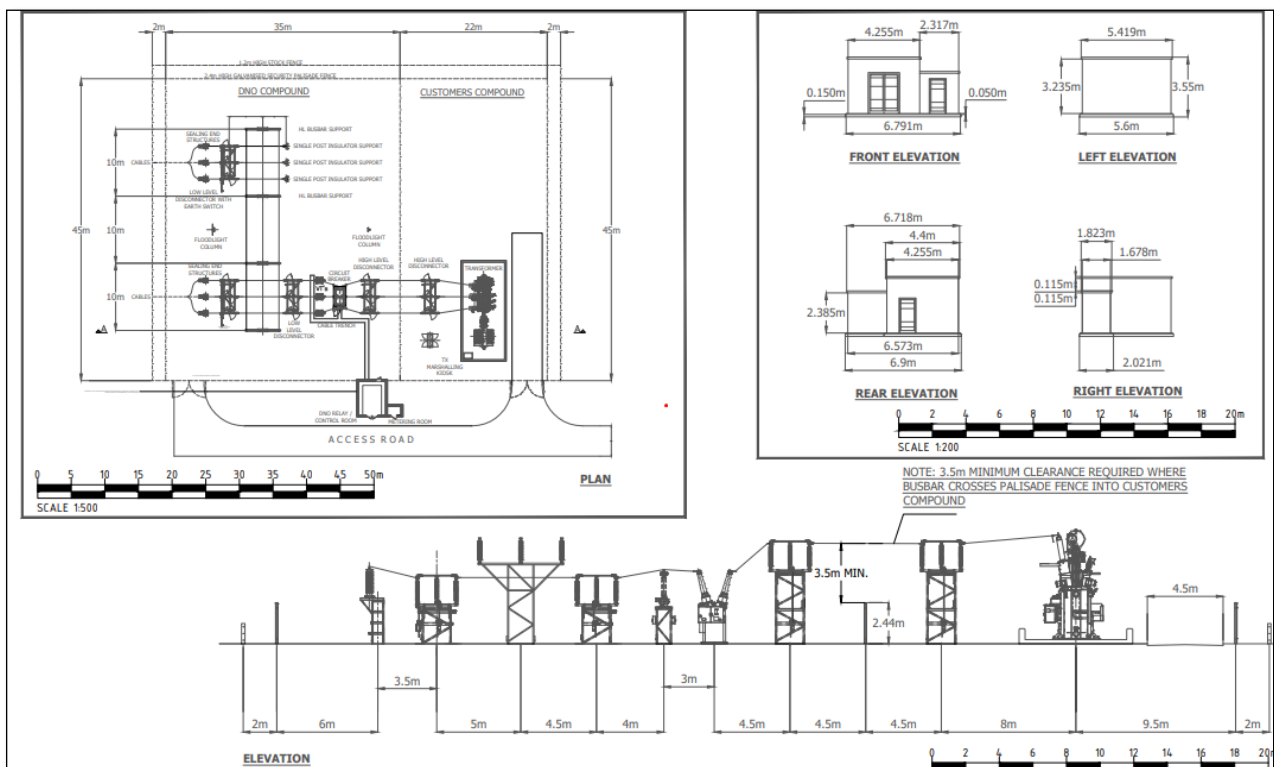
Planning Drawing 6 – 20ft Battery Container – 3900\_DR\_P\_0006

- 1.10 Security fencing which stands 2.2m high and constructed from mesh wire is to be constructed around the panels, with CCTV cameras mounted inside the area at 2.5m high.
- 1.11 On its original submission, the proposal included the provision of 4 parking spaces for Electric Vehicle (EV) off Larport Lane. However these were removed from the scheme following highway

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

and management constraints. The applicant is hoping to provide EV charging points in the nearby settlements of Mordiford and Dormington and is in discussion with the Parish Council, however this does not form part of this application.

- 1.12 Construction and operational access to the development would take place from the existing Clay Hill Pit Road access close to the Dormington sub-station.
- 1.13 The proposed solar farm and battery storage will be connected to the electricity distribution network at the Dormington sub-station located adjacent to the east of the site. A new distribution network operator (DNO) 66kv substation compound forms part of the development and will be located on the eastern side of the developments next to that of the exiting substation. The area covered by the proposed DNO is 45 x 77m and it will be various components, including a circuit breaker, transformer, disconnector and control room. The maximum height of the components is to be 5.9m and the compound will be surrounded with 2.4m high security fencing. The access to the sub-station will be via the existing farm track from Clay Hill Pit road which is also to be used as the construction access.



Planning drawing 17 66kVa Looped Circuit Plan 3900\_DR\_P\_0015

1.14 For clarification the application has been supported with the following plans:

- Site Location Plan 3900-REP-038
- Planning Drawing 2 Site Layout -3900-REP-039
- Planning Drawing 3 Landscape Mitigation Plan – 3900\_DR\_LAN\_101 Rev 8
- Planning Drawing 4 Typical PV Panel Section – 3900\_DR\_P\_0002
- Planning Drawing 5 Inverter Elevations and Dimensions – 3900\_DR\_0003
- Planning Drawing 6 20ft Battery Container – 3900\_DR-P\_0004
- Planning Drawing 7 40ft Inverter Elevations -3900\_DR\_P\_0005
- Planning Drawing 8 Deer Fencing - 3900\_DR\_P\_0006
- Planning Drawing 9 Deer Fencing with Mammal Gates - 3900\_DR\_P\_0007
- Planning Drawing 10 Palisade Fencing 3900\_DR\_P\_0008
- Planning Drawing 11 Stock Fence & CCTV Elevations - 3900\_DR\_P\_0009



- Planning Drawing 12 CCTV & Light Post Detail 3900\_DR\_P\_0010
- Planning Drawing 13 Access Track - 3900\_DR\_P\_0011
- Planning Drawing 14 Access Track Above Ground -3900\_DR\_P\_0012
- Planning Drawing 15 DNO Track – 4m - 3900\_DR\_P\_0013
- Planning Drawing 16 - Switchgear Housing – 3900\_DR\_P\_0014
- Planning Drawing 17 - 66kVa Looped Circuit (underground) – 3900\_DR\_P-0015
- Planning Drawing 18 - Cable Trench Cross Section – 3900\_DR\_P\_0016

1.15 As well as the proposed plans, the application is supported by the following:

- Agricultural Land Classification by Arcus Consultancy Services Ltd June 2021
- Biodiversity Enhancement Management (Part 1 to 3) by ARCUS August 2021
- Construction Environmental Management Plan
- Ecological Impact Assessment by Arcus August 2021
- Flood Risk and Drainage Strategy – by Arcus September 2021
- Report to inform Habitats Regulations Assessment – Arcus August 2021
- Heritage Impact Assessment by Arcus – August 2021
- Landscape and Visual Appraisal – by Arcus September 2021
- Ornithology Report –by Arcus August 2021
- Design and Access statement – August 2021
- Statement of community involvement October 2021
- Transport Statement September 2021
- Solar Photovoltaic Glint and Glare Study – by Arcus Consultancy Services Ltd (Parts 1 -4) – August 2021
- Sequential test analysis – Arcus – August 2021

### Environmental Impact Assessment

1.16 An EIA screening request was submitted to the Council on the 18<sup>th</sup> June 2021. The Council's Screening Opinion which was issued on 15<sup>th</sup> September 2021 states that:

*The site is not considered to be particularly environmentally sensitive and the nature of the environmental effects is not considered to be unusually complex or potentially hazardous. The proposal will incorporate a number of ecological enhancement and biodiversity net gain. In addition the proposal will not cause a permanent loss of agricultural land and will have minimal disturbance to natural resources.*

The Screening Opinion confirms that the solar farm would not be EIA development and an Environmental Statement is not required.

## **2. Policies**

### **2.1 Herefordshire Local Plan Core Strategy (CS)**

Herefordshire Local Plan Core Strategy 2011 – 2031

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
SC1	-	Social and community facilities
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity

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

- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

2.2 **Dormington and Mordiford Group Neighbourhood Development Plan** - This plan is at the drafting stage and holds no weight.

2.3 **Bartestree and Lugwardine Group Neighbourhood Development (BNDP) Plan** was Made on the 1 December 2016. The following policies are considered to be relevant:

- Policy BL7 - Conserving Historic Character
- Policy BL11 - Supporting Local Businesses
- Policy BL12 - Transport and Highways

*Bartestree with Lugwardine NDP Review*

It is noted that the Bartestree and Lugwardine NDP is currently in the process of being reviewed. A draft version of the plan (dNDP) was submitted to Herefordshire Council on the 8<sup>th</sup> April 2022 and a Regulation 14 public consultation is currently running between the 11 April 2022 to 30 May 2022. At this stage, it is considered that the draft version of the NDP attracts limited weight in accordance with Paragraph 48 of the National Planning Policy Framework.

2.4 **National Planning Policy Framework (NPPF)**

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communities
- 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 Other Material Planning Considerations / Legislation of key relevance to the development proposal are listed below:

- National Planning Policy Guidance (on-line resource) (NPPG)
  - Renewable and low carbon energy
- UK Government Solar Strategy 2014
- Revised (Draft) National Policy Statement for Energy - Business, Energy and Industrial Strategy Committee (parliament.uk)
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015

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

- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- Planning (Listed Buildings and Conservation Areas) Act 1990

### 3. Planning History

- 3.1 210525/F – Proposed installation of an additional sixth 132/66Kv transformer. Approved 20<sup>th</sup> July 2021
- 3.2 210177/EN – Relocation of lattice tower. Approved 10<sup>th</sup> February 2021
- 3.3 180774/AM – Non Material Amendment to 162400/F. Approved 22<sup>nd</sup> March 2018
- 3.4 180361/F – Variation of conditions 3, 5, 6 and 9 to 162400. Approved 2<sup>nd</sup> March 2018
- 3.5 174127/F – Application to vary condition 3 and 4 of permission 160870/F. Approved 7<sup>th</sup> February 2018.
- 3.6 162400/F – Energy storage system comprising of battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation. Approved 18<sup>th</sup> November 2016
- 3.7 160870/F – Emergency power generation site. Approved 15<sup>th</sup> July 2016

### 4. Consultation Summary

#### STATUTORY CONSULTATIONS

#### 4.1 Natural England: No objection

Summary of comments received given below, full comments can be viewed on Council website through link below:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=213963&search-term=213963](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213963&search-term=213963)

#### Summary

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.

#### 4.2 Historic England: No objection

Thank you for your letter of 9 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

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

#### 4.3 Environment Agency: No objection

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

Thank you for referring the above application which was received on the 11 November 2021. We would have no objection to the proposed development and would offer the following comments for your consideration at this time.

**Flood Risk:** This site is (partially) located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones within the Planning Practice Guidance (PPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.

It should also be noted that parts of the site area may be classed as 'Zone 3b'(Functional floodplain', 1 in 20 year). However, Annex 3 of the recently revised NPPF confirms that Solar Farms are to be considered as Essential Infrastructure and therefore not considered inappropriate in 3b subject to consideration of the Sequential and Exception Tests, as detailed below.

The Flood Map at location is based on a national, generalised flood mapping technique called JFLOW as no model is present for this stretch of the River Frome but is best available data. **Sequential Test:** The NPPF details the requirement for a risk-based ST in determining planning applications. The NPPF details the requirement for a risk-based Sequential Test (ST) in determining planning applications. See paragraphs 161-163 of the NPPF and paragraphs 18-19, 23-26 and 33 - 38 within the Flood Risk and Coastal Change Section of the PPG.

The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a sequential test. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Further detail is provided in the PPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

As stated above the proposal development is classed as 'Essential Infrastructure' and is not considered inappropriate within Flood Zone 3b, as highlighted in Table 3 of the PPG, provided the Exception Test is satisfied.

**Exception Test:** If, following application of above, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, for development within Flood Zone 3, the Exception Test should be applied.

We would recommend that you be satisfied on part 1 of the ET i.e. it must be demonstrated that the development provides "wider sustainability benefits to the community that outweigh flood risk"

In relation to matters within our remit. Part 2 of the ET states that "a site-specific flood risk assessment must demonstrate that the development will be "safe for its lifetime taking account of the vulnerability of its users without increasing risk elsewhere, and, where possible, will reduce flood risk overall".

The NPPF states that both elements of the ET will have to be passed for development to be permitted.

**Flood Risk Assessment (FRA):** There is an Environment Agency outfall (point structure asset) on the northern boundary of the site as well as third party-maintained natural raised grounds and embankments and within the confines of the site on either side of the watercourse. The natural high grounds have an unknown standard of protection (SOP) whilst the embankments have a design SOP of 10 years. The current SOP of the embankments is unknown.

On the southern boundary of the site at Longworth Mill is a third party-maintained flood wall with a design SOP of 10 years; current SOP is unknown. Just downstream of the site at Longworth Bridge is an Environment Agency-maintained embankment with a design SOP of 10 years; current SOP is unknown. At this location are also third party maintained natural high ground (unknown SOP), engineered high ground (design SOP of 10 years) and embankment (design SOP of 25 years).

The FRA undertaken by Arcus (dated September 2021) has taken appropriate steps to request information of the Environment Agency regarding flood risk at the site and has looked at historical flooding and presence of defences. The Environment Agency has no model for the River Frome and so the FRA has included modelling produced from hydrographic surveys of the channel and structures, ground elevation data, flow data estimated from the Flood Estimation Handbook and using Environment Agency Hydraulic Modelling Best Practice Guidance and ReFH2 models. The FRA makes reference to the Climate Change Guidance on the .Gov.UK and states the appropriate allowance is 27%.

However it should be noted that the Sustainable Places Team (West Midlands Area) have recently developed area specific climate change guidance which is to be rolled out shortly (attached). In that guidance we recommend that Essential Infrastructure consider the 'Higher Central - 2080's' allowance which would result in a figure of 49% as oppose to the 27%. Notwithstanding the above the FRA proposes a 40% uplift and this is considered acceptable in this instance when also factoring in the 300 freeboard provided.

The FRA explains that the solar panels will be set with the bottom edge at 1.25m above ground level, incorporating a 300mm freeboard above the 1 in 100 year plus climate change (40%) level. Inverter and transformer units and the battery storage system will similarly be set appropriately above ground level and incorporate the same freeboard.

The electrically sensitive substation is located outside of the modelled flood extents for the 1 in 1,000 year plus climate change (40%). Infrastructure will be raised by narrow legged metal frames or plinths/stilts. As such, there will be a minor reduction in floodplain storage capacity which is deemed negligible when considering the volume of floodwater at this location. The design at present of the wired fence surrounding the site meets the requirements for an Excluded Flood Risk Activity (7. Post and rail or post and wire fencing in a floodplain). However there would need to be a maintenance regime in place to remove flood debris from the fencing following flood events to ensure floodwater could pass through the structure during subsequent flood events.

Flood Risk Activity Permit (FRAP): Under the Environmental Permitting (England and Wales) Regulations 2016 a FRAP may need to be obtained from the Environment Agency due to location of the site in a floodplain. Further information is available on: Flood risk activities: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk)) or by contacting the Environment Agency's Partnerships and Strategic Overview team (Email: [ps0.midswest@environment-agency.gov.uk](mailto:ps0.midswest@environment-agency.gov.uk)).

The site plans show spacing between the watercourse and wire fence. This distance should be at least 8m from the top of the river bank to ensure the Environment Agency, as a risk management authority, has access to undertake maintenance and inspection of the watercourse as required as part of its statutory responsibilities and permissive powers.

The Environment Agency would seek an agreement on the transfer of ownership with regard to assets currently maintained by the Environment Agency, such as the outfall on the northern boundary. Further information is available by contacting the West Midlands Asset Performance Team via Enquiries [Westmids@environment-agency.gov.uk](mailto:Westmids@environment-agency.gov.uk)

#### 4.4 River Lugg Drainage Board: No objection subject to conditons

The IDB as a Consultee give the following comments/recommendations:

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

Our current guidelines for any increase in surface water discharge are as follows: -

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

Recommendations:

- This site lies within the drainage district. CONSENT will be required from the IDB
  - If any works are within 9m of Larport Main Ditch. The applicant should ensure that a 9m easement is maintained along both sides of the Larport Main Ditch which runs through the site.
  - For surface water discharge into the Larport Main Ditch or the River Frome. Evidence will be required to demonstrate that surface runoff into the watercourses will be restricted to 1.4 litres per second per hectare or greenfield runoff.

