

MEETING	PLANNING AND REGULATORY COMMITTEE
DATE	23 October 2024
TITLE OF REPORT	192515 – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL (160581 – PROPOSED SITE FOR THE ERECTION OF 5 NO. FOUR BEDROOM DWELLINGS). BALANCE FARM TITLEY KINGTON HR5 3RL For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&search=192515
Reason Application submitted to Committee – Re-direction	

Date Received: 15 July 2019
Expiry Date: 25th October 24

Ward: Arrow
Local Member: Cllr Roger Phillips

Grid Ref: 332822,259747

Procedural Background

This application was originally referred to a meeting of Planning Committee on 6 September 2023. The minutes of that meeting are available on the Council's website via the following link:

<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8910&Ver=4>

The resolution of the committee was that determination of the application be deferred, as follows:

'The application is deferred to allow for a reassessment of the scale, design and layout of the proposed scheme'

The minutes of the earlier meeting note that the debate raised the following principal points:

- *The proposed red brick design was felt to be very suburban and unsympathetic to the local area*
- *A deferral of the application would allow the applicant to produce a design which was more sympathetic to the locality;*
- *There was concern regarding the height of the buildings. The ridge heights were felt to be too high and suburban in nature; and*
- *The layout of the site should be reconsidered to utilise renewable sources of energy more efficiently.*

Following the deferral, the Applicant has engaged with Officers and sought advice towards an amended scheme. It is understood that the Applicant and their professional representatives also attended a meeting of Titley Group Parish Council on 9 April 2024 to present alternative plans and receive feedback. This has led to the submission of an amended suite of plans which have been re-consulted upon in line with relevant requirements and are the basis of this report.

1 Site Description and Proposal

- 1.1 The application relates to a site in the village of Titley in the north west of the county. The site lies on the west side of the village and just to the north of the unclassified highway known as Eywood Lane (U91602). The location of the application site is denoted by the red star on the map below;

Figure 1: Site Location



- 1.2 The site is a wedge shaped parcel of land that occupies a slight depression next to the adjacent highway. It currently hosts a steel framed agricultural building and adjoining bunker which appear to be in use for general agricultural storage. A number of residential properties are found to the east of the site in the complex of converted traditional agricultural buildings known as Balance Barns. Historically these were associated with The Balance Farmhouse, which sits approximately 50m to the south east of the site and is listed at Grade II. Although not within the designated area, the site is in close proximity to the Grade II registered park and garden of Eywood. The boundary of the designated area is located to the west of the site, and the former gatehouse lodge to the park is found near to the site access.
- 1.3 The site is accessed from the south off the unclassified Eywood Lane (U91602). Eywood Lane is a 'no-through' road to the west, where it provides access to a number of dwellings, farms and the wildlife site at Titley Pools. Access from the site to the wider highways network is gained via the junction onto the B4355 approximately 100m to the east towards the centre of the village.
- 1.4 The site currently has the benefit of outline planning permission for the erection of five four bedroom dwellings. Outline permission was granted with all matters reserved in July 2016 under local authority reference number P160581/O. Reserved Matters approval in respect of access was granted on appeal in August 2019 (Local Authority Reference P181476/RM / Appeal reference APP/W1850/W/19/3225568).
- 1.5 The current application is made in line with the conditions of the outline permission and seeks approval of the outstanding reserved matters. These are appearance, landscaping, layout and scale. For the avoidance of doubt, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines each of these as follows:
- “appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

- “landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - a. screening by fences, walls or other means;
 - b. the planting of trees, hedges, shrubs or grass
 - c. the formation of banks, terraces or other earthworks
 - d. the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
the provision of other amenity features;
- “layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- “scale” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings

1.6 As noted at the start of this report, this application was first reported to Committee in September 2023. Concerns were however raised with the proposed plans during Members’ debate (in terms of design, scale, materials and renewable energy provision) and a decision on the application was consequently deferred to give the Applicant the opportunity to make amendments to the scheme. An amended suite of plans have now been received and the changes made can be summarised as follows:

- Units 3 and 4 have been ‘combined; to create a longer, continuous building range.
- The detached garage serving Plot 1 has been relocated from its previous location at the fore of the site and combined with the range of garages serving Plots 2 – 5.
- The siting of Unit 1 has been shifted to the south to compensate for relocation of its associated garage. The external materials for Unit 1 has also been amended from brick to stone with alterations made to the form and proportions of chimney detailing.
- External materials of ‘barn style’ units 1-4 have been amended to natural stone at ground floor and horizontal timber boarding at first floor level.
- Provision is now made on all plots for PV panels and Air Source Heat Pumps.
- Alterations have been made to the landscaping in associated with site layout changes, including the provision of metal estate fencing along the site frontage in lieu of timber a previously proposed.

For ease of comparison, the previous and current iterations of the plans are both shown:

Figure 2: Site Layout as previously proposed September 2023



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

Figure 3: Amended Site Layout as currently proposed August 2024:



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 1.7 The Reserved Matters submission shows five detached four bedroom dwellings, which is in line with the details established through the grant of the outline permission. The access to the site would be from Eywood Lane to the south in accordance with the details approved under application P181476/RM and this would lead to a shared driveway which extends to the north and terminates in a shared parking area at the centre of the site. The site has been designed to reflect a traditional farmyard typology with a larger 'farmhouse' style unit positioned at the front of the site near to the highways access and the remaining units being positioned behind this arranged around a central courtyard. A shared single storey garage block, finished in timber cladding under slate, is also proposed adjacent to the shared central area.
- 1.8 Plot 1 is located closest to the road and is intended to be redolent of a traditional rural farmhouse. The principal elevation of the building would be orientated to the east and accommodation would be spread across three floors. The main element of the building has a narrow span with a steeply pitched roof with a smaller projection being found to the rear. Externally, the materials palette has been amended to now predominantly feature walls of stone with a small area of brick detailing to the external chimney stack; the proportions of which have also been amended in response to Conservation advice. The roof would be of slate. Architectural details employed include a canopy porch, arched window lintels, leaded windows and timber joinery. For ease of comparison, the previous iterations of the plans and the proposal following amendments are shown below:

Figure 4: Plot 1 Elevations as previously proposed September 2023:



Figure 5: Plot 1 Amended Elevations as currently proposed August 2024:



- 1.9 The remaining units on Plots 2-5 are sited further to the north within the site and are all of a similar design which is based upon the principles of vernacular agricultural buildings. They are two storeys in height and have a simple linear form with a relatively narrow span and minimal number of protrusions. Following the earlier comments of the committee and discussion with the Parish Council, external materials have also been amended to now feature stone at ground floor levels and horizontal timber boarding above. Roofs would be of slate and fenestration would be of timber. The siting of the four units would largely be as previously proposed, although Units 3 and 4 have now been combined into one continuous structure. The dwellings have been arranged with the associated garaging block to create a courtyard typology. The garage block would be finished in timber boarding under a slate roof.
- 1.10 An example of the elevations for these units (Unit 2) are shown below:

Figure 6: Plot 2 Elevations as previously proposed September 2023:



Figure 7: Plot 1 Amended Elevations as currently proposed August 2024:



- 1.11 In terms of landscaping, amended plans have been submitted as part of the application process which show the existing earth embankment and evergreen trees which form the site's western boundary towards Eywood Park to be retained. The existing hedgerow to the north would also be retained however a group of Ash trees to the site's north western corner are proposed for removal. Gaps in existing boundary features would be infilled with new planting. To the eastern boundary a new hedgerow would be planted along with a number of scattered trees to include English Oak, Field Maple, Limes and Rowan. Internal boundaries between plots would be formed by hazel wattle fencing, with estate railing and hedgerows forming the access road.

Figure 8: Site Section as previously proposed September 2023

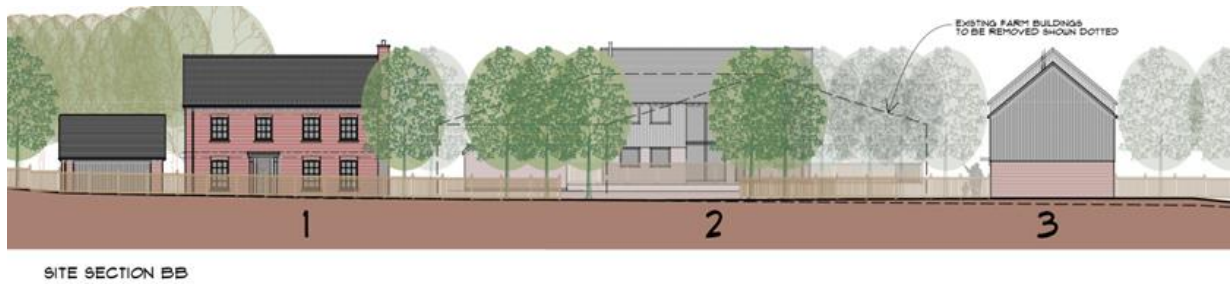


Figure 9: Amended Site Section as currently proposed August 2024:
 (NB. Foreground landscaping not shown, unlike in earlier version of plans above)



2. POLICIES

2.1 Herefordshire Local Plan – Core Strategy 2015

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

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Environmental quality and Local Distinctiveness
- SS7 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements Outside Hereford and the Market Towns
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- 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

It is highlighted to Member's that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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

2.2 The National Planning Policy Framework (December 2023)

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

The full National Planning Policy Framework can be viewed through the following link;

https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf

2.3 Titley Group Neighbourhood Development Plan (NDP)

The Titley Group NDP was made on 23 November 2023. It now forms part of the Development Plan.

The following policies from the Titley NDP are of relevance to this scheme:

- TG1: Sustainable development
- TG2: Housing needs and requirements
- TG5: Titley settlement boundary
- TG10: Infrastructure
- TG11: Renewable energy
- TG13: Landscape
- TG14: Natural Environment
- TG15: Historic environment
- TG16: Design and access

The Titley Group Neighbourhood Development Plan and relevant supporting documentation can be viewed through the following link;

<https://www.herefordshire.gov.uk/directory-record/3109/titley-group-neighbourhood-development-plan>

2.4 The Council is currently in the process of preparing a new local plan. A draft of the emerging Herefordshire Local Plan was published for Regulation 18 consultation between 25th March and 20th May 2024. At this early stage of progression, the draft plan attracts limited-to no weight.