#### INTERNAL COUNCIL CONSULTATIONS

#### 4.5 **Team Leader Area Engineer (Highways) comments: No objection**

Original comments received on the :

The local highway authority (LHA) has the following comments:

- Whilst it is recognised that the construction period of the development will generate significant levels of traffic, particularly HGV traffic, it is also noted that at the very most this period will last 6 months, with the first 3 months experiencing the majority of HGV traffic. Once operational the site will generate very little traffic and therefore will not have a severe impact on the highway network.
- The visibility splays from the main site access are considered to be acceptable, however, visibility splays should be provided for the access to the parking area where electric vehicle charging points are to be installed.
- The first 20m of the main access track should have a bonded surface to help prevent transference of gravel and debris onto the public highway.
- The first 30m of the main access track should be wide enough to accommodate two HGVs passing each other, this is particularly relevant for the construction and decommissioning phases where high volumes of HGVs will be accessing and egressing the site every day.

A plan demonstrating the vehicle swept paths of two HGVs (max legal) turning into/egressing the junction and passing each other should be provided.

- This could form a condition of planning consent should it be granted but details of the site compound, including staff and visitor parking, for the construction phase should be provided.

Until the above information is provided the LHA object to the application.

Following revisions to the original submission, the local highway authority (LHA) made the following comments:

The proposed junction can easily accommodate two HGVs turning in and out of the junction therefore the highway authority has no objection. Could the following conditions be included please:

CAB (2.4m x 215m at main site access), CAD (10m during construction, 5m after construction), CAE, CAT

#### 4.6 Principal Natural Environment Officer (Landscape) comments: Qualified comments

Comments received on the 30/11/2021

The challenge or constraint of this development are views overlooking the countryside from the higher elevation to the east and south-east of the site. This includes views from housing, public right of ways, roads and country lanes. Landscape mitigation is proposed, but it is doubtful if this will reduce visual harm, particularly during non-leaf times. At this point, the development is contrary to local policy (Core Strategy) LD1.

At ground level, existing vegetation provides a degree of screening, and this is enhanced with additional new planting. Overall, the planting of new hedgerows, hedgerow trees and trees compliment the character and habitats across the site and to the perimeter of the site and is supported in accordance with local policy (Core Strategy) LD2 and LD3.

The development impacts grade three (good to moderate), and adjoins grade one (excellent) best and most versatile land for agriculture (Reference: West Midland Region Agricultural Land Classification, 2010, Natural England) and is contrary to national guidance NPPF 15, 174b and local policy (Core Strategy) SS7.

The proposal for native grasses and wildflowers to be grazed (maintained for meadows) under solar panels is plausible, but I am concerned about effective natural light for 'understorey' vegetation, compared with 'normal' growing conditions; and the inability to graze cattle, as the generally better animal for creating and maintaining diverse grassland. If further information, or validation to the biodiversity enhancements and efficient agricultural use could be provided, then I would more convinced. It is agreed that the solar panels, apart from footings reduce impact on soil compaction (compared to arable farming) and would influence soil biodiversity (possibly in a positive way).

##### Recommendation

In principal, I support the sustainable benefits of the development, and the overall enhancements to biodiversity and green infrastructure. The adverse impact on the landscape character is the concern. However, I do think there is a balance, and in addition to the mitigation proposed, there may be other ways to reconfigure or layout the panels to reduce the visual impacts from receptors at the higher elevation.

Comments received on 9/5/2022 following amended landscape mitigation and layout plans were received.

I have visited the area, including St Michael's Hospice grounds and reviewed the Landscape and Visual Appraisal (LVA) Addendum. Although not public, it is a locally important facility and is at an elevated level close to the boundary of the proposed solar farm (approx. 400m). The original LVA identified adverse visual impacts from the surrounding Frome Park receptor settlement, of which the hospice is one. The LVA Addendum has now also identified for hospice staff and patients an adverse impact at year 1 of between minor-moderate and moderate-major. The LVA methodology describes a moderate visual effect as a development that would introduce some detracting features to an existing highly sensitive and well composed view.

In order to address this the applicants have now revised the proposed Landscape Mitigation Plan (dwg no 3900-DR-LAN-101) to re-orientate an area of woodland planting to follow the western site boundary closest to the Hospice grounds. It also identifies locations for three native species tree planting along the boundary (on the site land adjacent to an existing hedgerow). Their photomontage in the Addendum shows the effect of this planting at year 15, which does filter the view of the grey mass of panels at the closest point of the solar farm to the Hospice boundary. It is accepted that this will reduce the visual impact to minor-moderate adverse. Overall part of the lower valley of the view will change from green to grey, however it is considered that a majority of the view remains unchanged, with the wider panorama of rising ground providing a key focus, the panels are low keeping the view open and there should be very little movement or noise associated with the solar farm so that the area remains tranquil.

If the application is to be approved then conditions should be added:

- For a fully detailed landscape scheme to be provided. This is particularly important for the planting scheme which could still be improved in its detailed specification. The woodland mix could include some feathered or standard trees to give some instant height to the area as required for filtering the views. The individual trees on the west boundary should be selected as the largest on the native species list.
- For the full planting scheme to be implemented in the next available planting season following the date of planning permission.
- For a 10 year landscape management and maintenance plan (incorporating both biodiversity and landscape requirements for establishment and care of the land to ensure that it can fulfil the needs and aspirations in an effective and sustainable manner for present and future communities of users).

The above comments are provided in consideration of Core Strategy Policy LD1 on landscape impacts and landscape schemes.

#### 4.7 **Land Drainage comments: No objection**

Initial comments received on the 18 December 2021, summary given below with full comments available through the link below:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=213963&search-term=213963](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213963&search-term=213963)

Summary:

We recommend that the following information is provided prior to planning permission being granted:

- Additional information is required on how surface water runoff from the solar panels will be discharged.
- Confirmation that the ditches proposed for each inverter unit will be deepened.



Following the Agents response to initial consultation on the 13 January 2022, the following comments were received.

## **Flood Risk**

### *Fluvial Flood Risk*

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the majority of the site is located within the high probability Flood Zone 3, with some areas of the site within Flood Zone 3b.

In accordance with Environment Agency standing advice, the planning application has been 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*

	<b>Within Flood Zone 3</b>	<b>Within Flood Zone 2</b>	<b>Within Flood Zone 1</b>
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	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*

Both the Sequential and Exception Test have been conducted in the FRA submitted for the proposed development and will be considered by the Planning Officer for this application.

Development infrastructure within this extent is proposed to be raised above such levels with adequate freeboard. The base of the solar panels will be a minimum of 1.02m above ground level. The electrically sensitive aspects of the development are proposed to be located in FZ1 and outside of a 1 in 100yr + 40% cc flood event extent. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level.

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 associated with the River Frome and the drainage ditch located within the site boundary.

### **Other Considerations**

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**

We note that infiltration testing in accordance with BRE 365 was undertaken at the site in June 2021 Although high groundwater levels were observed, an acceptable infiltration rate of 3.194x10<sup>-5</sup>m/s was recorded.

The development will utilise the existing network of tracks, reducing the requirements for new hardstanding. We understand that any new tracks will be permeable and made from Type 2 aggregate. We consider this aspect of the design to be acceptable.

We note proposals for 13 inverter units, measuring 105m<sup>2</sup>, to be installed onsite. We understand that a 0.5m-1m depth, 0.2m width gravel trench, is proposed for each unit, to intercept surface water runoff from the inverters. The deeper the trenches, the risk of blockage is reduced, and runoff will be conveyed more effectively. The trenches will be 44m in total length, following the land contours, to imitate the length of the inverters. The trenches have been sized using Micro

Drainage and will accommodate a 1 in 100yr + 40% CC storm event. The lengths of the gravel trenches should include either check dams or 1m gaps, to prevent increased runoff and promote shedding of runoff across the site, rather than overtopping at localised low points, as per the current situation.

The substation will cover 2,100m<sup>2</sup> and will be underlain by permeable aggregate. The guttering will discharge into the permeable surface through multiple outlets to allow even dispersion. We accept this proposal. Alternatively, a more conventional drainage system with surface water attenuation would be required.

### ***Foul Water Drainage***

There are no foul water facilities proposed for this development.

### ***Overall Comment***

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Detailed surface water drainage plans showing the final design of the gravel infiltration trenches across the site and measures incorporated to prevent overtopping.

## **4.8 Principal Natural Environment Officer (Ecology) comments: No objection**

### Comments

The proposed development has been subject to an Ecological Impact Assessment (EIA) by Arcus in August 2021, the application is also supported by the Biodiversity Enhancement Management Plan (BEMP) by Arcus in March 2022. A Report to Inform a Habitats Regulations Assessment: Screening of Likely Significant Effects has been prepared by Arcus (August 2021).

### ***Habitats Regulations Assessment***

A Habitats Regulations Assessment and Appropriate Assessment has been undertaken and has concluded that there is no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

### ***Ecological Impacts***

The site is agricultural fields with species rich hedgerows, ditches and restricted areas of woodland, scattered and dense scrub and the River Froome running down the centre of the site fed by drains and ditches. The river is lined by tall ruderal vegetation and mature trees. The habitats to be lost to the development are largely the agricultural land which will be fitted with arrays of panels which will have species rich grassland created under and around them as shown on the Landscape Mitigation Plan drawing 3900\_DR\_LAN-101 Revision 4. New hedgerow and tree planting is also proposed and the river corridor is to be buffered and protected.

There is an area of deciduous woodland priority habitat type to the western side of the site in the lower half and small areas of woodland on site but those are not priority habitat type. The River Frome is priority habitat and runs through the centre of the site and there is an area of priority habitat orchard to the NE corner of the site. The priority habitats aren't impacted by the proposed development.

### ***Great Crested Newts***

There are a number of ponds in 250m as well as some ditches and all were subject to Habitat Suitability Index (HSI). Ponds 2, 19 and 20 were surveyed for presence/absence and were found to be negative and all other ponds were ruled out due to low suitability. Palmate newts were present in two ponds close to the site.

### ***Water Voles***

9 ditches were surveyed, with no individuals recorded and with the riparian habitat retained and a 9 –30m buffer zone in place there will be no impact on this species even in the event that they might be present.

### ***Otter***

An otter survey was carried out and occasional old spraints were recorded on the River Froome but no holt or resting features were identified. Measures in the CEMP and BEMP to control the buffer zone, lighting and to restrict physical impacts on the river will ensure that otter are not impacted.

### ***Dormouse***

There is some potentially suitable habitat for dormouse but the site is poorly connected and there is no loss of suitable habitat as a result of the scheme and therefore no specific surveys have been carried out.

### ***Reptiles***

There is some suitable habitats and log piles on the site but no local records and the risk is considered low.

### ***Designated Sites***

The River Froome is a Local Wildlife Site, it flows through the site and then, 1.5km south of the site, flows into the River Lugg SSSI and later downstream into the River Wye SAC. Impacts upon the Local Wildlife Site are prevented by the proposed buffer along with measures set out in the CEMP and BEMP. Impacts upon the SSSI and the SAC are also avoided and are set out in the accompanying HRA and AA.

### ***Nesting Birds***

56 bird species were recorded on the site including 20 species of conservation concern. 3 skylark territories were on site, breeding barn owl is present in the wider area. The site is not considered to support a notable assemblage of nesting birds. Skylarks have been recorded to nest in solar farms and so impacts on this species are limited. Provision of bird boxes across the site will be secured by condition, the proposed landscaping includes an increase in hedgerow along with species rich grassland which will have value in the longer term for nesting and foraging birds and works will avoid the nesting bird season as set out in the BEMP.

### ***Bats***

There are some trees on the site with potential bat roosting features present but all those trees are retained within the proposed site plan. The site has moderate foraging value and the proposals do not include regular night time lighting or other loss of connectivity. Lighting will be controlled through condition along with bat box provision to enhance the roosting value of the site.

### ***Biodiversity Enhancements and Biodiversity Net Gain***

The scheme includes the provision of native hedgerows, native woodland mix, native species rich grassland planting under the panels in the long term. Black poplar will be planted in areas of the site.

The biodiversity assessment for the site shows a 109% biodiversity net gain in habitat units, 453% gain in hedgerow units and a 10% gain in river units (gained through increases in condition) based on the landscaping proposals for the site. I am satisfied that the scheme achieves no net loss in biodiversity and provides appropriate enhancements.

[HRA Screening Report – Summary given below, for full report please follow link below:](#)

### **Summary:**

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

- The scheme will result in a decrease in phosphates entering the River Lugg SSSI and the associated River Wye SAC.
- The scheme will not result in loss or disturbance of habitats or the killing/injury/disturbance of species within the SSSI and SAC either directly or indirectly.
- The Appropriate Assessment detailed shows that by granting the planning permission will provide a betterment to existing water quality which runs, ultimately, into the SAC.
- The Appropriate Assessment demonstrates that there will be no loss of disturbance of habitats in the SSSI/SAC and that there will be no killing, injury or disturbance of species integral to the SSSI/SAC designations.
- An in-combination assessment is not required.
- The Appropriate Assessment has concluded that there will be no adverse effect on the integrity of the River Wye SAC as a result of the proposed planning application 213963.
- No legal barrier has been identified under the Habitat Regulation Assessment process that would prevent planning permission being granted in this case.

#### **4.9 Environmental Health Officer (Noise & Nuisance): No objection**

##### Comments received on the 13/4/2022

My comments are from a noise and nuisance perspective. The applicant has not supplied a noise impact assessment report with their submission but has discussed the potential noise sources in the design and access statement. During daylight – operational hours, some noise will be generated by the substation, battery store and 7 invertors and this will be substantially reduced at night time. The applicant advises that they have attempted to locate these noise sources as far away from residential premises as practicable. It is noted that the minimum distance of any residential property to an invertor is 470m and from the substation extension 280m.

I have considered the proposal in the context of the noise impact assessment that was supplied with the proposal for 14 invertors and substation at Withington 214619 as I consider these two locations not dissimilar in terms of background noise levels. The BS4142 assessment for the site at Withington found that at distances around 400m from the site there was substantial mitigation by way of the distance. When the noise characteristics were considered in the BS4142 assessment including any tonal element the rating level of the noise from the plant was substantially below the background noise level.

I am concerned that the applicant has not supplied a BS4142 assessment at the planning stage but do not believe that this would be a reason for refusal given what we know about these types of proposal and the opportunities for noise mitigation. I therefore do not object to this proposal subject to the following condition:

Prior to the commencement of development the applicant must supply a full noise assessment by a competent person of the proposal using the methodology set out in BS4142 which examines the impact on the closest residential properties and St Michael's Hospice. This should also include specific attention to low frequency noise at the closest residential properties and propose all forms of mitigation including the use of baffles and low noise invertors. The objective will be to ensure that residents are not impacted by low frequency noise and in the BS4142 assessment at no residential receptor including St Michael's Hospice the rating levels shall not exceed the background noise level. The noise assessment must be approved by the local authority in writing.

## **5. Representations**

### **5.1 Dormington Mordiford Group Parish Council: Support the application**

The Councillors of the Dormington Mordiford Group Parish council have considered the application and resolved to support it.

## 5.2 Bartestree with Lugwardine Group Parish Council: Support the application

Bartestree with Lugwardine Group Parish Council wish to unanimously support this application. The Parish Council would like to be considered for s106 contributions in respect of this application.

5.2 To date a total of 9 representations have been received to the application from local residents living in the area. The comments within the objecting representations are summarised below:

- Detrimental impact on visual amenity and views within the area, especially properties on elevated land on Sufton Lane;
- Solar panels should be kept behind existing tree line;
- The proposed installation is too large for the rural landscape, extending nearly a mile away from the existing substation;
- EV charging points not accessible during flooding;
- No local employment;
- Detrimental impact on rural landscape;
- The proposed mitigation wont screen the development;
- The scale of the development is a insensitive visual intrusion in the area compared to the light weight existing substation;
- Detrimental to the popular view point of Swardons Quarry;
- Development will be a visual eyesore withint he landscape;
- Loss of agricultural land;
- Use of shipping containers will increase visual intrusion;
- Alternative configurations for the container roof mounted air-conditioning units;
- No acoustic impact analysis has been carried out for the air conditioning units;
- Concerns regarding glare off panels for residential properties;
- Concerns over lighting;
- No supporting analysis has been provided by Herefordshire Council or Conrad energy on the CO2 that will be generated in the manufacture of the solar panels, framework, batteries and associated infrastructure;
- No analysis of the transportation of solar panels and associated infrastructure items across the globe to the site;
- Concerns over the continuous traffic and construction activity generated by the sub-station expansion at Clay Hill Pitch;
- The amount of CO2 generated by the construction of this solar farm, nor its economic life, hasn't been quantified;
- Local area and roads suffer from flooding;
- Local nature is already thriving and could be enhanced by the landowner without the construction of an industrial site;
- Development will destroy the natural environment;
- Development will be detrimental to the view from St Michaels Hospice;
- Development would severely compromise the importance of Backbury Hill;
- Development would be detrimental to the quality of life of local residents and visitors to the area;
- Development will impact upon stting of a number of prominent and notable buildings within the area;
- Development is intrusive

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=213963&search-term=213963](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213963&search-term=213963)

## 6. Officer's Appraisal

### Policy Context and Principle of Development

- 6.1 Planning permission is sought for the construction and operation of a solar photovoltaic (PV) farm with associated infrastructure. The electricity generated from the proposed panels will feed into the national grid through the Dormington sub-station.
- 6.2 The Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action that is being promoted is a significant boost to the deployment of renewable energy generation. The Clean Growth Strategy 2017 anticipates that the 2050 targets set out in the Climate Change Act 2008 to reduce gas emissions by 100% will require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.
- 6.3 Chapter 14 of the National Planning Policy Framework (NPPF), meeting the challenge of climate change, flooding and coastal change, sets out its support for renewable energy development. Paragraph 152 of the NPPF states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience. Paragraph 158 in the NPPF indicates that when determining planning applications for renewable energy developments, local authorities should not require applicants for energy developments to demonstrate the overall need for renewable or low carbon energy and also recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable. Paragraph 158 also states that Local Planning Authority (LPA) should 'approve the application if its impacts are (or can be made) acceptable'.
- 6.4 The Planning Practice Guidance (PPG) on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The PPG recognises that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impacts are acceptable.
- 6.5 In considering this application the Council, as the LPA, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. 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."*
- 6.6 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Bartestree and Lugwardine Neighbourhood Development Plan (NDP). The NDP does not have any specific policy for renewable energy proposals such as the solar panels under consideration. However, it does recognise the new demands for renewable energy is a key issue in terms of achieving sustainable development.
- 6.7 The CS on the other hand does have a specific policy for Renewable Energy in Policy SD2. The policy supports development proposals that seek to deliver renewable and low carbon energy where they meet the following criteria:
- The proposals do not adversely impact upon international or national designated natural and heritage assets;

- The proposal does not adversely affect residential amenity;
- The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment and
- The proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on –site to meet the needs of a specified end user.

6.8 Policy SS7 of the C7 relates to Addressing Climate Change and promotes the use of decentralised and renewable or low carbon energy where appropriate. However, a key consideration in terms of responding to climate change includes taking in to account the known physical and environmental constraints when identifying locations for development.

Principle of development

6.9 The proposed development is to have a capacity of 43MWp, and will meet the energy needs of approximately 11,108 homes in the Herefordshire area. The solar farm can be considered a temporary use of the land, with this development indicated as having a 35 year life span. The starting point for the consideration of this application is planning policy, both National and Local. As set out above the NPPF is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must pay in reduction in greenhouse gas emissions and renewable energy targets are to be met. Crucially the NPPF advises that applications for renewable energy should be approved if impacts are, or can be made acceptable, unless material considerations indicate otherwise.

6.10 The supporting Design and Access Statement recognises that not every site will be suitable for solar developments. However, a feasibility exercise was undertaken to assess the suitability of the site which assessed the technical and environmental issues associated with large solar developments.

6.11 The key criteria which led to the applicants selecting the application site for the solar development included the following:

- Solar irradiance levels;
- Proximity to an available grid connection;
- Separation from residential areas;
- Separation from heritage assets and right of way;
- Existing screening provided by trees and hedges;
- Topography;
- Field size/shading;
- Access to the site for construction;
- Agricultural land classification;
- Landscape character; and
- Flood Risk; and
- Ecological sensitivity.

6.12 It is considered that the major benefits of the proposed site is its proximity to the existing Dormington sub-station and its flat topography.

6.13 In response to increasing awareness of the impacts of climate change, Herefordshire Council declared a climate emergency on 8 March 2019. The proposed development would contribute to the Councils target of addressing climate change and becoming carbon neutral. The proposal would therefore provide significant environmental benefits in relation to renewable energy generation that has strong support under both local and national planning policy.

6.14 Policy SD2 in the CS clearly supports proposals for renewable energy installations where they are in appropriate locations having no significant adverse impacts on the amenity of local people, historic features or on the environment. Whilst it is clear that the proposal will contribute to meeting

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

the Governments renewable energy targets and contribute towards the reduction in greenhouse gases, the wider economic, social and environmental benefits of the proposal should be considered against any significant impacts on the surrounding area.

- 6.15 It is recognised that the proposed development, as well as providing a renewable energy source would provide significant biodiversity net gain. The submitted Biodiversity Enhancement Management Plan identifies that the proposal would result in a 132.28% net gain for habitat units, 452.62% gain for hedgerow units and 10.59% net gain for river units.
- 6.16 In terms of social benefits, the applicants are seeking to install EV charging points in the settlements of Dormington and Mordiford for the local community, however this offer is to be made outside of the planning process. On its original submission, the application had included the provision of EV charging points off Larport Lane to the south of the site. However, due to highway and environmental constraints, these have now been removed from the application. In addition the application has agreed to explore opportunities to provide educational benefits in connection with the proposed development to local schools; including annual visits to the solar farm and renewable workshops for local children. This will be secured and form part of a planning condition.
- 6.17 It is noted that Bartestree Parish Council have commented that they would like to be considered for s106 contributions in respect of this application, however for clarification there are no S106 contributions arising from this development as the proposal will not place addition demands upon any physical, social and green infrastructure within the local area.
- 6.18 In terms of economic benefit, a solar farm can provide benefits to the local economy in terms of business rates, construction phase employment and permanent job creation.
- 6.19 The application site is within open countryside in a rural working landscape. In light of the above outlined policies and guidance, the proposal in principle is considered to be consistent and in accordance with both National and Local policy with regards to improving sustainability. However, policy SD2 of the CS, sets out a criteria for renewable and low carbon energy development to meet to ensure that the resulting developments are of an appropriate scale and location and do not significantly impact upon the environmental quality of the area. Having regard for this criteria, and the characteristics and constraints of the site, along with the nature of the development being proposed, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude, that might lead to a conclusion that despite the principle of the development being supported, the proposal represents an unsustainable form of development.
- 6.20 The main material planning issues which have been identified are considered to be:
- The visual impact of the development on landscape character and visual amenity;
  - The implications on the biodiversity and specifically the River Wye SSSI;
  - The implications of the proposal for flood risk within the area;
  - The impact of the proposal on heritage assets;
  - The impact upon the local highways;
  - The impact the proposal has on local residential amenity; and
  - Loss of agricultural land.

#### Landscape Character & Visual Amenity

- 6.21 Given the nature and scale of the development proposed, it is inevitable that large scale solar farms may result in landscape harm. To this extent, national and local policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. The impact of the landscape character and visual amenity is mentioned in all of the representations received form local residents.



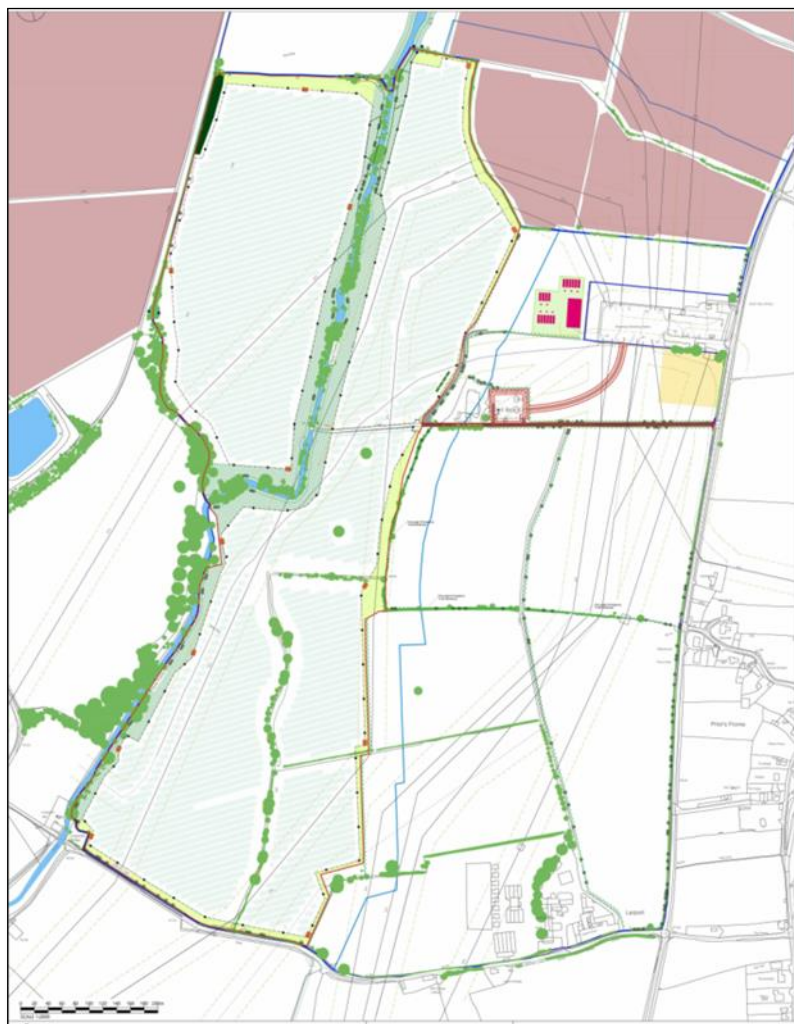
- 6.22 Paragraph 174 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. Whist Policy LD1 of the CS seeks to conserve and enhance the natural, historic and scenic beauty of important landscapes and features through the protection of the area's character and by enabling appropriate uses, design and management. National and Local policies do not seek to protect the countryside from development, but rather protect and enhance valued landscapes.
- 6.23 The application site does not form part of any designated landscape, however it is in close proximity to the Wye Valley AONB and the southern part of the site is within the unregistered park and garden of Old Sufton.
- 6.24 The site is within a rural location detached from any settlement, although adjacent to the existing Dormington sub-station. In terms of landscape character, it straddles two landscape types identified within the Herefordshire Landscape Character Assessment (LCA). These are Principal Settled Farmlands and Riverside Meadows. These landscape types cover the majority of the study area where they correspond with low-lying and gently undulating landscapes and the broadly flat river valleys which cross them, in this case the Lugg and Frome. Both landscape types are characterised by hedgerows for field boundaries and mixed farming land uses, with an overall landscape strategy is one of 'conservation' and enhancement'. The landscape characteristics of the site and immediate surroundings are consistent with the characteristics features listed in the LCA.
- 6.25 Submitted in support of the application was a Landscape and Visual Assessment (LVA), which has been undertaken in accordance with the guidelines for Landscape and Visual Assessment, Third Edition. The LVA recognises that the nature, scale and form of the development would invariably result in some adverse effects on the existing landscape character. However, recognising the limited height of the development, combined with a retention and enhancement of field boundaries and vegetation, in addition to the existing infrastructure at the sub-station, the conclusion is effects would be relatively localised and the effect on the landscape character is not regarded as unacceptable.
- 6.26 Within the representations received, and specifically that from St Michaels Hospice, it is clear that the site and surrounding landscape is of value to locals due to its rural nature and tranquillity. Representation also references its undisturbed nature and it is clear that the views into and across the site are held in a high regard by residents. However, the existing substation, with its pylons and power lines also forms an established part of the landscape and forms part of the character of the site and surrounding area.
- 6.27 The NPPF does not define what constitutes a valued landscape. The LPA accept that all landscapes are valued by someone at some time. However, the application site and the surrounding landscape does not have any demonstrable attributes which would elevate it to a framework valued landscape.
- 6.28 The proposal does not change the topography of the site and retains and enhances the structure of the landscape since the arrays are to sit entirely within existing field boundaries. All existing vegetation and hedgerows are to be restored and improved. The conclusion of the LVA is the effect of the propose development on the local landscape character is negligible and minor adverse.
- 6.29 The proposal would introduce a large development of industrial appearance, which will fundamentally change the character of the immediate landscape for the duration of the development. However, given the general topography of the area, the effects of the solar arrays on the overall landscape character would be limited to the immediate landscape setting. The inverters, DNO sub-station and battery storage, will be seen against the backdrop of the existing Dormington sub-station. The proposed planting mitigation is consistent with the nature and

character of existing planting. Taking all matters into consideration, the significance of the proposed development on landscape character would be moderate.

### Visual Impact

- 6.30 The LVA provides an assessment of the likely views of the development from 8 viewpoints from within the surrounding area. The viewpoints were selected by reference to the Zone of Theoretical Visibility (ZTV) and in consultation with the Councils Landscape Officer. All viewpoints were restricted to publically accessible locations and were considered to represent visibility from key visual receptor groups. During the application process a further ninth viewpoint was assessed from St Michaels Hospice. Baseline photographic panoramas were obtained from each viewpoint in the direction of the proposed site and baseline landscape character and visual amenity were identified before a qualitative appraisal of the likely visual effects was carried out.
- 6.31 All of the representations received refer to the visual impacts from the proposed development. It is recognised within the LVA that different receptors would appreciate and experience the landscape in many different ways, depending on whether they live in, work in, or visiting the area. Those living and working in the area will appreciate and be more familiar with the landscape beyond the perception of a visitor. It is acknowledged that the views obtained from the viewpoints are only a snapshot of the site and do not reflect the experience of walkers as they proceed along public footpaths and highways.
- 6.32 For each of the viewpoints a 15 year assessment of effects has been carried out, and it is considered that this assessment of effects are the most important to assess the visual impact of the scheme as it is these which will last the longest and for most of the life of the scheme. That said, it is still important to consider the effects of the scheme visually between year 1 to 15.
- 6.33 The overall conclusion of the LVA is that although the nature, scale and form of the development would inevitably result in some adverse effects of the visual amenity, the limited height of the panels, combined with the existing and proposed boundary vegetation and proximity to Dormington substation, would ensure that the effects would be relatively localised.
- 6.34 For viewpoints 2, 4, 5 and 7, the level of visual effects after 15 years is judged as negligible. In landscape assessment terms, a negligible effect is where the proposed changes would maintain the existing view or where, on balance, the proposed changes would maintain the quality of the view and the development would only occupy limited geographical extent.
- 6.35 For viewpoints 1 and 6 the visual effects is judged as minor. Typically this is where the proposal would represent a low magnitude of change and the landscape receptor would have low susceptibility to the development, and a high ability to accommodate the specific proposed change.
- 6.36 The effects on viewpoints 3 (public footpath MF4) and 8 (Swarndon Quarry) have been judged as moderate and these are areas where the development would result in a clear deterioration of the view. The LVA methodology describes a moderate visual effect as a development that would introduce some detracting features to an existing highly sensitive and well composed view. The views from viewpoint 3 are obtained largely from walkers on the public footpath, although it is acknowledged that the viewpoint would also represent views gained by occupiers of some of the properties at Prior's Court and Priors Frome. The solar panels would be noticeable over a wide proportion of the view, although filtered by intervening vegetation. From viewpoint 8 however the receptors is that of recreational walkers. The view point is not on a public footpath but is a specific elevated viewpoint above a parking area used by walkers connecting to footpaths extending east into the AONB.