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-2021-2041/2>

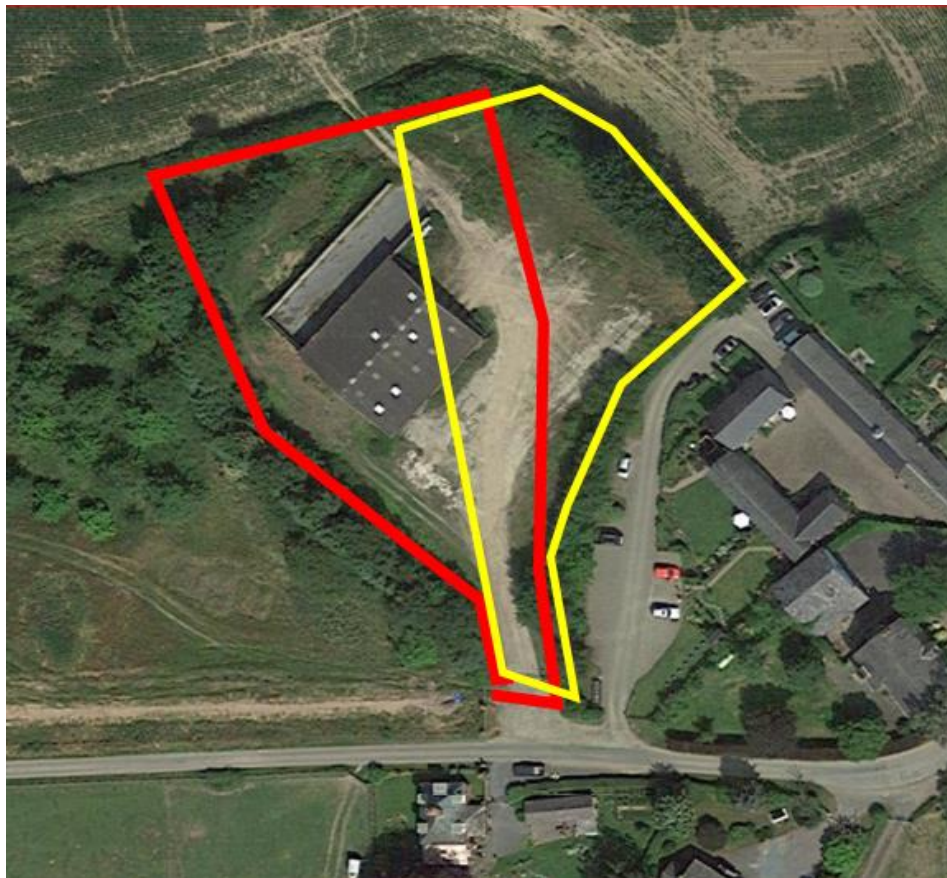
3. **PLANNING HISTORY**

3.1 The following applications apply directly to this site and are relevant to the current application;

Reference	Description	Decision
P181476/ RM	Application for approval of reserved matters following outline approval P160581/O. Access only.	Allowed on appeal – 8th August 2019 (APP/W1850/W/19/3225568)
P160581/O	Proposed site for the erection of 5 no. four bedroom dwellings (Outline – all matters reserved)	Approved 27th July 2016

The following application relates to land outside of the red line for the current application, but relates to the eastern part of the Balance Farm farmyard which adjoins Balance Barns (Fig 6).

Reference	Description	Decision
P162824/O	Site for the proposed erection of 5 dwellings.	Refused. Appeal dismissed on highways safety grounds - Jul 2017 (APP/W1850/W/17/3168668).



- Current Site – P160581/O
- Site of Dismissed Appeal – P162824/O

Figure 10 – Plan identifying current site (red) and site of dismissed appeal (yellow)
[boundaries approximate]

4. CONSULTATION SUMMARY

Statutory Consultations

4.1. **Natural England** – No Objections (Consultation May 2023)

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. This is on the basis of nutrient neutrality being secured.

Further advice on mitigation

This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The application states that the proposed development will be made nutrient neutral by purchasing credits to a constructed wetland installed at the Luston Wastewater Treatment Works. This constructed wetland has all the necessary permissions in place and has been agreed with Natural England.

Your Authority has undertaken an Appropriate Assessment, informed by a nutrient budget which concludes that the proposal will not result in adverse effects on the integrity of the River Wye SAC. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. The proposed nutrient neutrality mitigation measures must be secured as a part of the planning permission.

4.2 **Gardens Trust** – No Response

4.3 **Welsh Water** – No Objections

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

Internal Council Consultations

4.4 **Area Engineer Team Leader** – No objections

As this is a reserved matters (RM) application with the outline of development already established, comments will be kept to the RM outlined in the Application Form. This follows on from application 160581/O.

There are no layout issues from a highway perspective. The developer should include provision for cycle parking. The parking, turning and manoeuvring space as shown on the site layout plan (7218-1-20) is adequate. Detailed dimensions will be secured by condition.

Conclusion: No objection - Condition CB2, CAJ, CAT, CAQ

4.5 Conservation Manager (Ecology) – No Objections

Key Issues and Potential Pathways

The proposed development includes a mains foul sewerage connection for 5 new dwellings which will be treated at the Severn Trent Titley Kington sewage treatment works, which sits within the River Lugg SSSI/River Wye SAC catchment in which Natural England's Nutrient Neutrality applies.

The additional phosphate load generated by the proposed development has the potential to result in a likely significant effect on the River Wye SAC. A potential effect pathway has been identified and an Appropriate Assessment is therefore required.

No other potential effect pathways have been identified.

Impacts of Plan / Project

Foul Water Mains Connection – Phosphate Credit Purchase

The proposal is for 5 new dwellings under this application. The proposal has been assessed using the standard Natural England methodology and budget calculator.

Assumed occupancy is 2.3 person per dwelling (agreed as locally acceptable).
Water usage is 110L per person per day (agreed as locally acceptable).
The site is 0.3 ha.

Waste Water will be discharged from the site via a connection to mains sewer and will be treated at the Titley Kington STW Waste Water Treatment Works, which has a phosphate limit of 5 mg/l. This has been used in the calculations in line with the NE methodology.

The Waste Water P load of the development is calculated to be:

Development	5 dwellings
Occupancy	2.3 per dwelling
Additional population	11.5 people
Water usage	110l per person per day
Waste water volume	1265l per day
Receiving WwTW environmental permit	5 mg/l
Total phosphate after treatment	6325mg/TP/day
Convert mg/TP/day to kg/TP/day	0.006325 kg/TP/day
Per year	2.31 kg/TP/year

Waste Water Total Phosphate Load is 2.31 kg/TP/year.

The Current Land Use is general agricultural use

The Current P Leaching Load is 0.04 kg TP.

The Post Development Land Use is residential urban Land which equates to an Annual Phosphorus Nutrient Export of 0.5 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	2.31 kg/TP/year
Historic land use P export	0.04 kg TP

Post development P export	0.5 kg TP
Land use net change	0.46 kg TP
Phosphate budget	2.77 kg TP/year
Phosphate budget including 20% buffer	3.32 kg TP/year

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year. Mitigation is proposed in this case including the purchase of Phosphate credits and is set out in table 4 below.

Mitigation Requirements and Outcomes

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year.

The development has applied for, and received, an allocation of phosphate credits from Herefordshire Council at a cost of £14,000 per kg as follows:

$$\begin{aligned} &\text{Annual phosphorous load to mitigate } 3.32 \text{ TP/year} * \text{£14,000 per kg} \\ &= 3.32 * \text{£14,000} \\ &= \text{£46,480} \end{aligned}$$

This proposal is a valid Planning Application awaiting a positive determination subject to receipt of Phosphate Credits and the developer is prepared to enter into legal agreement with the Council through either a S106 agreement or a S106 agreement including a S111 agreement for phased development to secure the financial payment for phosphate credits.