6.37 The scheme includes mitigation and enhancement measures across the site (see plan below) and this has been amended and added to during the application process in response to representations received. All existing hedgerows and tree belts to the perimeter of the site and internally are retained and incorporated into the scheme to maintain landscape character as well as filter and screen views of the Development. Hedgerows are all to be gapped up and reinforced and managed to grow. Long term management and maintenance plans will be put in place and new specimen trees within easing hedgerows and around the perimeter are to be incorporated.



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6.38 From viewpoints 3 and 8 although the proposed landscape planting/mitigation would ensure that the views are filtered and broken up by intervening vegetation, they would still be noticeable, especially during the winter. The magnitude of the visual effect would largely remain adverse after the 15 years and throughout the life span of the development. The LVA does recognise that the existing views are not without development, including existing energy infrastructure (substation and pylons).

6.39 The final viewpoint which has been assessed is that from St Michaels Hospice, a locally important facility which offers end of life care. As a result of concerns raised from the Hospice and the Landscape Officer, the position and extent of the proposed landscape mitigation has been reviewed and amended during the application so that woodland planting follows the western site boundary closest to the Hospice grounds. As well as an amended Landscape Mitigation Plan an Addendum to the LVA has been submitted which includes a photomontage of the effect of the planting at year 15. The photomontage shows the effect of the planting after 15 years will filter

the view of the grey mass of panels at the closest point to the Hospice boundary which will reduce the visual impact to minor-moderate adverse. The Councils Landscape Officer recognises that the overall part of the lower valley of the view will change from green to grey, however has concluded that the majority of the view will remain unchanged, with the wider panorama of rising ground providing a key focus. The panels are low, keeping the view open, and there should be very little movement or noise associated with the solar farm so that the area remains tranquil.

- 6.40 It is acknowledged that a number of residential properties would have views across the application site, especially those in an elevated location on Sufton Lane to the east of the site. Although the views are filtered through existing vegetation, the proposed development will be clearly noticeable from a number of residential garden and properties. The LVA has assessed visual effects on views from residential properties and recognises that residential receptors have a high sensitivity to changes in the view. Where the proposed Development would be clearly noticeable and the view would be fundamentally altered by the panel's presence, the magnitude of changes also deemed to be 'high'. The visual impact therefore from a small amount of properties would be a major adverse, at least until the new planting matures.
- 6.41 The LVA has also assessed the visual effects on users of the national public rights of way and routes, and similar to that of residential receptors, the magnitude of change would be deemed high as walkers pass slowly through the area. However the solar panels and associated infrastructure would not be entirely incongruous in the rural landscape, and although walkers will experience a level of effect, this will be softened by the proposed landscape planting.
- 6.42 Cumulative effects of the development on the landscape character and visual amenity have also been assessed within the LVA. The assessment identified that there are no similar ground mounted solar PV arrays within 4km of the site. A proposal at Westhild for a 50MW proposal is currently being considered by the LPA, but there is not considered to be any unacceptable cumulative effects on landscape character or visual amenity in conjunction with each other.

#### Conclusion on landscape character and visual effect

- 6.43 To summarise, the proposed development will have a limited adverse impact on the landscape character, however this would be confined to the local area, particularly to the elevated land to the east. Similarly, there would be harm to the appearance and visual amenity of the area as perceived from a limited number of residential properties and short lengths of public rights of way. It is acknowledged that all the proposed planting and reinforcement of hedgerows will take time to development and mature. It is inevitable that located in the countryside a solar farm of the scale proposed will have some adverse landscape character and visual impact. However, through a combination of reinforcement of existing vegetation and the introduction of new landscape mitigation, the adverse effects would be limited and localised. As the proposed planting matures, the adverse effects would be reduced and would be acceptable. The 35 year life span of the proposed development is significant, however once the solar farm is decommissioned, there would be no residual adverse landscape effects. The proposed landscaping scheme would leave an enhanced landscape consistent with policy LD2 of the CS
- 6.44 The Landscape Officer has requested that a fully detailed landscape scheme to be provided prior to the commencement of the development with a 10 year landscape management and maintenance plan which incorporates both biodiversity and landscape requirements for establishment and care of the land is secured through conditions.

#### Ecology and Biodiversity

- 6.45 In respects of matters of biodiversity and ecology, CS policy LD2 and paragraphs 174-177 of the NPPF apply. These generally require that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species.

- 6.46 The River Frome runs directly through the application site and is a tributary of the River Lugg which is part of the River Wye SAC and SSSI catchment. As such the application triggers the need for a Habitat Regulations Assessment (HRA) process to be carried out. Following the submission of amended plans and additional documents, the Councils Ecologist undertook a HRA and an Appropriate Assessment on the application which concluded that there was no legal barrier under the HRA process for planning permission not to be granted. Natural England have responded to a consultation confirming they consider the proposed development will not have a significant adverse impact on the designated site and concur with the LPA assessment.
- 6.47 Policy LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats.
- 6.48 The application has been supported with an Ecological Impact Assessment by Arcus in August 2021 and a Biodiversity Enhancement Management Plan (BEMP) by Arcus in March 2022. In terms of ecological impacts, the documents identify that the habitats to be lost to the development are largely the agricultural land which will be fitted with arrays of panels which will have species rich grassland created under and around them as shown on the Landscape Mitigation Plan. However, new hedgerow and tree planting is also proposed and the river corridor is to be buffered and protected. The scheme includes the provision of native hedgerows, native woodland mix, native species rich grassland planting under the panels in the long term. As already highlighted earlier in this report, the biodiversity assessment for the site shows a 109% biodiversity net gain in habitat units, 453% gain in hedgerow units and a 10% gain in river units (gained through increases in condition) based on the landscaping proposals for the site.
- 6.49 The LPA recognise that the River Frome is a priority habitat and runs through the centre of the site and there is an area of priority habitat orchard to the NE corner of the site. The Ecologist has confirmed that based on the information submitted, the priority habitat will not be impacted by the proposed development.
- 6.50 The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the proposed scheme into conflict with policy LD2 of the CS. A range of conditions are recommended to secure implementation of the report's recommendations, as well as to secure further details for measures for biodiversity enhancement to ensure biodiversity and protected species are accounted for. Subject to this, there is no policy conflict found. Natural England have been consulted and raise no objection.

#### Flood risk and drainage

- 6.51 Policy SD3 of the CS requires all development proposals to include measures for sustainable water management to be an integral element of any new development in order to reduce flood risk; to avoid impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.52 Paragraph 163 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also requires that where appropriate, applications should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Paragraph 165 states that any major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 6.53 The application site is partially located in Flood Zone 3, which is the high risk zone. In accordance with Table 1: Flood Zones within the Planning Practice Guidance (PPG), Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100

year, or greater, annual probability of river flooding. It is noted that parts of the site are classed as 'Zone 3b', which is functional floodplain, with a 1 in 20 year probability.

6.54 In accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. Both the Sequential and Exception Test have been conducted in the FRA submitted for the proposed development. Annex 3 of the NPPF confirms that Solar Farms are to be considered as Essential Infrastructure and therefore not considered inappropriate in 3b subject to consideration of the Sequential and Exception Tests.

6.55 The EA and Councils Drainage Engineer have confirmed that the proposed development is classed as 'Essential Infrastructure' and is not considered inappropriate within Flood Zone 3b. However there is still a requirement under paragraphs 162-164 of the NPPF for the exception test to be applied. In accordance with paragraph 163 the application has been supported with a site specific flood risk assessment. The paragraph states that to pass the exception test it should be demonstrated that:

*a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the exception test need to be satisfied for development to be allocated or permitted.

6.56 In relation to the first part the proposed development is considered to pass the exception test as the development would provide a wider sustainability benefit to the community in the form of renewable energy that outweigh the flood risk.

6.57 In relation to the second part, the FRA outlines the requirement for the development infrastructure to be raised above such levels with adequate freeboard. The base of the solar panels will be a minimum of 1.02m above ground level. The electrically sensitive aspects of the development are proposed to be located in FZ1 and outside of a 1 in 100yr +40% cc flood event extent. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level. The development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere. These measures are considered to satisfy the requirements of part 2 of the exception test. The LPA are satisfied that by its design and nature, the development will not increase flood risk in the wider catchment.

6.58 Following infiltration testing, a surface water management strategy has been developed and put forward which utilises the network of existing tracks where possible, limiting the requirement for new hardstanding. Rain water which lands on the panels will drain through rainwater gaps and infiltrate into the ground beneath and between each row of panels. Neither the EA or the Councils Drainage Engineer have raised any objection to the development subject to a condition requiring drawings of the final design of the detailed surface water drainage panels. Subject to these details no conflict with policy SD3 or the NPPF in relation to drainage and flood risk have been identified. It is noted that there are no foul water facilities proposed for the development

#### Heritage assets

6.59 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 6.60 When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.61 Policy LD4 of the CS deals specifically with the historic environment and heritage assets. The policy requires development proposals which affect the wider historic environment to protect conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate uses and sympathetic design. The policy also requires development to contribute to the character and local distinctiveness of the wider environment. Polciy BL7 within the made BNDP requires applications to consider the significance of any heritage assets affected by a proposal, including any contribution made to their setting, this includes unregistered parks and gardens. The policy requires a balanced judgement regarding the effects of any development proposals on or close to such assets.
- 6.62 Section 16 of the NPPF deals specifically with conserving and enhancing the historic environment. Paragraph 189 requires that in determining applications, LPA should require an applicant to describe and the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance.
- 6.63 Part of the application site is partially within the unregistered Historic Park and Garden of Old Sufton. The site is also within close proximity to the Registered Historic Park and Garden of Sufton Court. The application has been supported by a Cultural Heritage Report prepared by Arcus which addresses the setting of theses designated assets, as well as others within a 5 Km study area. The report has been prepared in accordance with the National Planning Policy Framework 2021 and historic England’ Historic Good Practise Advice in Planning 2 – Managing Significance in Decision- Taking in the Historic Environment.
- 6.64 The Councils Historic Buildings Officer (HBO) concurs with the conclusions of the report in that there may be less than substantial harm to the listed buildings identified. Noting the distance from the listed buildings identified, the topography of the site, the existing sub-station and pylons, the proposal is not considered to have an adverse impact on the grounds of the setting of individual listed buildings.
- 6.65 The grade II\* Registered Historic Park and Garden of Sufton Court and its setting is also a consideration. The Hereford and Worcester Gardens Trust have submitted a representation highlighting the importance and history of the area. The HBO does not disagree with the comments raised and acknowledges the comments made by Historic England where no objections are raised.
- 6.66 Although part of the site is within the Unregistered Historic Park and Garden, the existing landscape is includes a number of energy infrastructure already (pylons, sub-stations etc.), and as such the HBO has advised that it is considered that the utilisation of a small part of the Unregistered Historic Park and Garden for such a development would not harm the heritage assets to a significant degree to warrant an objection on built heritage grounds. No policy conflict with policy LD4 of the CS has been identified.

## Highways Impact

- 6.67 Policy MT1 of the CS deals specifically with traffic management and highway safety. The policy requires development proposals to demonstrate that the strategic and local highway network can absorb traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and ensure that the developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space within the site. Policy BL12 of the BNDP also requires proposals to provide for a safe access in terms of design and layout to be provided.
- 6.68 The construction traffic for the proposed development is to arrive via the M50 at junction 2, then travel via the A417 and A438 towards the site. The construction access is via Clay Hill Pit Road which is a single carriage road running from Dormington in the North to the village of Mordiford in the south.
- 6.69 The construction access is an existing access point, however will require upgrading to accommodate the construction vehicles which will primarily be associated with the importation of components including the solar panels, support structures and electrical equipment. The access does meet the required visibility of 215m in each direction. The development is expected to be constructed over a 6-month period and will generate approximately 8,777 two way vehicle movements for staff and delivery of construction materials and components. The Transport Statement outlines a number of traffic management procedures to be implemented to ensure safe operation of all routes within the vicinity of the site during construction. These include temporary warning signs, wheel washing and routes to and from the site.
- 6.70 Amended plans have been received during the application process to respond to original comments from the Highways Engineer in relation to the width of the access and the construction details. The Highways Engineer has been consulted on the amended drawing and confirmed that it illustrates that the proposed junction can easily accommodate two HGVs turning in and out of the junction, and therefore the highway authority has no objection. Subject to conditions no policy conflict with policy MT1 has been identified.

## Residential Amenity

- 6.71 Policy SD1 of the CS deals with sustainable design and energy efficiency and requires all proposals to safeguard the residential amenity for existing and proposed residents, ensuring new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination. It is also listed in the second criteria of policy SD2 that development proposals delivering renewable energy will not adversely affect residential amenity. Section 12 of the NPPF Achieving well-designed places, is also relevant, in particular paragraph 130 which seeks to ensure development creates a high standard of amenity for existing and future users. Paragraph 185 also highlights the need for decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) on the living conditions and the natural environment that could arise from the development. This includes identifying and protecting tranquil areas which have remained relatively undisturbed by noise and mitigating against potential adverse impacts resulting from noise from new development.
- 6.72 There are a number of residential properties scattered around the perimeter of the site, the closest of which is to the south of the site on Larport Bridge which is immediately adjacent to the site. At the request of the Council's Environmental Health Officer a Noise Assessment Report for the proposed installation was undertaken to consider the potential noise generation from the plant associated with the solar development. The report used the assessment methodology contained within the British Standard 4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.



- 6.73 The assessment identified that the two most south-westerly inverters were calculated to cause a potential adverse impact on the nearby property at Larport Lane, As such it is proposed to install a fan outlet on the inverters such that it reduces the sound level by 3dB(A).
- 6.74 Overall the assessment identifies that the proposed development will give rise to rating noise levels that are typically equal to or below the measured day and night-time background sound levels in the area, at the closest assessed residential receptors, thus giving rise to a Low Impact. Subject to the mitigation to the fans being implemented, the conclusion of the report was that the development will give rise to noise impacts that would be categorised as No Observed Adverse Effect Level (NOAEL) within the PPG Noise guidance and there would no adverse impact on the residential amenity of nearby dwellings in terms of noise.
- 6.75 The proposed development will not give rise to any emissions or require any lighting. Although it is acknowledged that during the construction period there will be disturbance and an increase in lighting and noise generated from construction traffic. A Construction and Environmental Management Plan has been provided in support of the application and details measures which will be put in place to control these impacts on nearby residential properties. Further conditions can control the working hours and lighting.

#### Glint and Glare

- 6.76 The application has been supported with a detailed and comprehensive Glint and Glare Study of the development which assesses the possible effects of glint and glare from the development on the surrounding area. To be clear, glint refers to a momentary flash of bright light and glare refers to a continuous source of bright light which is typically received by static receptors or from large reflective surfaces. The assessment looked specifically at the impact of the development on surrounding highways and residential dwellings. The conclusion of the assessment was no significant impacts on surrounding road users or for resident dwelling has been identified and as such no further mitigation was required.
- 6.77 The assessment was carried out by professionals and was based on the published Pager Paower Glint and Glare Guidance Third Edition published in April 2021. The study assessed the impact of the development on 86 dwelling receptors and considered the duration of effects, the separation distance and effects which coincided with direct sunlight. The effects of glint and glare on local residential and road users are fully analysed within the study and is predicted not to be significant with no mitigation required. As such it is not considered to be reasonable or necessary to impose a mitigation conditions in this instance. Further planting around the boundaries will be secured through a condition which will further prevent glint and glare on receptors.
- 6.78 Overall, given the aforementioned, it is considered In accordance with policy SD1 the proposed development will not have an adverse impact upon the residential amenity of existing residents living in close proximity of he site. No conflict with policy SD1 of the CS has been identified.

#### Agricultural Land

- 6.79 Paragraph 174 in the NPPF indicates that decisions should recognises the economic and other benefits of best and most versatile (BMV) agricultural land. The PPG defines B&MV agricultural land as Grade 1, 2 and 3a indicating that agricultural land quality is a factor when assessing proposals. These considerations include, whether the use of any agriculture land is necessary and whether a proposal allows for continued agricultural use. Policy SS7 of the CS also seeks to protect the BMV agricultural land where possible in order to mitigate impacts on climate change. The loss of agricultural land is therefore a material consideration and the weight afforded to that loss will depend on the grade of the land and the extend of the loss set against other material considerations.
- 6.80 The application is supported with a specific document on Agricultural Land Classification which was undertaken in July 2021 in preparation of the application. The survey covered a larger site to

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

that of the application site. The survey identified that 65% (54ha) of the wider site comprised Grade 3a (good quality) and a smaller proportion of 16% is Grade 2 land (very good quality). A small 6% was identified as being Grade 1. In developing the scheme the applicants disregarded all land which had been identified as Grade 1 and 2, so that the application site put forward under this application is all classed as 3a

- 6.81 Natural England are a statutory consultee on development that would lead to the loss of over 20ha of BMV agricultural land. The proposed development is likely to affect 76ha of BMV Agricultural Land. Natural England have advised that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of agricultural land.
- 6.82 Natural England have advised that the proposed development is likely to affect 76ha of BMV agricultural land during its operational life. It is recognised that the development is temporary and unlikely to lead to the permanent loss of BMV agricultural land. However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area and this should be a consideration in the determination of the application and consideration should be given to if the development is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.
- 6.83 Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'
- 6.84 Where significant development of agricultural land is demonstrated to be necessary, footnote 53 advises that areas of poorer quality land should be preferred to those of a higher quality. Natural England raise no objection to the proposal, acknowledging that the proposed development is reversible, but ultimately the LPA has to consider the loss of the BMV land against other planning considerations.
- 6.85 The submitted assessment provides a comprehensive site and soil assessment which has been carried out by a suitable qualified professional and provides and demonstrates that the development will not result in the loss of higher grades of agricultural land. It is clear that in terms of site selection, the main element is the availability to the grid connection with direct access into the Dormington substation.
- 6.86 On balance, although the LPA recognises that agricultural land is a finite commodity and food security is equally important as energy security, the application site falls outside of Grade 1 and Grade2 BMV land. Given the temporary nature of the scheme, with the biological and landscape enhancements proposed, the proposal would not conflict with the objectives of paragraph 174 of the NPPF and policy SS7 of the CS.

### Conclusion

- 6.87 Government policy is to support the development of renewable energy sources, including solar power, to help ensure the UK has a secure energy supply and reduce greenhouse gas emissions to slow down climate change.

- 6.88 Both national and local policies recognise that large scale solar farms may result in some landscape and visual harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. In the case of the development proposed under this submission, through a combination of topography, existing screening and landscape mitigation, the adverse effects on landscape character and visual impact would be limited and highly localised. The proposed mitigation is consistent with the landscape character and once the development has been decommissioned there would be no residual adverse landscape impact but rather an enhanced landscape consistent with the objectives of the CS.
- 6.89 There are a number of considerations that weigh in favour of the proposed development. The development type is considered to be compatible with the flood zone it is sited within, and is acceptable in drainage terms, with no adverse highways impact identified. There would be no material impact upon the residential amenity or living conditions of nearby residents and no concerns relating to potential glint and glare impacts. However, the proposal would cause less than substantial harm to nearby historic assets and as directed by Paragraph 202 of the NPPF this harm should be weighed against the public benefits of the proposal.
- 6.90 As the report and application submission demonstrates, there are environmental benefits in terms of renewable energy and a net gain in habitat biodiversity. The greatest significant benefit of the scheme is considered to be the imperative to tackle climate change, as recognised in legislation and energy policies which clearly and decisively outweigh the temporary and less than substantial harm to the visual landscape amenity in the locality and the nearby designated heritage assets that are discussed above.
- 6.91 To conclude, drawing the above together and taking all material considerations into account as outlined above, it is considered that the proposal would make a material contribution to the objectives of achieving the decarbonisation of energy production which significantly and it is not considered that any adverse impacts would significantly and demonstrably outweigh this benefit. The proposal is therefore considered an acceptable form of development that accords with the objectives of relevant national and local policies as a whole. The application is recommended for approval subject to the conditions set out below.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions:**

- 1. 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. The permission hereby granted shall be for a temporary period only, and shall expire 35 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.**

**Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies SS1, SS6 and SS7 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and**

all ancillary equipment shall be submitted to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall make provision for the re-use and materials recovery of all complements where possible. The scheme shall also include management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 34 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5

The development hereby permitted shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

- Site Location Plan 3900-REP-038
- Planning Drawing 2 Site Layout -3900-REP-039
- Planning Drawing 3 Landscape Mitigation Plan – 3900\_DR\_LAN\_101 Rev 8
- Planning Drawing 4 Typical PV Panel Section – 3900\_DR\_P\_0002
- Planning Drawing 5 Inverter Elevations and Dimensions – 3900\_DR\_0003
- Planning Drawing 6 20ft Battery Container – 3900\_DR-P\_0004
- Planning Drawing 7 40ft Inverter Elevations -3900\_DR\_P\_0005
- Planning Drawing 8 Deer Fencing - 3900\_DR\_P\_0006
- Planning Drawing 9 Deer Fencing with Mammal Gates - 3900\_DR\_P\_0007
- Planning Drawing 10 Palisade Fencing 3900\_DR\_P\_0008
- Planning Drawing 11 Stock Fence & CCTV Elevations - 3900\_DR\_P\_0009
- Planning Drawing 12 CCTV & Light Post Detail 3900\_DR\_P\_0010
- Planning Drawing 13 Access Track - 3900\_DR\_P\_0011
- Planning Drawing 14 Access Track Above Ground -3900\_DR\_P\_0012

- Planning Drawing 15 DNO Track – 4m - 3900\_DR\_P\_0013
- Planning Drawing 16 - Switchgear Housing – 3900\_DR\_P\_0014
- Planning Drawing 17 - 66kVa Looped Circuit (underground) – 3900\_DR\_P-0015
- Planning Drawing 18 - Cable Trench Cross Section – 3900\_DR\_P\_0016

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**Pre-commencement conditions**

- 6** Before any work approved under this permission commences, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified ‘responsible person’, shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. 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; unless otherwise agreed in writing by the local planning authority.

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

- 7** Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:
- A method for ensuring mud is not deposited onto the Public Highway
  - Construction traffic access location
  - Parking for site operatives
  - Construction Traffic Management Plan

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

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

- 8** Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

**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

9 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development hereby approved and maintained for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10 Prior to the development hereby approved first becoming operational, details of the proposed mitigation outlined within the Noise Impact Assessment by *inacoustic* dated 28th April 2022 in relation to the installation of a fan outlet to the two most south-westerly inverters shall be submitted to and approved by the Local Planning Authority. The details approved shall be installed prior to the first operation of the development and shall remain operational for the life time of the development.

Reason: To safeguard the amenity of neighbouring residential properties and to conform to the requirements of Policy ST1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11 No development approved by this permission shall be commenced until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.

b) Trees and hedgerow to be removed.

c) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

**Compliance conditions**

12 Before the development is first brought into use, a Landscape Management and Maintenance Plan for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.

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

13 Prior to development hereby approved first becoming operational a detailed Training and Educational Plan shall be submitted to and approved in writing by the Local Planning Authority. The aim of the plan will be to promote training and educational

opportunities in connection with renewable energy for local people and provide social benefits to the local community. The plan shall set out opportunities and measures for educational benefit in connection with local schools, colleges and universities. The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing by the Local Planning Authority.

**Reason:** In the interest of promoting social benefits in association with the approved development in accordance with policy SS1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 14 Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least 15 bird nesting boxes for a site appropriate range of bird species 5 number Bat roosting features; 12 mammal gates in security fences; one Hedgehog home; four Insect hotels; Reptile Refugia; Amphibian Refugia;} should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

**Reasons:** To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

**Other conditions**

- 15 At no time shall any external lighting except low power, 'warm' LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

**Reason:** To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

- 16 Any new access gates/doors shall be set back 10 metres from the adjoining carriageway edge and shall be made to open inwards only.

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

- 17 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Ecological Impact Assessment (EIA) by Arcus in August 2021, and the Biodiversity Enhancement Management Plan (BEMP) by Arcus in March 2022 and the recommendations of the confidential Badger Report by Arcus 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

**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. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  
- 2. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Local Drainage Board.**

Decision: .....

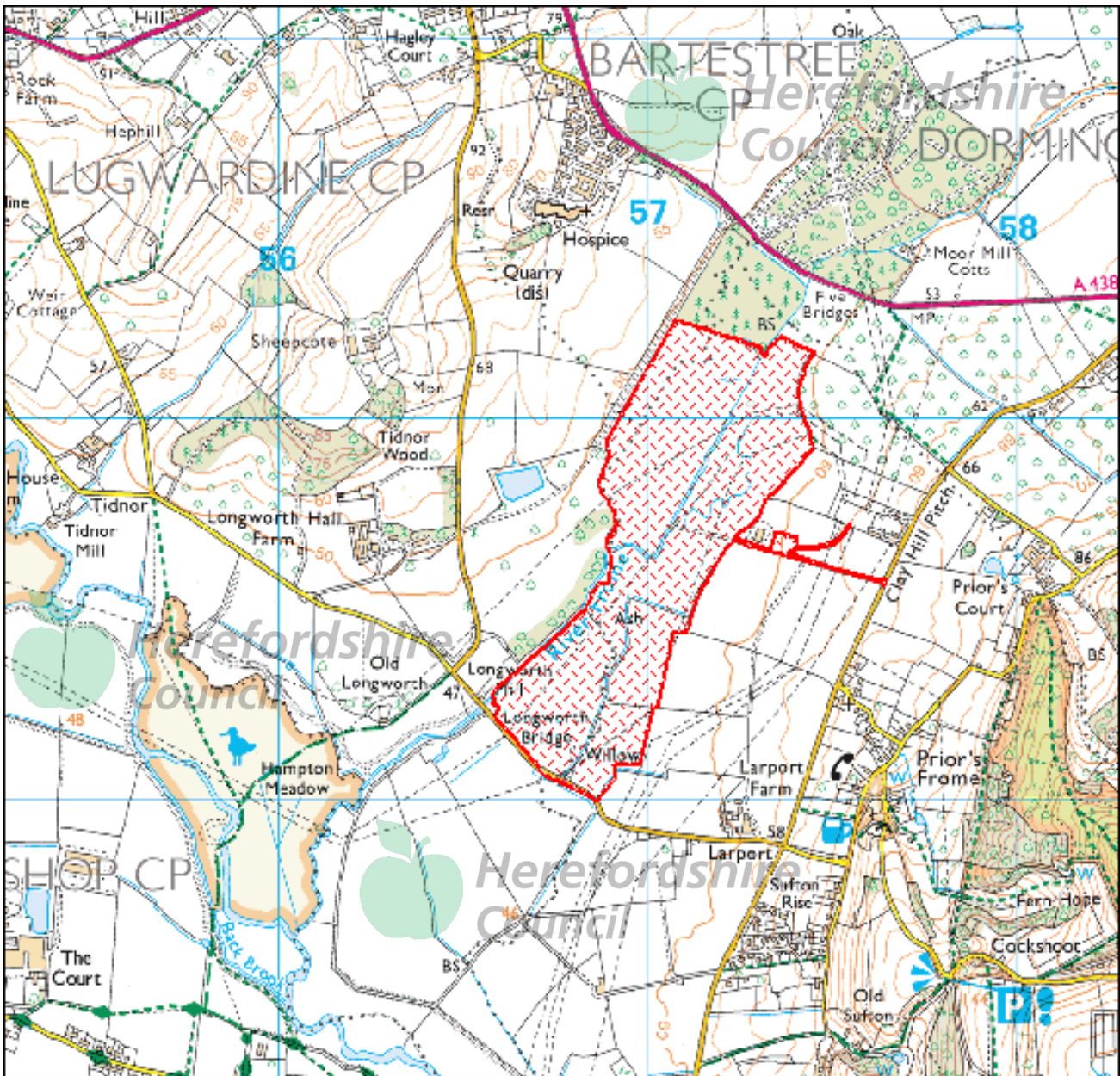
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 213963

**SITE ADDRESS :** LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>24 MAY 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>210865 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD; and</b></p> <p><b>210866 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD</b></p> <p><b>For: Nancy Winfield C/O Windflower Housing Association per Mrs Elly Deacon Smith, 4 Grenfell Road, Hereford, Herefordshire, HR1 2QR</b></p>
<b>WEBSITE LINK:</b>	<p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210865&amp;search-term=210865#tab1">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210865&amp;search-term=210865#tab1</a></p> <p><a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210866">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210866</a></p>
<b>Reason Application submitted to Committee – Councillor Interest (Applicant)</b>	

Date Received: 2 March 2021

Ward: Three Crosses Grid Ref: 364546,243572

Expiry Date: 27 April 2021

Local Member: Cllr J Lester

## 1. Site Description and Proposal

- 1.1 The site comprises two outbuildings (the 'Workshop/Stores' and the 'Dairy') as part of the wider Canon Frome Court site, located approximately 7.5 miles north-west of Ledbury. The buildings are considered to be curtilage listed to Canon Frome Court (Grade II Listed Georgian Manor), although not in their own right.
- 1.2 The workshop and stores to the east of the stables comprise historic brick-built structures. Other brick built additions (namely the workshop) are later, as well as a lean-to (modern) wooden structure on the south elevation. The earliest building is a single-storey structure aligned east to west comprising a solid back brick wall with sloping roof, with doors and windows through the

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

front wall. This is understood to have originally stood separate from a north-east to southwest aligned structure, but has been in-filled with what was probably an open fronted structure supported on a single brick pier but currently in-filled with windows and timber boards. A second structure has been added to the northern elevation. This structure is single-storey with double doors on the east and west elevations and two wooden windows to the north. The rear wall is solid brick and encloses this area between here and a walled garden. First Edition OS maps show a glasshouse located against the wall, one of four located in this area although the glasshouse has been subsequently replaced by the modern wooden lean-to.