Herefordshire Council’s Phosphate Credit Allocation Process (taken from the Council’s Phosphate Credit Pricing and Allocation Policy April 2022):

‘The Phosphate Credit Allocation Process is a staged process setting out how Phosphate credits that are generated by Herefordshire Council Integrated Wetlands can be secured by developers to offset the phosphate load of their development. The process necessitates a number of steps which can be run in tandem simultaneously. This process is monitored throughout and will span several services as well as requiring engagement with, statutory consultees, and developers themselves. Credits will only be released as they become available.

The process starts with developers working out the number of credits needed using the Council’s Phosphate Calculator Budget Tool supplied by Natural England. The developers are then kept on a list according to ‘first come first served’ policy as stated above. As credits become available and when applications are ready for determination, case officers will contact developers and provide them with an invitation to apply for credits. The developer submits this alongside their phosphate calculations, a S106 legal document and an online payment for their allocated credits. Their application is reviewed internally by Legal and Ecology and in consultation with Natural England.

Permission can then be granted or refused. If refused, developers have a set amount of time to go through the appeals procedure, credits will be held as stated above. Where permission is granted, HRA conditions are applied and they have a set amount of time and requirements they must fulfil otherwise the credits are returned to Herefordshire Council and payment is reimbursed to developers as stated above.’

Phosphate Credits in Herefordshire are being generated through the delivery, by Herefordshire Council, of a program of integrated wetlands associated with existing Waste Water Treatment

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

Works (Wwtw). The first integrated wetland was delivered in 2022 on land adjacent to the Luston Wwtw. As set out in the feasibility study for the wetland¹ 'The purpose of the wetland would be to provide enhanced treatment for removal of phosphorus from the final effluent of the Luston Waste Water Treatment Works (WWTW), to contribute to the resolution of the current embargo on housing development and to deliver nutrient neutrality for future housing.'

The aim, in creation of the Luston Integrated Wetland is reducing the Total Phosphorus (TP) in the effluent leaving the Luston WWTW from 4.24mg/L TP to less than 1mg/L TP.

The Council, working with partners, has assessed potential for integrated wetlands at 8 sites of which Luston is the first to be granted planning permission (under application 213571) and constructed. Natural England have been engaged with the development of the integrated wetland program and did not object to the planning application to create the Luston wetland for the purpose of selling Phosphate Credits.

The precautionary principle has been applied to the construction of the Luston wetland, and will be applied to any further integrated wetlands created under the project:

'To provide a robust wetland design and provide certainty, WUF applied a number of steps to ensure that the design can be considered to provide certainty under the Habitats Directive. These are outlined below and presented in the following sections:

- The primary objective of the wetland is to provide an effluent quality that leaves the wetland at less than 1mgTP/l. To achieve this, and provide certainty around the design, WUF have designed the wetland on the basis of a reduction to 0.8mg/l. This has effectively introduced a 20% buffer and over-sized the wetland to provide greater certainty in its overall future performance, thus adopting a precautionary approach.
- A water balance has been developed and the design has been tested against UK Climate Projections (UKCP) estimates for rainfall and evapo-transpiration in 2070. Understanding the water balance is essential to ensure that the wetland design is robust under current and future climate change conditions and that the hydrology of the system will not be compromised.
- Due to uncertainties with wetland design models, WUF has adopted an approach outlined in the Treatment Wetlands publication (Dotro et al., V7 2017) which recommends application of multiple models to provide sensitivity in terms of calculation of overall design.
- Continued monitoring of phosphorus and flow data at the site to provide increasing and greater understanding of the current operation of the treatment works.'
- Text taken from the WUF feasibility study.

The full technical design and modelling work for the Luston wetland can be found at in the Wetland Feasibility, Design & Offsetting Report for the Luston Wetland by Wye & Usk Foundation (May 2022).

Additionally, the precautionary principle is applied to the allocation of Phosphate Credits with 80% of the capacity generated by the creation of each integrated wetland being allocated to development and 20% of the capacity generated being allocated to providing river betterment. [HC Global Template \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/hc-global-template)

The sale of phosphate credits to developers will allow the Council to recoup its expenditure in delivering the Strategic Wetlands (and credit costs will be regularly reviewed as new wetlands are brought forward) and will also provide ongoing income for the long term management and maintenance of the wetland features.

Conclusion

On the basis of the program of integrated wetland delivery and the phosphate credit system developed by Herefordshire Council in partnership with a number of organisations including Natural England and given that the development can secure a mains drainage connection and has committed to purchasing the phosphate credits required to address the phosphate load generated by the development this proposal it is not considered to have a likely impact on the integrity of the SAC and planning permission can therefore be granted.

Recommended Conditions

1. None of the dwellings approved by this permission shall be occupied prior to the 1st August 2023.

Reason: To ensure that the Luston integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Lugg / River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006)

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

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

4.6 Conservation Manager (Landscape) – No Objections subject to conditions.

Comments following amended plans:

I am satisfied, that the applicant has amended the drawings to:

- Retain the tree belt in full to the west of the site.
- Relocate garage for plot 1 and patio for plot 2 to avoid excavation of bank and provide appropriate PRZ protection and construction methods to avoid damage to roots.

Initial Comments 2019:

Designations and constraints

- Within landscape setting of Eywood Park and Garden (Registered grade II listed C18 landscape park).
- Landscape Character – Principal Timbered Farmland.

- Traditional Orchard adjacent western boundary.
- Public Right of Way (PROW) footpath TL12 and TL13.

Impacts on Landscape

- Loss of evergreen and deciduous trees (Refer figure 3), that forms a landscape setting (Refer figure 1 and 2) to a grade II listed landscape park and landscape edge to the village of Titley.
- Loss of existing green infrastructure.

Outcome

Significant landscape setting

- Eywood Landscape Park, a grade II Historic England listed park and garden, with a predominate evergreen treed backdrop (Figure 1) that is reflected at the entrance (Figure 2) forms a visually important landscape setting.