- 1.3 The dairy relates to three adjoining historic brick-built structures, currently used as sheds/stores located near the north-east of the main house, forming part of a curved range of buildings that, together with cottages to the north-east of the main house, enclose an irregularly shaped service courtyard. All brick built structures are single storey, with two aligned north-west to south-east and the other north-east to south-west. Of the north-west to southeast aligned buildings, the main one has a double-apex front with a single entrance with a rounded head and a slate roof. Adjoining this, to the west, is a later extension with flat roof, the front wall of which forms the rear wall of an open fronted structure. Adjoining this to the east is a brick structure with brick ends and an open fronted centre.
- 1.4 Topography of site is flat, with the surrounding parkland and farmland having a slight fall in a south direction towards the Millfield housing development, which comprises the main built form of Canon Frome. The site location is indicated by the red star on the map below:



- 1.5 The applications before members seek planning permission (210865) and listed building consent (210866) for the conversion of the two outbuildings into 3 no. dwellings and associated works as detailed in the proposal descriptions and deposited plans.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

RA3 – Herefordshire’s countryside  
RA5 – Re-use of rural buildings  
H2 – Rural exception sites  
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  
SD1 – Sustainable design and energy efficiency  
SD3 – Sustainable water management and water resources  
SD4 – Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-  
[https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

## 2.2 **Stretton Grandison Group Neighbourhood Development Plan (NDP)**

The referendum for voters within the Stretton Grandison Group Parish area was held on 6 May 2021. The plan received a positive referendum result and is currently awaiting adoption. This will follow the resolution of the issues outlined within the River Lugg catchment area position statement (April 2021). In accordance with paragraph 48 of the NPPF, given a successful public referendum, full weighting can be afforded to these policies

Policy SG1 – Settlement Boundries

Policy SG3 – Affordable Housing at Canon Frome Court (up to 8 units)

Policy SG4 – Housing Mix

Policy SG5 – Protecting Local Landscape Character and Wildlife

Policy SG7 – Design Principles – Protecting and Enhancing Heritage and Local Character

Policy SG8 – Design Principles – Promoting High Quality and Sustainable Design

The Stretton Grandison Group Neighbourhood Development Plan 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/directory-record/3105/stretton-grandison-group-neighbourhood-development-plan>

## 2.3 **National Planning Policy Framework (NPPF)**

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

The revised National Planning Policy Framework (NPPF) sets out government’s planning policies for England and how these are expected to be applied. The NPPF, as most recently revised in July 2021, can be viewed using the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## 2.4 National Planning Practice Guidance (PPG)

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

## 3. **Planning History**

None of relevance

#### **4. Consultation Summary**

##### Statutory Consultations

#### **4.1 Natural England – No objections**

*“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”*

#### **4.2 Welsh Water – No objections**

*“As the applicant intends utilising a private treatment works, we would advise that the applicant contacts the Environment Agency who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application”.*

#### **4.3 Herefordshire Wildlife Trust – No response**

#### **4.4 Hereford and Worcester Gardens Trust – No response**

##### Internal Council Consultations

#### **4.5 Building Conservation Officer – Objection**

*“To deal with the three elements of the application:*

##### *Storage Unit*

*I have no objection to the proposed works to this building. It is remote from the Court and therefore does not directly or adversely impact on its setting. It has no particular historic or architectural interest and the works proposed seem proportionate and reasonable. We will require joinery details, details of the timber cladding and finishes.*

##### *Workshop*

*No objection in principle. I would prefer to minimise the number/ size of new openings and consider that the window to the shower room visible on the south elevation could be reduced in size. Typically the existing door and window openings have arched window heads and new openings should follow suit. Existing door and window openings are of painted timber and I would prefer to see a painted or opaque stained hardwood used for new external joinery, and not powder coated aluminium. Roof lights should be conservation pattern. If minded to approve we will need joinery details, details of the timber cladding, details of rainwater goods proposed ( no upvc ) - so powder coated aluminium or cast iron.*

##### *Dairy*

*This is the historically and architecturally the most significant of the structures where works are proposed. The curved brick boundary wall is a significant feature and was intended as a screen to the gardens behind. There were no windows in this wall and I think to puncture it with four new openings is unacceptable. I suggest that if additional natural light is needed over the living/dining kitchen area, this is achieved with rooflights. To my mind it would make sense to have the arched opening in this room which is proposed as a fixed light to be a pair of French doors which can open out into a south facing garden. The bedroom should be expanded to take in some of the existing log store and this could then have full height glazing and avoid the need for new openings in the curved north wall. If the position of the shower room and single bedroom were reversed there would be no need for forming new openings in the north wall here and the shower room could be mechanically vented, though I think one window here would be acceptable. This window should not be a long slit window but a shorter more traditional sized window with an arched brick head. Subject to these changes I would be happy to support the proposal here. Again external joinery to be painted or opaque stained hardwood. Samples of replacement stone to be submitted for approval. Details of rainwater goods to be submitted for approval. A sample of lime mortar and sample of pointing to be prepared prior to any brick/stone repairs being carried out.”*

4.6 **Transportation – No objections/conditions recommended:**

*“No Highways Objection. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)*

*<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>*

*CAE Vehicular access construction”*

4.7 **Ecology – No objections/conditions recommended**

*“The application site lies within the catchment of the River Lugg SAC, 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 amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’)) 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.*

*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 and species and habitats within the reason for designation through the Habitat Regulations Assessment process.*

*The HRA process must be based on a demonstration of legal and scientific and be undertaken with a ‘precautionary’ approach. All mitigation must be legally securable through the planning process for the lifetime of the development.*

*Notes in respect of HRA:*

*Additional detailed information on current and proposed replacement shared foul water management system – as included within this application is noted.*

- The proposal is for the creation of THREE new residential dwellings with associated increase in residential foul water flows.*
- All foul water from current residential dwellings and occupation and the additional foul water from the proposed 3 dwellings is to be managed by a new private, shared foul water treatment system (Package Treatment Plant).*
- As with the existing system the final outfall from the new shared PTP system will outfall directly in to the River Frome – a primary tributary of the River Lugg SAC.*
- The existing outfall will be reused and no works potentially impacting species associated with the River Lugg SAC (eg Otters) are identified.*
- The replacement private PTP system will continue to be managed through a maintenance contract and relevant tenant legal agreements with the Housing Association that operates the site. This Housing Association is the responsible body and holds the required EA discharge permit.*
- Supplied information, licences and testing demonstrates that the new PTP system proposed will achieve a significant reduction in final Nutrient (Phosphate) levels in final outfall to the River Frome (Lugg Catchment). The figures supplied indicate, even allowing for flows from 3 additional dwellings a reduction of 92% in P levels at outfall will be achieved.*

- *The development will provide a secured reduction in Phosphate levels discharged in to the Lugg SAC hydrological catchment.*
- *The new PTP system as detailed in the application can be secured for installation and connection through a relevant condition on any planning permission granted.*
- *The continued management and ‘responsible body’ for the new shared PTP system can be secured by condition on any planning permission granted.*
- *The continuing operation of the new private shared foul water treatment system will include the legal requirement for Discharge Permit issued, monitored and enforced by another Competent Authority – Environment Agency and so this specific ‘effect’ of the project being granted planning permission is not within the purview of the LPA – after initial consideration within the HRA process.*
- *Any additional surface water created by the approved development can be managed through appropriate on-site soakaway-infiltration feature. The surface water management can be secured by condition on any Planning Permission granted.*

*The HRA appropriate assessment completed by the LPA should be subject to a formal ‘No Objection’ response from Natural England PRIOR to final grant of any Planning Permission.*

*Suggested Conditions:*

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

*Unless otherwise approved in writing by the planning authority all of the foul water created by existing residential occupation of Canon Frome Court and additional flows created by the development approved under this permission, shall discharge through connection to a new shared, private Package Treatment Plant (Otto Graf KLARO E - sequencing batch reactor with phosphorous precipitant) with a final direct outfall into the River Frome. The installed system shall hereafter be managed and maintained by Windflower Housing Association as the legally responsible body.*

*Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.*

*Habitat Regulations (River Lugg (Wye) SAC) – Surface Water*

*Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite soakaway infiltration systems.*

*Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.*

*Additional Ecology Comments:*

*The Initial ecology assessment report (August 2020) and subsequent detailed survey report (including detailed bat assessments and survey results (February 2021) - both by Pure Ecology are noted and refer.*

*The detailed bat report includes confirmation that a relevant Higher Status Protected Species ‘development’ Licence will be required to support proposed development works. The potential impacts on locally roosting Horseshoe bat flight lines is noted. The detailed proposals for mitigation and compensation within the supplied February 2021 report appear relevant and appropriate to ensure there are no overall effects on the conservation status of any bat species due to the proposed development. As the development could impact a locally and regionally significant Horseshoe bat roost regular monitoring and reporting on both summer and winter hibernation roosting of Horseshoe species after development has been completed would be a reasonable requirement to ensure mitigation measures have been successful. Annual reporting*



of roost counts (summer and hibernation) undertaken should be secured through a relevant condition for a minimum of 5 years after first occupation of the approved dwellings.

#### *Ecological Protection & Biodiversity Net Gain*

*The ecological protection, mitigation, compensation and working methods scheme including the detailed bat mitigation measures and management of any new lighting features, as recommended in the ecology report by Focus Ecology dated February 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the local planning authority.*

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.*

#### *Ecological monitoring and reporting*

*For a period of 5 years after first occupation of any dwellings approved under this permission detailed bat survey reports of Horseshoe bat numbers (and any other species recorded) for summer roosting and winter hibernation counts completed to National Bat Monitoring Programme methodology, shall be submitted to and acknowledged in writing by the local planning authority. The survey results shall also be submitted to the Bat Conservation Trust and Herefordshire Biological Records Centre. The survey results for the previous 12 months shall be submitted to the LPA no later than the 31<sup>st</sup> March.*

*Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.*

*In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations all developments should provide a clear and sustainable biodiversity net gain for the lifetime of the development. A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any construction above damp proof course that is based on final plans and designs approved is requested.*

#### *Nature Conservation – Biodiversity and Habitat Enhancement*

*Prior to first occupation of any one of the approved dwellings an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located 'fixed' habitat features such as habitat boxes supporting a range of bird species, additional bat roosting features and hedgehog homes located on land under the applicant's ownership shall be supplied for written approval by the planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.*

*Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3".*

#### **4.8 Housing Partnerships/Strategic Housing – Support**

*"I refer to the above planning application and would advise that the applicant has been in discussions with Strategic Housing with regards to the conversion and creation of three new dwellings. Strategic housing is in support of their application. If the local planning authority is*

satisfied that the development can be considered under Policy H2 – Rural exception sites, then it is not unusual for affordable housing to be subsidised by open market units. Rural exception sites are costly to bring forward and with this scheme the added costs of the grade 2 listed buildings to convert. Windflower housing association is a cohousing community. Their decision to provide affordable housing will allow additional members, with a local connection, that are not able to access cohousing affordable home ownership the opportunity to join the community”.

#### 4.9 **Environmental Health (Housing) – No objections/Informatives recommended**

“The comments below from the Environmental Health Housing team are informative. They are to assist the applicant, and to save time and money should the application go ahead. They are provided to assist any future occupants of these flats, including the housing landlords, and to prevent complaints to the Environmental Health Housing team, who enforce the Housing Act 2004, and other Acts of Parliament in relation to domestic premises. We inspect against 29 Hazards, and all of these premises should be free of Category 1 Hazards, under Part 1 of the Act. Comments:

1. Damp and Mould Growth (Hazard 1) - Extraction systems in kitchens and bathrooms in this application must be suitable and sufficient to prevent build-up of black mould.

2. Fire safety (Hazard 24) - The building will have to comply with the fire safety requirements of the Housing Act 2004. An appropriate automatic fire detection system complying with BS5839:2013 should be fitted to cover the development. The proposed plans should include for 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. There needs to be sufficient fire separation between any adjoining properties and between floors.”

### 5. **Representations**

#### 5.1 **Stretton Grandison Group Parish Council – Support**

“Stretton Grandison Group Parish Council wish to support these applications as they comply with the NDP.”

#### 5.2 **Press/Site Notice – No response**

5.3 Consultation responses can be viewed on the Council’s website using the following link:-  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=210865&search-term=210865#tab1](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210865&search-term=210865#tab1).

Internet access is available at the Council’s Customer Service Centres, details of which can be viewed by the following link:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

### 6. **Officer’s Appraisal**

#### *Procedural Note*

6.1 It is highlighted to members that the proposed works require consent under different regimes. Therefore, there are two applications to be considered by the committee. The first is for Planning Permission (210865), in accordance with the provisions of the Town and Country Planning Act (1990). The second is for Listed Building Consent (210866), in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. The two applications are considered in turn within this report.

#### *Policy Context*

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 6.2 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.” In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The Stretton Grandison Group NDP has passed a successful public referendum and is formally awaiting adoption. In line with paragraph 48 of the NPPF, which itself is a significant material consideration, full weighting can be afforded. A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.3 Members are advised of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 33 of the NPPF 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 9 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 entirely consistent with guidance set out in the NPPF. As such, they can be attributed significant weight.
- 6.4 The NPPF sets out that all planning decisions should apply the presumption in favour of sustainable development. The manner in which this should be applied is defined at Paragraph 11 of the NPPF. Paragraph 11(c) directs that proposals which accord with an up-to-date development plan should be approved without delay. At 11(d), the framework states 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 8, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date. At the time of this report being written, the Council can demonstrate a five-year housing land supply (6.9 years as of 1 April 2021). This means that the housing policies in the adopted Core Strategy can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed ‘out of date’. It is noted that the Stretton Grandison Group NDP has also passed a successful public referendum and as a result, paragraph 14 of the NPPF is not engaged.
- 6.5 In assessment of these applications, members are directed to the statutory duties of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **Assessment of Planning Application P210865/F**

### *Principle of development*

- 6.6 Canon Frome is an RA2 settlement within the Council’s Core Strategy as a other settlement identified for proportionate housing growth (Fig 4.15 settlement). The emergence of the Stretton Grandison Group NDP has shifted how the principle of development is assessed. The site is located outside of the settlement boundary identified for Canon Frome within the Stretton

Grandison Group NDP, and would not accord with Policy SG1 of the NDP. As such, your officers view that Core Strategy Policies RA3, RA5 and H2 therefore apply given this open countryside location and what the application has been brought forward on. The NDP also has a specific Policy (SG3) to deliver affordable housing at Canon Frome Court, for up to 8 units. To accord with this policy, proposals should ensure that development remains sympathetic to its context, protects and enhances protected species, and is of a suitable scale to support local housing needs. This is consistent with the guidance contained in Section 5 of the NPPF.

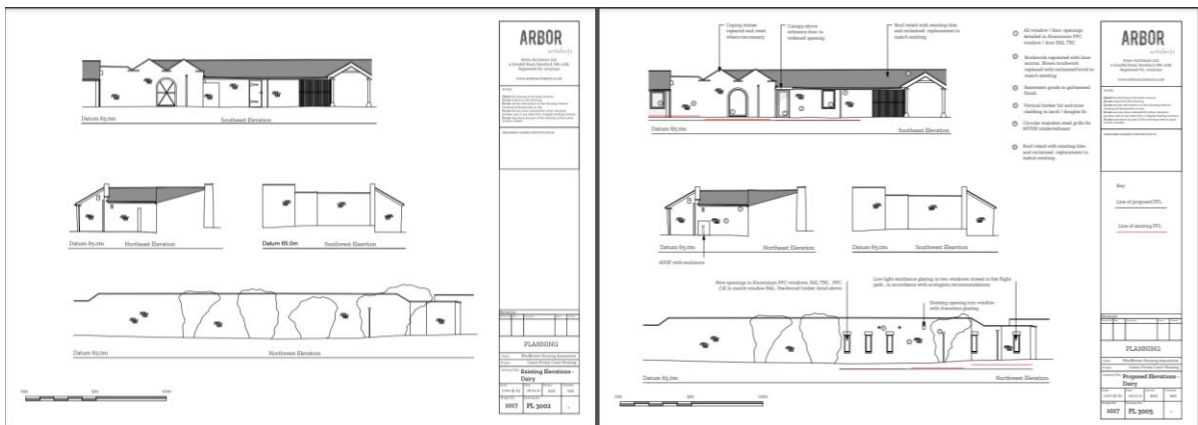
- 6.7 Policy RA3 of the Core Strategy sets out the seven criterion that supports in principle new residential development in open countryside locations. This includes the sustainable re-use of redundant or disused building(s), where they comply with Policy RA5, and leads to an enhancement of their immediate setting. Another criterion under Policy RA3 refers to rural exception housing, in accordance with Policy H2, which the policy can allow for open market dwellings to subsidise affordable housing being delivered in rural areas that may not normally be released for housing, provided it can evidently meet a proven local need. Principally, the application is assessed in accordance with Policies RA3 and RA5, although assessment against Policy H2 is also made below.
- 6.8 Windflower Housing Association is a co-housing community. They provide affordable housing through allowing prospective members, with a local connection, the opportunity to join. Those who join purchase one of the homes on a 999-year lease, just as they would any other leasehold home, and may sell the home when they wish to leave, to an approved buyer. In the absence of an available capital grant to build affordable housing, the applicant has prepared a detailed business plan which demonstrates how affordable units can be delivered on the site. The report submitted demonstrates that initially, two open-market dwellings will be required to fully cross subsidise one affordable, shared ownership dwelling. It is understood that once a loan for construction has been paid, the intention to use rental revenue from the affordable unit to potentially fund further affordable units in future.
- 6.9 Members are directed to the comments raised by the Council's Strategic Housing team who are in support of their application. Officers consider the proposal aligns with Policy H2 of the Core Strategy in that the site would still respects the characteristics of its surroundings, subject to good design, and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2. The proposal will assist, to a modest extent, in meeting a proven local need for affordable housing, provided that this is retained in perpetuity for local people in need of affordable housing. This can be secured through completion of a S106 agreement. Nevertheless, the application is principally to be assessed against Policy RA5 of the Core Strategy and given the nature of the proposals, and that Policy RA5 encompasses multiple technical considerations, it is therefore necessary to consider these material considerations in turn, before reaching a formal view and recommendation.

#### *Design, Appearance, Layout and Scale*

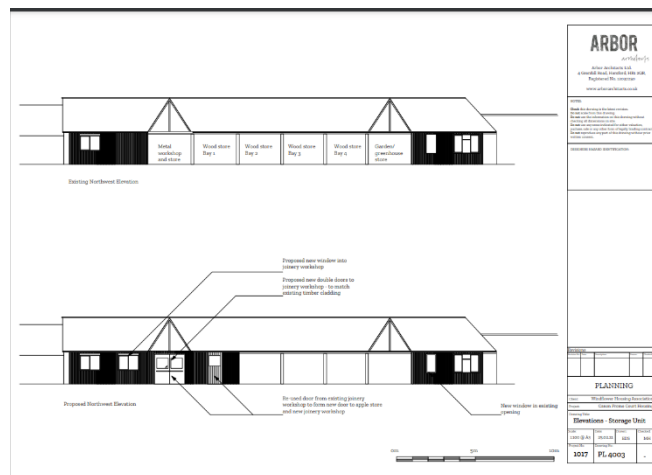
- 6.10 In relation to the proposed design, the main design drivers are low energy, affordable and being embedded in the community. The design is low energy in its operation and construction. The homes created are to be low cost to build and maintain and that the homes form a cohesive part of the existing community. In architectural terms, the existing 'walled enclosure' is a strong design feature throughout the site defining the site's architecture, as it is often punctured through to access spaces behind. It also sometimes provides the base for a lean-to structure and in other instances is integral to a cottage built along the wall. The wall creates its own micro climates on the other side, with the south-side capturing sunlight and providing good growing spaces. Simple, carefully created agricultural buildings are a feature of site which sits comfortably next to the more formal grandeur of the house and the church, adopting a level of finesse to their detailing that is based in its craftsmanship.
- 6.11 The design proposals are shown below:



Existing and Proposed Elevations (Workshop)



Existing and Proposed Elevations (Dairy)



Existing and Proposed Elevations (Storage Units)

6.12 In relation to the workshop externally, existing openings are reinstated with modest alterations. Materials such as the proposed sinusoidal corrugated metal roof and hardwood timber windows and doors match the aesthetic of the adjacent greenhouse, particularly at the south elevation. Rooflights are kept to a minimum and all brickwork is to be repointed with lime mortar to which any blown brickwork will be replaced with reclaimed brick to match existing. New horizontal timber cladding is proposed to the east and west elevations to improve existing and the roof is to be relaid with existing tiles and reclaimed, if needing replacement, to match existing. Vertical douglas fir cladding will infill an existing doorway with brick plinth below at the north elevation.

- 6.13 In relation to the dairy externally, the roof is to be relaid with existing tiles and reclaimed replacements to match existing. Coping stones will be repaired and reset where necessary with a canopy above the entrance door in a widened opening at the south-east elevation. A number of new openings (in aluminium PPC windows) are proposed to the north-west elevation with existing openings made into windows.
- 6.14 In relation to the storage unit externally, a proposed new window into the new joinery workshop is proposed at the north-west elevation, along with new double doors to match existing timber cladding, as well as the infill of an existing wood store bay with a new door and a new window in an existing opening.
- 6.15 The proposed alterations have very much been dictated by the scale and proportions of the existing buildings themselves. New additions, such as the replacement of the 'Emporium' to the south of the workshop are designed to strike a careful balance between living requirements and the proximity and massing of surrounding structures. To this effect, openings are largely kept as existing, unless where additional openings or enlargements are required to accommodate living spaces, reflecting the size of existing openings and have maintained a similar architectural styles e.g. hardwood lintels to new openings demarcating the new from the old. The prominence and integrity of the historic walls running through the site have been maintained by keeping connecting roof heights below the capping stone along the top of the walls and keeping any new penetration to an absolute minimum. Windows are set back as far as reasonably possible to maintain an agricultural character rather than domesticated appearance. All dwellings are single storey, with living spaces, bedrooms and bathrooms all on one level.
- 6.16 In terms of the design, appearance, layout and scale of the proposals, the development is considered to respect the height, scale and proportions of surrounding buildings and should be able to successfully integrate the built form into the existing context rather than dominate the local vernacular. Design proposals clearly respect the character and significance of the redundant and disused buildings and demonstrate that it represents the most viable option. The buildings are clearly of permanent and substantial construction capable of conversion without major/complete reconstruction, and are capable of accommodating the proposed new use without need for substantial alteration or extension. As such, the proposals are viewed to accord with the relevant aspects of Policies SS6, SD1, LD1 and RA5 of the Core Strategy, Policies SG7 and SG8 of the Stretton Grandison Group NDP and is consistent with Sections 2, 5 and 12 of the NPPF, with particular regard to Paragraph 130.

### *Sustainability*

- 6.17 In terms of the proposed sustainability credentials, living a sustainable and low carbon lifestyle is an important driving force for the community living at Canon Frome Court and a key aim for the proposed development. In terms of materials, given this is an application to convert existing outbuildings, the retention and repair of existing materials is proposed to be undertaken as much as practically possible and the use of natural materials is proposed to achieve a significant uplift in thermal performance, whilst ensuring the building can breathe and ventilate in the way it was designed to do so such as use of wood wool, hemp and cork which provides a low carbon solution to upgrading the building fabric.
- 6.18 In ensuring good ventilation and a constant supply of fresh, pre-warmed air, each unit will be fitted with a Mechanical Ventilation and Heat Recovery Unit (MVHR). A MVHR protects the building structure from moisture damage through condensation build-up.
- 6.19 An air source heat pump is also proposed to each unit, to be located within sheltered casing which screens them from sight and buffers them acoustically.
- 6.20 The proposed measures are considered to be proportionate in the context of the scale of the development proposed and that the proposals accord with the relevant aspects of Policies SS7

and SD1 of the Core Strategy, which is consistent with Section 12 of the NPPF, and Policies SG7 and SG8 of the Stretton Grandison NDP.

### *Heritage*

- 6.21 The site is sensitive to development, but remains suitable for a carefully considered conversion scheme that can enhance the site, protect the future of the historic estate and positively contribute to the character and appearance of the wider area. It is considered that development must not lead to the detriment of the character and appearance of this historic estate and landscape or its assets. Key to these assets is the interrelationship of landscape and built form, especially to wider distant views that take in the church, court, fields and tree cover. Nearby listed buildings have a strong interrelationship with each other, the landscape and wider estate built-form. Unfortunately, a lack of investment in the 20<sup>th</sup> century and change of use to a school from the 1950s resulted in the loss, adaption and reconfiguration of some of the estate buildings and built features as well as the gradual degradation of the formal parklands. The change of use to the housing co-operative, builds on the successful custodianship during the 17<sup>th</sup> century to late 20<sup>th</sup> century with investment in the building and despite such considerable changes, much of the estate has retained its historic context.
- 6.22 The proposed conversion of the building ranges under consideration will obviously have an impact on the site with changes to elements of internal layout, but with very minimal loss or impact on historic fabric in the view of officers. The significance of the site will be preserved but the character of the estate enhanced. The success of any redevelopment ultimately needs to respect the character and appearance of the estate, the historic nature of the site, the landscape setting and setting of its heritage assets. The proposed alterations are viewed by officers to have been designed based on a full understanding and appreciation of the historic development of the site and its architectural character. These proposed changes however respect the materials, form, massing and scale of the building and have paid attention to the interrelationship of the landscape setting.
- 6.23 A heritage statement has been submitted to support the application, in line with Paragraph 194 of the NPPF. It concludes that there will be an impact on the historic buildings in their proposed conversion, but this impact will be 'overwhelmingly positive. It is viewed that through the retention and conservation of the historic working buildings in their conversion to a new residential use, the setting of these buildings will remain unaltered by their conversion and adaption. Rather it is any ancillary work to accommodate a new use, such as access and car parking that could have a potential impact on setting and character. For a scheme to work, it will need to lead to less than substantial harm. In applying the paragraph 202 test of the NPPF, officers would consider there to be two clear public benefits. Firstly, a sustainable new use of the buildings which although not unique, avoids the buildings falling into total disrepair. Secondly, and what is perhaps more applicable from a local perspective, is the tenure of affordable housing which has a positive impact on maintaining the viability and vitality of this community and the local economy, providing social and economic benefits. It is for this reason that officers consider that these benefits would outweigh the less than substantial harm which has been identified by the Council's Building Conservation Officer in their objection.
- 6.24 As such, the conserving and modest enhancement of the buildings will improve the relationship with designated heritage assets and the estate landscape, according with Policies SS6, RA5, LD1 and LD4 of the Core Strategy, which is consistent with Sections 12 and 16 of the NPPF, as well as Policy SG7 of the Stretton Grandison Group NDP.

### *Landscape*

- 6.25 In terms of landscape, it is recognised that the site is predominately a farming community, to which use of the land surrounding the site is productive or grazing land. There is informal planting and lawned areas which form communal recreation spaces around the site and these are

managed collectively by the community. Of course, the new units to be converted are already established within the landscape setting, and so the approach is to enhance further the landscaping that already exists.

- 6.26 Regarding the Dairy, a new gravel strip is proposed around the base of the walls, to allow for improved drainage and protect the historic brickwork. The rear of wall of the dairy will also be enhanced with bat friendly species. To protect the main route that the bats use at dusk, over the wall to a Yew tree, it is proposed to plant an evergreen hedge and extend this beyond the wall, to the line of the track, providing a shaded route to feeding grounds.
- 6.27 Regarding the workshop, it currently faces onto the access track to the north and backs onto a partially enclosed productive garden. The entrances are to be reorientated to be located on the south side, through the communal garden area. Again a gravel strip is to be installed around the based of the building and to the north, this will be bounded by shade tolerant bulbs and shrubs. To the south, a new hoggin path leads off the access track to the entrance of the dwellings with stone paving directly outside will mark entrances visually and provide a firm level surface. A small planting bed is also proposed to mark the interface between the communal space and the entrance to the dwelling.
- 6.28 The proposed modest landscaping enhancements taken together would not adversely affect the character or appearance of the buildings or have a detrimental impact on its surroundings and landscape setting. From a landscape perspective, the proposals accord with Policies SS6, RA5 and LD1 of the Core Strategy, which is consistent with Sections 12 and 15 of the NPPF, as well as Policies SG5, SG7 and SG8 of the Stretton Grandison Group NDP.

#### *Highways*

- 6.29 Access arrangements remain unaltered. All vehicles owned by the community and visitors park in one of two car parking areas – either directly in front or behind the main house, although there is vehicle access around the site allowing vehicles to reach other units/fields. Members will note that the highways area engineer raises no objections to the proposals, subject to a condition detailing vehicle access construction, which is viewed to be reasonable in this instance.
- 6.30 Storage for bikes is already provided within several outbuildings around the site, meaning there is already provision in place and there is also a car club operation already in place here.
- 6.31 It is considered that the proposals would not lead to an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. The proposal would accord with Section 9 of the NPPF which is consistent with Policies SS4 and MT1 of the Council's Core Strategy and Policy SG8 of the Stretton Grandison Group NDP.

#### *Ecology*

- 6.32 The application in this case is supported by an ecological survey of the site and its environs. The supplied report has considered impacts and has set out a range of mitigation measures. The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the scheme into conflict with policy. A range of conditions are recommended to secure implementation of the report's recommendations, as well as secure further details including implementation of biodiversity enhancements, to ensure biodiversity and protected species are accounted for.
- 6.33 Subject to the implementation of this, no policy conflict is found with Policies LD2 or LD3 of the Core Strategy, which is consistent with Section 15 of the NPPF and Policy SG5 of the NDP.

#### *Drainage*



- 6.34 All foul water from the current residential dwellings occupied at Canon Frome Court and the additional foul water from the proposed 3 dwellings will be managed by a new private, shared foul water treatment system (Package Treatment Plant). As with the existing system the final outfall from the new shared package treatment plant system will outfall directly in to the River Frome – a primary tributary of the River Lugg SAC. The replacement private package treatment plant system will continue to be managed through a maintenance contract and relevant tenant legal agreements with the Housing Association that operates the site. This Housing Association is the responsible body and holds the required Environment Agency discharge permit.
- 6.35 The new Package Treatment Plant system as detailed in the application can be secured for installation and connection through a relevant condition on any planning permission granted. The continued management and ‘responsible body’ for the new shared Package Treatment Plant system can be secured by condition on any planning permission granted. The continuing operation of the new private shared foul water treatment system will include the legal requirement for Discharge Permit issued, monitored and enforced by another Competent Authority – Environment Agency, and so this specific ‘effect’ of the project being granted planning permission is not within the purview of the Local Planning Authority.
- 6.36 Any additional surface water created by the approved development can be managed through appropriate on-site soakaway-infiltration feature. The surface water management can be secured by condition on any Planning Permission granted.
- 6.37 On that understanding, it is therefore proposed to manage foul and surface water arrangements accords with the hierarchal approach endorsed by Policies SD3 and SD4 of the Core Strategy, which is consistent with Section 14 of the NPPF and Policy SG8 of the NDP. No policy conflict is hence found, subject to technical details being secured by condition.