Exposure of built form in a significant landscape setting

- The removal of an established (predominately evergreen) band of trees (Figure 3) that forms a landscape setting to Eywood Landscape Park and a distinctive landscape edge to the village of Titley (Refer figure 2) will expose buildings (Figure 4) and damage a valued landscape

Loss of existing green infrastructure

- The removal of the trees will denude the ground, exposing a bare ledge between two steep slopes increasing soil erosion and runoff.
- The trees that are proposed to be retained are vulnerable due to the bare steep slopes. It is questionable whether they will survive, therefore further increasing the exposure of buildings and further reducing the green infrastructure.
- An existing wildlife habitat will be lost.

4.7 Conservation Manager (Arboriculture) – No objection

I have viewed the soft landscaping proposals and see that the landscape officer has provided conditions to ensure they are adhered to. In light of this is I have no further comments to add.

4.8 Conservation Manager (Historic Buildings) – No objections

Final Comments August 24 – No Objections

Further to my comments of 02/07/2024, thank you for consulting me on the amended plans. I note the revised plans which are for the slight relocation of plot 1 and the garage within the site, the landscaping in a communal area adjacent to the block of garages, and the revised details to the chimney of plot 1. I note the revised drawings.

I note the amended plans and would consider that the minor changes previously suggested have been incorporated, and would consider that the amended plans have resulted in a more traditional “agricultural” layout by the re-siting of the garage and access/parking closer to the garage block.

As such I would raise no objections to the proposal on built heritage terms, and would request that the standard conditions in terms of external materials and hard and soft landscaping be considered.

Earlier Comments July 2019:

Thank you for consulting me on the amended plans, and I note the previous comments from the built heritage officer on 05/09/2019, and 14/11/2019, where there was general support for the scheme which has agricultural buildings as the design inspiration. The site has the benefit of outline consent and as such the principle of development has been established. The matters for consideration are the details of the scheme including design and materials

I note the amended plans, which are for a detached “farmhouse” and a range of barns. The design rationale for the change has been outlined in the correspondence from the agent.

Whilst having no objections to the proposed design changes in themselves, however I would request that consideration be given to a few minor changes if possible.

- The garage to plot 1 is detached and to the south of the plot, which reduces the illusion of farmhouse and barns. It would be preferable if the garage were sited adjacent to the other garages, and ideally attached to present the appearance of a single building, and the house moved southwards. This would also remove the car parking from the formal faces of the house and suggest a closer association with the other garaging, and at the same time permit a slightly larger private garden at the back of the house.
- Should the garage be moved to the north of the site. The small area of garden to plot 1 adjacent to garage for number 3, sits uncomfortably within the site, and I would have no objections if the 5 garages were moved slightly eastwards to avoid the need for fencing to the east of the garages. However if the garage door are fixed in their location due to sweeping distances, perhaps the garage could be extended to provide garden store(s)
- The design of the “farmhouse” is traditional and reflects other farmhouses in the locality and the wall to window proportions are well considered. However whilst external chimneys are found on traditional properties, they were predominantly stone and wider, or internal, with brick stacks. Could I ask that the chimney details be reconsidered to have an internal chimney breast such as Balance Farmhouse, or stone and wider such as The Stagg.
- With those 2 suggested amendments I would raise no objection to the proposal on built heritage grounds. I would suggest a condition in respect of external materials and hard surfacing be considered.

Initial Comments 2019:

The proposed design for 5 houses and garaging is generally good, taking its cues from the form of a traditional farmstead with farmhouse and regular courtyard of outbuildings. The covered walkway linking units 3 and 4 is a good way of allowing separate units assume the linear form of a more typical agricultural building. This site plan will not go against the grain of development in the settlement where complexes of similar form are present. As outline permission was granted for 4 bedroom houses, this approach to the site layout is appropriate, avoiding sub-urban cul-de-sac layouts which would not sit well within the village context.

Subject to further detail, the scale, proportions, materials and detailing of the individual units as proposed are in accordance with paragraph 127 of the National Planning Policy Framework which requires development to be in sympathy with local character and history.

This proposal would not harm the setting of grade II listed Balance Farmhouse to the south.

I refer to the comments of my colleague the Landscape Officer over the impact on Eywood Park.

The boundary treatments specified are a reasonable compromise in maintaining an overall agricultural feel to the development whilst allowing private amenity space to the dwellings.

We do ask that standard conditions on material finishes and joinery details are requested. The quality of brick used will have particular impact on the success of the scheme. A standard black Bitmac finish would not be typical of a rural village, so we would ask that a more neutral colour finish was used, or alternative hard surfacing which is more rural in character.

4.9 **Environmental Health (Contaminated Land)** – No comments

5. REPRESENTATIONS

5.1 **Titley Group Parish Council** – Objection

Representation 26th August 2024

In response to the agent's email regarding planning application 192515- Balance Farm, Titley - Amendments to address the historic Buildings Officer's comments.

The meeting held between the Parish Council, agent and applicant was at the recommendation of Hereford Planning Committee following their decision to defer any decision. This meeting could have been arranged by either the applicant, agent or indeed the Parish Council but as our NDP had just been adopted we decided to initiate a meeting. It would therefore, be expected that the Parish Council run the meeting but does not mean that the applicant/agent should not have sought to address the reasons for deferment and the non-conformance with both Hereford Councils Core Strategy and the NDP. The applicant and agent (and Architect) were given ample opportunity at the meeting to do this and in subsequent correspondence continue to disregard any 'reassessment of the scale', including both 'ridge height' and 'suburban nature design'.

The Parish Councils role at the meeting was primarily to highlight the recently adopted NDP and for the applicant and agent to consider how to address any non-conformity. It is disappointing to see that no reference is made to the NDP in either of the agents subsequent letters and that the applicant chooses not to consider smaller units either in number of bedrooms or overall size. It is not the Parish Council's role to prescribe the design, materials, size or layout but again to ask for conformity to policies within our NDP (which we have referenced in our previous submission).

With regard to the amendments made following the HBO comments, they do not address the scale of the houses and merely saying that it is appropriate to the setting does not consider local housing need nor the size of the adjacent barn conversions and housing.

The Parish Council therefore considers that our previous submission remains valid and that we continue to oppose this application.

Representation 13th July 2024:

The resolution of the Planning Committee was 'The application is deferred to allow for reassessment of the scale, design and layout of the proposed scheme'.

During consideration of the application, the committee raised the following principal points:

- 'The proposed red brick design was felt to be very suburban and unsympathetic to the locality.'
- 'A deferral would allow the applicant to produce a plan more sympathetic to the locality.'
- 'There was concern regarding the height of the buildings. The ridge heights were felt to be too high and suburban in nature.'
- 'The layout of the site should be re considered to utilise renewable sources of energy more efficiently.'

It was also suggested that the Parish Council and Applicant meet to discuss the application, in particular respect to the Titley Group NDP. After formal adoption of our NDP, the Parish Council invited the Applicant to a meeting on the 9th of April 2024. It was disappointing that the Applicant and Agent had not considered many of the conflicts raised by the NDP in relation to their application and although some agreement was reached on replacing red brick with stone an orientation of the boarding, nothing was agreed in relation to the height, scale, orientation or layout. Neither was any agreement reached on provision of pedestrian access either within the site, or to connection with the rest of the village.

In respect to the size of the dwellings, the Parish Council provided the applicant with a letter from the then lead planner, Kevin Bishop, in which he informed us that the developer could submit a scheme with five houses of a lesser number of bedrooms at reserved matters stage we attach this letter). We anticipated some level of response, but were again disappointed when the applicant chose to continue with the re-application with no further consultation with the parish. The Parish Council would, therefore, like to make the following comments regarding the re-submission:

- Policy TG1 Sustainable Development.
 - Developments should meet strategic requirements for new housing and the needs of the local community.
 - Conserve and enhance the landscape and distinctive natural and historic environment.
- Section 4 Housing Needs and Requirements.
 - 4.6 The NDP allocates 42 new homes within the group parish well in excess of the target percentage growth of 23.
 - 4.7 The type and size of housing is of the right kind to meet local need and refers to policy RA2 'development outside Hereford and the Market Towns to result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand'.
 - 4.8 The residents survey, carried out to inform the development of the NDP, identified 3-bedroom homes as the most favoured, with 2-bedroom the next most popular. Homes of 4 or more were significantly less favoured.
 - 4.9 Evidence from the Kington Housing Market Assessment indicates a requirement of 75% 2–3-bedroom homes for Market Housing.

Policy TG2 2. Requests that housing should be appropriate in scale and in keeping with established character. Also, that Affordable Housing should be considered in developments in excess of 500m²(dependant on Titley being defined as a Rural Settlement). These proposals would create a massive 858m² of 4-bedroom non-affordable housing.

- Section 5: Titley Settlement Boundary
 - 5.12 Harm to the Settlement Pattern (with particular reference to the size and scale of the proposed development).
 - 5.13 Highway safety on Eywood Lane(with particular reference to the lack of any pedestrian access).
 - 5.14 Historic Separation between the Village and the Grade II Listed Parkland (again with reference to the size of the proposal).

Policy TG5 again states that developments should 'respect settlement character, natural and historic environments, heritage assets and can be shown to be a size and type to meet local demand.'

As expressed by the Planning Inspector at Reg 16 examination, the Balance Yard site if refused planning at Reserved Matters assessment, would then not be included within the Titley Settlement Boundary. There is, therefore, precedent for refusal should the reserved matters be deemed unacceptable.

- Policy TG15 Historic Environment
 - Development Proposals that result in substantial harm or loss of significance to designated heritage asset will not be allowed.
- Policy TG16 Design and Access
 - 1. Respect the character of adjoining developments having regard to siting, scale, massing, height, detailing, materials and means of enclosure.
 - Building orientation.
 - 4. Safe access from the local road network with priority given to pedestrians and cyclists.

The Parish Council strongly believe that the applicant has demonstrably failed to re assess the reserved matter application regarding size, scale and height (at 858m2 these are very large houses regardless of the number of bedrooms). At 2-3 times the cost of brick cladding, the introduction of stone may well be more in keeping with the local vernacular, but without the associated reduction in size of dwelling, would likely make these houses even less affordable to people from the local HMA. This is clearly contrary to our NDP, the existing Core Strategy and the request of the Planning Committee.

Our community remain strongly opposed to this development on road safety grounds as well as the scale, siting and character. Without safe pedestrian access to the rest of the village and the 'exclusive' nature of this development we are concerned it will create an unsustainable estate separate from our existing community.

Having held consultation with the Planning department regarding the new Core Strategy, it seems likely that Titley will be removed from the villages with proportional growth and returned to open countryside. As this is based on service provision within the village it would seem totally unsustainable to develop homes that neither fulfil local demand nor could be supported by local services.

The Titley Group Parish Council continue to strongly oppose this application as it conflicts so much with our adopted NDP. As this application was deferred by the Planning Committee, we request that they need to decide whether their reasons for deferment have been fulfilled and that we have an opportunity to put forward our continuing opposition.

Representation 15th June 2023

With reference to our previous comments (dated 16/8/2019 and 13/11/2019) concerning this application, we would reiterate our continuing objection to these proposals. Noting the considerable number of objections posted on the Hereford Council's planning portal, previous village meetings and our most recent consultations on our Neighbourhood Development Plan, there remains considerable objection to these plans within the Titley community. We would like to emphasize the following points:

Our NDP has been resubmitted and is currently being examined at Regulation 16 after previously failing at referendum. We would consider that the main reason for failure, would have been the adjustment of the Titley settlement boundary to include the Balance Farm application site at the request of the examiner.

The resubmitted NDP provides further reasoning for not including the Balance Farm site within the settlement boundary and it therefore remains outside of it.

Due to the contentious nature of this application and requests from both ward councillor and ourselves, we would ask that this application be determined through the Planning Committee.

The majority of objections raised in our previous submission we consider remain valid. The general 'urban' feel to the detailed plans being contrary to both the thrust of our NDP and indeed the overall very rural setting of the village.

We note the aspirational environmental proposals including additional insulation, solar panels and air source heat pumps, but ask whether these should be considered from a planning perspective unless they can be enforced. The lack of pedestrian access, cycle storage only secondary to the garage provision and reliance on brick, rather than locally sourced materials, give the impression that environmental consideration is not a priority.