#### *Habitats Regulations Assessment*

- 6.38 With respect of the Council’s duties under the Conservation of Habitats and Species Regulations, the site here lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). Members will no doubt be aware however that the River Lugg is currently failing its conservation targets for phosphate levels. Following a 2018 judgement in the Court of Justice of the European Union on the interpretation of the Habitats Directive (‘The Dutch Case’), it has been clarified that where a site is failing its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects. In essence, this means that the Council is currently unable to positively assess applications in the Lugg catchment unless it can be shown with certainty that they would have a neutral impact upon the integrity of the designated site.
- 6.39 The proposal in this case would lead to the generation of additional phosphates contained in foul water created as a consequence of residential occupation. Although this would be managed through a package treatment plant, treatment methods are not effective at fully removing phosphate and hence the outfall from the plant will still contain residual nutrients in this sense. The discharge of this to the local environment is such that that there is a potential pathway for the development to have a ‘likely significant effect’ on the integrity of the designated site which requires appropriate assessment in accordance with Section 63 of Habitats Regulations.
- 6.40 For the purpose of determining planning applications, the LPA is the competent authority in the application of the Habitats Regulations. In response to the failing status of the River Lugg, it has published a number of position statements setting out the approach to be taken towards proposed development within this catchment which is informed by the advice of Natural England as the relevant statutory body. As above, the broad thrust of the advice is that development can only be permitted where it can be shown with certainty to have a neutral effect upon the integrity of the designated site: <https://www.herefordshire.gov.uk/downloads/file/22149/position-statement-update-april-2021>

- 6.41 With regards to proposals that utilise package treatment plants with discharge to drainage fields within the Lugg catchment area, the guidance sets out that these would have a low risk of phosphorus having any effect on the designated site provided certain criteria are met. These criteria apply in the case of small discharges (less than 2m<sup>3</sup>/day) and are as follows:
- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
  - b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
  - c) The drainage field is in an area with a slope no greater than 15%, and;
  - d) 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;
  - e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3m and;
  - f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
  - g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.
- 6.42 The scheme provides a foul water management system which complies with the criteria above. The replacement private package treatment plant system will continue to be managed through a maintenance contract and relevant tenant legal agreements with the Housing Association that operates the site. This Housing Association is the responsible body and holds the required EA discharge permit. Supplied information, licences and testing demonstrates that the new system proposed will achieve a significant reduction in final Nutrient (Phosphate) levels in final outfall to the River Frome (Lugg Catchment). The figures supplied indicate, even allowing for flows from 3 additional dwellings a reduction of 92% in P levels at outfall will be achieved. The development will provide a secured reduction in Phosphate levels discharged in to the Lugg SAC hydrological catchment. The new PTP system as detailed in the application can be secured for installation and connection through a relevant condition on any planning permission granted. The continued management and 'responsible body' for the new shared system can be secured by condition on any planning permission granted. The continuing operation of the new private shared foul water treatment system will include the legal requirement for Discharge Permit issued, monitored and enforced by another Competent Authority – Environment Agency and so this specific 'effect' of the project being granted planning permission is not within the purview of the LPA – after initial consideration within the HRA process. Any additional surface water created by the approved development can be managed through appropriate on-site soakaway-infiltration feature. The surface water management can be secured by condition on any Planning Permission granted.
- 6.43 The proposal for 3 no. dwellings means the development would generate foul water discharges below the 2m<sup>3</sup>/day threshold and the management system has been designed specifically to avoid conflict with any of the relevant requirements. The Council's Ecologist is however ultimately responsible for assessing the proposal with regards to the Habitats Regulations and he has completed an Appropriate Assessment as required by Section 63 of the regulations. The assessment has regard to the information and evidence supplied by the Applicant, as well as GIS data supplied to the Council by Natural England. The assessment concludes that the scheme as presented would comply with the relevant criteria and hence there would be no pathway for foul water generated by the development to have an adverse impact on the integrity of the River Lugg and River Wye SAC. Likewise, the surface water management arrangements are appropriate to ensure there is no pathway for impact by this means either.
- 6.44 This assessment has been subject to consultation with Natural England and their response confirms that they agree with the Council's conclusion that the development would have no adverse impact on the integrity of the River Lugg or River Wye SAC, subject to conditions being

imposed to secure the drainage arrangement in perpetuity. The scheme is hence considered to safeguard water quality and designated conservation sites and there is no conflict with development plan policies LD2 and SD4, which is consistent with Section 15 of the NPPF and Policy SG5 of the NDP, or the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended).

#### *Other considerations*

- 6.45 It is considered that given this open countryside location, the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts or adverse harm to residential amenity, according with Policy SD1 of the CS, which is consistent with Paragraph 130 and 185 of the NPPF and Policy SG8 of the NDP.
- 6.46 Bins are stored communally on site, within easy reach of both the Dairy and Workshop conversions.
- 6.47 The comments raised by Environmental Health (Housing) are noted and can duly be attached as a relevant informative to any decision notice, should the application be approved.

#### *Planning Balance*

- 6.48 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. As discussed in the principle of development, after discussing the material technical considerations, it is now appropriate to assess Policy RA5 in coming to the view as to whether the proposal is acceptable, therefore establishing the principle of development and whether the application clearly aligns with the adopted development plan.
- 6.49 The proposals would not require a complete re-build, with the designs respecting the character of the expansive rural area. It is unlikely any other viable option would be accepted which would be a long-term solution without necessitating demolition, which would then be seen as contrary to policy. The only 'significant' alteration would necessitate the replacement of existing extensions on the existing footprint which your officers' identify as a reasonable alteration, along with small changes to the existing fenestrations. The design also proposes to provide valuable wildlife habitats including legally protected species including bats and barn owls. The representation received from the ecologist notes the ecological report and to secure enhancement, a relevant Condition is affixed to the recommendation to ensure the recommendations outlined in that report are adhered to. The proposal does not contradict with neighbouring uses, which are a mixture of residential and agricultural uses.
- 6.50 Ultimately, officers consider the buildings are capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would not adversely affect the character or appearance of the buildings or have a detrimental impact on its surroundings and landscape setting.
- 6.51 Whilst it is noted that the Council's Building Conservation Officer continues to object to the proposals, in identifying less than substantial harm, your officers consider that the delivery of a low-cost affordable unit to meet local need, should outweigh the harm identified and that is a clear public benefit. The principle of development would therefore be accepted in that the application accords with Policies RA3, RA5 and H2 of the Core Strategy, which is consistent with Sections 5, 12 and 16 of the NPPF, and Policies SG3, SG5 and SG8 of the NDP. A condition is also recommended to ensure the retention of the affordable unit approved.
- 6.52 Further to your officers' assessment of this proposal, the specific details of the proposal do not give to any other material harm or conflicts with the policies of the development plan to which

where conflict has been identified, principally from a heritage standpoint, there are clear public benefits identified which are considered to outweigh the less than substantial harm identified when applying the paragraph 202 test. Overall, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development. The scheme benefits from the positive presumption and it is recommended that planning permission be granted, subject to the conditions set out in the first recommendation.

### **Assessment of Listed Building Consent Application P210866/L**

- 6.53 The second application is for listed building consent and that the proposals are the same as those subject to planning permission above. The main issues to consider, in determining the application for Listed Building Consent, is the impact of the works upon the building's significance and any features of special architectural or historic interest it possesses.
- 6.54 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that in considering whether to grant listed building consent for works which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As well as the duties imposed by Section 16, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 directs that any determination made under the Planning Acts must be carried out in accordance with the development plan, unless material considerations indicate otherwise. In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The Stretton Grandison Group NDP has passed a successful public referendum and in line with paragraph 48 of the NPPF, itself a significant material consideration, can be afforded full weighting.
- 6.55 The site is sensitive to development, but remains suitable for a carefully considered conversion scheme that could enhance the site, protect the future of the historic estate and positively contribute to the character and appearance of the wider area. Development must not lead to the detriment of the character and appearance of this historic estate and historic landscape or its heritage assets. Key to these assets is the interrelationship of landscape and built form especially to wider distant views that take in the church, Court, fields and tree cover. Nearby listed buildings have a strong interrelationship with each other, the landscape and wider estate built-form. A lack of investment in the 20<sup>th</sup> century and change of use to a school from the 1950s resulted in the loss, adaptation and reconfiguration of some of the estate buildings and built features as well as the gradual degradation of the formal parklands. The change of use to the housing co-operative builds on the successful custodianship during the 19<sup>th</sup> century to late 20<sup>th</sup> century with investment in the building and despite such considerable changes, much of the estate has retained its historic context.
- 6.56 The proposed conversion of the two historic building ranges in question will obviously have an impact on the site with a change to elements of internal layout, but with very minimal loss or impact on historic fabric. The significance of the site will be preserved but the character of the estate enhanced. The success of any redevelopment ultimately needs to respect the character and appearance of the estate, the historic nature of the site, the landscape setting and setting of its heritage assets. The proposed alterations are viewed by officers to have been designed based on a full understanding and appreciation of the historic development of the site and its architectural character. Inevitably, the proposal change the current appearance of some aspects of the site. These proposed changes have however respected the materials, form, massing and scale of the building and have paid attention to the interrelationship of the landscape setting.
- 6.57 A heritage statement has been submitted to support the application, which concludes that there will be an impact on the historic buildings in their proposed conversion, but that this impact will be 'overwhelmingly positive'. It is viewed that through the retention and conservation of the historic working building in their conversion to a new residential use, the setting of these buildings

will remain unaltered by their conversion and adaptation rather than any ancillary work to accommodate a new use, such as access and car parking that could have a potential impact on setting and character. For a scheme to work, it will need to lead to less than substantial harm. In applying the paragraph 202 test of the NPPF, officers would consider there to be two clear public benefits. Firstly, a sustainable new use of the buildings which although not unique avoids the buildings falling into total disrepair. Secondly, and what is perhaps more applicable from a local perspective, is the tenure of affordable housing which has a positive impact on maintaining the viability and vitality of this community and the local economy. It is for this reason as to why officers consider that this would outweigh the less than substantial harm which has been identified by the Council's Building Conservation Officer and why listed building consent should be granted.

- 6.58 The conserving and enhancing of the outbuildings will improve the relationship with the nearby designated heritage assets and the estate landscape in general and that the proposals accord with Policies SS6, RA5, LD1 and LD4 of the Core Strategy, which is consistent with Sections 12 and 16 of the NPPF, as well as Policy SG7 of the Stretton Grandison Group NDP.
- 6.59 The proposals are considered to be representative of sustainable development and therefore benefit from the positive presumption enshrined in the NPPF. It is accordingly recommended that listed building consent be granted as laid out in the second recommendation below.

## **RECOMMENDATION**

**Subject to the completion of the S106 Agreement to secure the delivery, retention and availability for local people of the affordable element of the scheme in perpetuity, that planning application P210865/F be granted planning permission 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**
2. **C06 – Development in accordance with approved plans**
3. **CBK – Restriction on hours during construction**
4. **CNS – The ecological protection, mitigation, compensation and working methods scheme including the detailed bat mitigation measures and management of any new lighting features, as recommended in the ecology report by Focus Ecology dated February 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.**

5. **C13 – Samples of External Materials (to include walls, roof, windows, doors and guttering/downpipes)**
6. **CAE – Vehicular Access Construction**
7. **CE3 – Vehicle Electric Charging Points**
8. **CBM – Provision of a Foul and Surface Water Drainage Strategy**

9. **CNS – Prior to first occupation of any one of the approved dwellings an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, additional bat roosting features and hedgehog homes located on land under the applicant’s ownership shall be supplied for written approval by the planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3**

10. **CK4 – Implementation (Landscaping)**

11. **CK5 – Maintenance Plan (Landscaping)**

12. **CNS – For a period of 5 years after first occupation of any dwellings approved under this permission detailed bat survey reports of Horseshoe bat numbers (and any other species recorded) for summer roosting and winter hibernation counts completed to National Bat Monitoring Programme methodology, shall be submitted to and acknowledged in writing by the local planning authority. The survey results shall also be submitted to the Bat Conservation Trust and Herefordshire Biological Records Centre. The survey results for the previous 12 months shall be submitted to the LPA no later than the 31<sup>st</sup> March.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.**

13. **CNS – Unless otherwise approved in writing by the planning authority all of the foul water created by existing residential occupation of Canon Frome Court and additional flows created by the development approved under this permission, shall discharge through connection to a new shared, private Package Treatment Plant (Otto Graf KLARO E - sequencing batch reactor with phosphorous precipitant) with a final direct outfall into the River Frome. The installed system shall hereafter be managed and maintained by Windflower Housing Association as the legally responsible body.**

**Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

14. **CNS – Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite soakaway infiltration systems.**

**Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.**

15. **CKN – Lighting**

**16. C65 – Removal of permitted development rights**

**Informatives**

- 1. **IP2 – Application Approved Following Amendments/Additional Supporting Information**
- 2. **I11 – Mud on Highway**
- 3. **INS - 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) or  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>**
- 4. **INS – The LPA would advise the applicant of the Housing Act 2004 in terms of measures to ensure the premises are free of hazards.**

**That listed building consent application P210866/L be granted subject to the following conditions, and any other further consideration considered necessary by officers named in the scheme of delegation to officers:**

- 1. **CE7 – LBC Time Limit for Commencement**
- 2. **C06 – Development in accordance with approved plans**
- 3. **CG6 – Roofing Salvage**
- 4. **CH1 – Masonry Details**
- 5. **CH4 – Pointing**
- 6. **CH5 – Repointing**
- 7. **CH8 – Joinery Works**
- 8. **CE9 – Later Approval of Details – to include details of proposed timber cladding and sample of lime mortar**
- 9. **CL1 – Colour Scheme General**
- 10. **CI2 – Rainwater Goods**

**Informatives**

- 1. **I69 – Listed Building Consent**
- 2. **I66 – Extent of Permission**
- 3. **IP2 – Application Approved Following Revisions/Additional Supporting Information**

Decision: .....

Notes: .....

.....

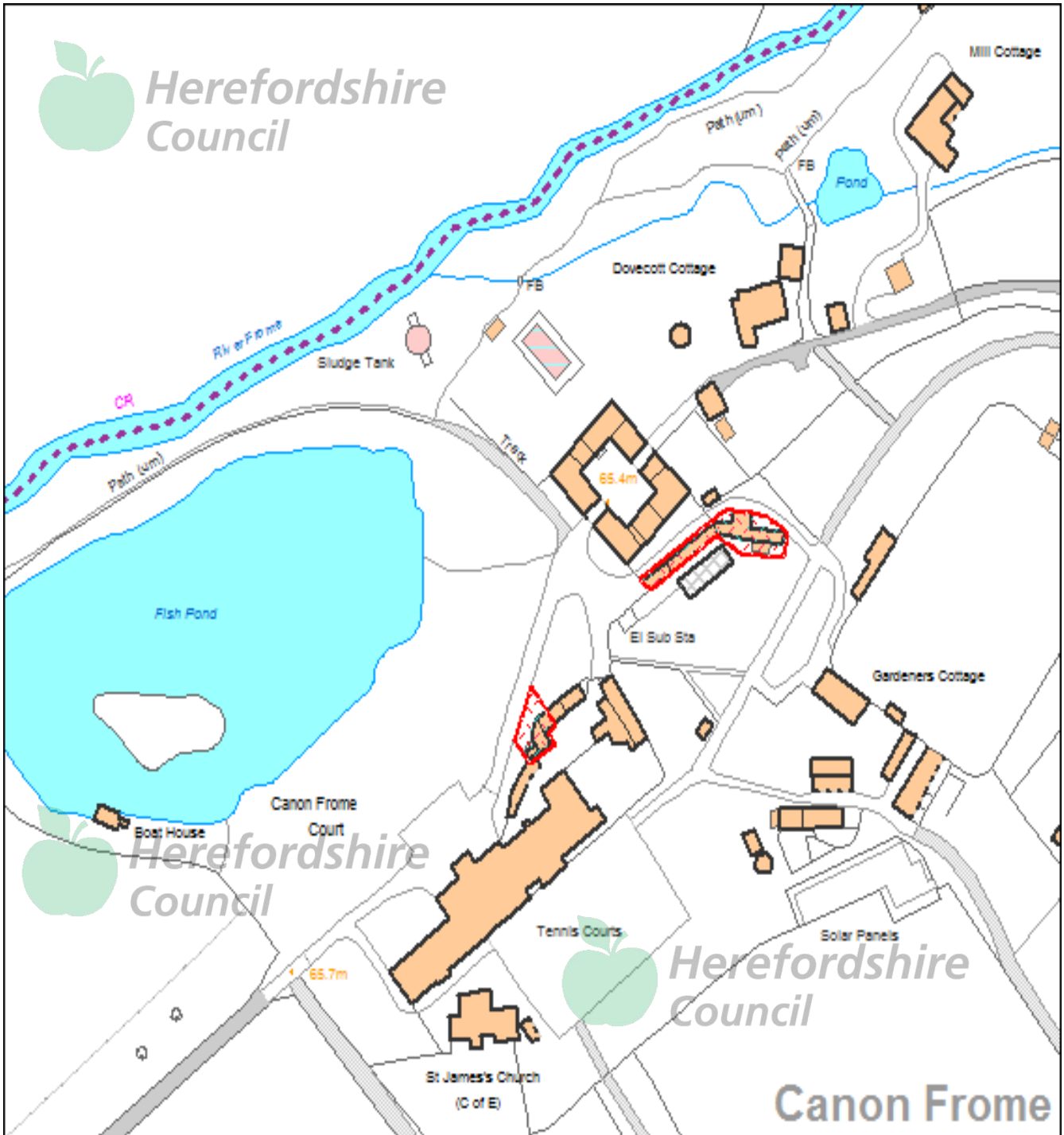
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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

## **Background Papers**

Internal departmental consultation replies.





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**APPLICATION NOS:** 210865 AND 210866

**SITE ADDRESS :** CANON FROME COURT, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TD

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