Representation 13th November 2019

We note that the amendments only deal with the retention of all the fir trees on the western boundary and a few minor alterations to the landscaping and in no way address the many issues raised in our previous submission. Namely, the increased height and visibility, house size and type, location, road safety, drainage problems, sustainability, access to village services, suitability of building materials, layout and visual appearance. We, therefore, continue to strongly object to this application.

In respect of our NDP (currently under inspection) this proposal lies outside our settlement boundary. We allocated more than sufficient housing to fulfill our proportional growth in locations where road safety would not be an issue and commitment was being made to provide a mix of housing in keeping with local demand. This application would therefore undermine our emerging plan and severely reduce its potential for success at referendum.

Even within the last 12 months the need to build houses in a sustainable manner has become increasingly urgent. Hereford Councils declaration of the climate emergency and the commitment to 'supporting a planning system that protects and enhances landscape, biodiversity and historic assets and seeks to ensure that development is sustainable' should at least require applications to consider sustainability. This application only refers to sustainability when quoting Hereford Councils own policies and fails to even try and deliver in terms of materials, construction, alternative forms of transport (eg cycling, walking), conservation (eg rain water capture) and renewable forms of power supply. Without any commitment to reducing the carbon footprint of this development, how can the council give its support. In the current climate emergency, it is paramount that developments, that will remain with us through this century are sympathetic to our increasingly fragile environment

Representation 16th August 2019

Following the site and subsequent open meeting, and also further representations made to the Parish Council by local residents, there remains within our community strong opposition to this development. Although the reserved matters appeal regarding the entrance arrangements has recently been approved by the Inspector, the fact that the proposal will cause significant harm to road safety at the Eywood Lane/B4355 junction remains. This is seen by our community as a failure of Hereford Councils Planning and Highways Department to have adequately investigated the effects of the original outline planning on the wider road network, with the result of placing our residents at increased risk of road accident (Titley Neighbourhood Development Plan 5..16, Policy TG16 item 4). We cannot therefore support this application on the grounds that it will diminish road safety.

The Parish Council strongly objected to the outline plans provision of four bedroom houses in a Housing Area that predominantly requires two and three bedrooms. We wrote to both you and our M.P. regarding this, with the response that local market demand will regulate the size of house a developer will build. We are unaware of any change in the type of demand locally yet the detailed plans still look to provide only four bedroom accommodation. The Parish Council cannot support a development that does not look to meet the needs of our local community or the surrounding area (Titley Group Neighbourhood Plan 5.17,5.19, Policy TG6).

We would also consider that in the context of Titley the building of five large houses constitutes a major development. The village is characterised by a linear form of settlement. The proposal would be in effect a substantial 'backland' development which would not respect the settlement character. The Parish Council cannot support a development that does not respect the settlement character (TGNP Policy TG 6, 5.15,5.16).

With regard to the detailed plans and statement; Firstly we would note that the roof height proposed is a substantial increase on the existing barn. We are concerned that this will make the development 'stand out' from the adjoining properties including the Grade II listed Balance Farm and Barn Conversions and also the Grade II listed Eywood Park. We also think the increased height would make the proposal potentially much more visible from further afield e.g. Green Lane, The Mortimer Trail. The Parish council consider that the detailed plans do not respect the character of adjoining development and therefore cannot support them (TGNP TG 16 item 1, TG15).

There are many traditional farmyards within our community. Examples can be seen at The Balance, itself, Titley Court, Flintsham Court, The Highlands, Park Farm and many more. All of these were built with locally quarried stone. The idea that red brick will give the impression of a local traditional farmyard is frankly ridiculous and will serve only to give the impression of a new housing estate style development. Details such as the vertical (as opposed to traditional horizontal) boarding, the portico and diminutive chimney stack on the 'farm house' and the all brick single line of double garages add to the overall impression of an urban design. Four of the houses are of almost identical design again giving the overall impression of an estate. The Parish Council therefore feel that the detailing does not respect the character of adjoining properties or indeed the wider village (TGNDP TG16 item 1, 8.8).

We note that the ecological survey carried out for the outline planning permission regularly references the assumption that little or no removal of existing boundary trees will be carried out. The detailed landscaping proposals, although look to plant a new hedge line and trees, do however show the removal of the existing cypress tree planting and many other relatively mature trees. Local anecdotal evidence suggests the presence of bats, owls assorted song birds and badgers on, or adjacent to, the site. We feel a further survey taking into account the detailed landscaping should be undertaken to properly assess the potential loss of habitat so provision can be made both during construction and after to accommodate wildlife present (TGNDP TG16 item6&7). We are further concerned that the removal of the cypress trees along with the increased roof height will make the site too visible from the Grade II listed Eywood Parkland to the west (TGNDP TG15 item 1).

We have previously written regarding flooding along School lane and at the War Memorial and our concerns that this development may exacerbate the problem. It was noted at the site meeting that there was existing drainage on the site but no detail of outfall/soakaway system was known. The detailed plans for the proposal refer only to a soak away system for handling storm water. Again, local anecdotal evidence, suggests that large quantities of rainwater enter this site on its Northern boundary from adjoining farmland during the wet winter months. The Parish Council would like to ask for a more extensive survey of the existing drainage and proposals to mitigate potential run off from both the site itself and soakaways based in heavy clay soils.

The Parish Council would like to raise several concerns regarding the environmental impact of this development. The detailed plans allow for only vehicular access to the site. How do pedestrians access either these houses or the village without having to walk in the access road or indeed Eywood Lane (where there exists a known risk to road safety)? No footpath provision has been detailed. Also no provision is made or referred to for alternative forms of transport, most notably cycling (TGNDP TG16 item4). There is no detail for any 'street lighting' requirements and if required, the effect this would have on adjoining properties. It would seem that as the garages are some distance from the houses some form of lighting would be required for people to park then safely walk to their homes across a shared access. Titley has no street lighting and provision here of such would have an adverse impact on both existing residential amenity and the environment through light spillage (TGNDP TG16 item 5).

No detail has been supplied regarding how these homes are to be powered. Titley Group Parish council takes very seriously our need as a community to safeguard the environment for the future. Our current Building Regulations are generally regarded as inadequate and lag far behind many of our European neighbours. We feel that it is imperative that new house builds look very seriously at how they can minimise their carbon emissions through use of building materials, alternative energy sources (e.g. solar, ground source heat pumps, rainwater capture etc) and reduction in dependence on fossil fuels for transport. Within only a few years we would be ashamed to have built unsustainable houses where there is ample potential here for so much better (TGNDP TG16 item 2).

In conclusion, Titley Group Parish Council feel that these inappropriate plans are so much at odds with the thrust of our Neighbourhood Development Plan that they are impossible to support. The redundant site, if no longer to be used for agriculture, should be developed in a sensitive, sustainable manner so that it becomes an asset to our community rather than separate from it. We are happy to consult with the agent or owner to help facilitate this. We are, however, opposed to these plans and given the history of opposition within the community and subsequent appeals ask for any decision to be referred to the Planning Committee.

5.2 **Letters of Objection** have been received from 23 individuals. They raise the following points;

- Proposal conflicts with the Titley Neighbourhood Plan policies and is against the wishes of the local community
- The proposal is outside the settlement boundary and Titley Parish has made plans to meet its housing needs elsewhere through the Neighbourhood Plan
- Highways safety concerns over junction between B4355 and Eywood Lane
- There is an inadequate level of parking and internal manoeuvring space
- The size of the houses does not meet local need for smaller more affordable homes
- The proposal does not respect the linear character of the village
- The site is prominent in views from the highway and public footpaths (including the Mortimer Trail) and there would be an adverse landscape impact
- The design and appearance of the dwellings is not appropriate to local context. The use of brick and vertical boarding is not in keeping with local character. Stone and horizontal weatherboarding should be used instead
- The design of the 'farmhouse' is not reflective of local character or distinctiveness
- The new buildings are excessive in height and larger than existing buildings on site
- The proposal would effect the setting of the adjacent barns, listed building and park
- The proposal is contrary to Titley's linear pattern of development
- Five dwellings is an overdevelopment of the site
- The proposal would effect the views and amenity of residents in Balance Barns
- The plans are not clear as to which trees would be retained and how the bank to the west of the site would be treated
- The site is observed to be used by protected species and wildlife. The proposal does not follow the recommendations of the Ecology report on the outline application

- Site has surface water runoff issues that need to be addressed through a drainage scheme
- The proposal involves the removal of a large number of valuable trees
- The new planting near to the site entrance will impinge upon the access and the setting of the adjoining parkland
- The proposal does not make any provision for renewable energy or other sustainability features
- The retention of the evergreen trees will deprive houses of light
- The size of the site seems to have increased from outline to reserved matters
- It is unclear how the site access will interact with neighbouring site that has been sold with permission for a farm workers dwelling

Further Consultations – June and August 2024

A new local consultation exercise has been carried out following the amendments made to the plans in light of the 2023 committee deferral. A number of responses have been received to this exercise, with all but one being from the same individuals who have previously objected. The comments largely reiterate the earlier grounds of objection, however another common theme is the view that the amended plans offered by the applicant are a limited compromise and do not meaningfully address the earlier issues identified by the Planning Committee.

- 5.3 The consultation responses can be viewed on the Council's website by using the link: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&search=192515

Internet access is available at the Council's Customer Service Centres:-

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

6. Officer's Appraisal

Policy Context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Titley Group Neighbourhood Development Plan (NDP). The latter was 'made' as part of the development plan on 23rd November 2023 and now attracts full weight (noting that this is a material change since the application was last heard by committee, at which point the draft NDP was pending referendum and attracted significant weight as a an emerging policy document). The National Planning Policy Framework (NPPF) is also a significant material consideration in determining the application.
- 6.3 Paragraph 11 of the NPPF states that all planning decisions should apply a presumption in favour of sustainable development. For decision taking, this means that proposals which accord with an up-to-date development plan should be approved without delay. The Council is currently able to demonstrate a housing land supply which exceeds 5 years and therefore the relevant policies of the development plan are regarded as being 'up-to-date'.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core

Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency between the policies in the existing CS and the NPPF therefore needs to be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to housing provision, safeguarding local character and heritage; and protecting features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

- 6.5 The Council published a draft of the emerging Herefordshire Local Plan for Regulation 18 consultation between 25th March and 20th May 2024. At this early stage of progression however, the draft plan attracts limited-to-no weight.
- 6.6 Policy SS1 of the Core Strategy reflects the positive presumption set out within the NPPF and 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. Similarly, policy TG1 of the Titley NDP states that proposals which contribute to sustainable development within the Titley Group Neighbourhood Area will be supported.

Planning History and Current Application

- 6.7 Outline Planning Permission (OPP) was granted on the site in 2016 for 'Proposed site for the erection of 5 no. four bedroom dwellings' with all matters reserved. A reserved matters application for the approval of access arrangements only was allowed on appeal in August 2019 (P181476/RM). The current application seeks approval of the remaining reserved matters and was confirmed valid on the 24th July 2019, which was within the timescale for submission as required by Condition 1 attached to the OPP. The OPP hence remains extant.
- 6.8 The extant outline planning permission establishes the principle of development as being acceptable. For the avoidance of doubt, it is not a matter which the LPA is entitled to revisit as part of the current application for approval of reserved matters.
- 6.9 Notwithstanding this, it is acknowledged that the general principle of the site being developed for housing is a common theme in the objections received from the Parish Council and local residents. Clearly, there is a lack of community support for the notion of housing being provided on the land and this has been reflected in previous drafts of the Neighbourhood Plan, where efforts were made to exclude the site from the defined settlement boundary. However, it would generally be regarded as sound planning practice to include a site within a policy defined settlement boundary in circumstances where it is located adjacent to a recognised village and benefits from an extant planning permission. Those circumstances are considered to apply here and the inclusion of the site has previously been advocated by the initial NDP Examiner, which is thought to have been a factor in the first draft of the NDP failing at referendum in May 2021. Clearly therefore, the issue of whether or not the site should be included within the boundary is a matter of local controversy and this was considered by the second NDP Examiner at paragraph 67 – 79 of their report: <https://www.herefordshire.gov.uk/downloads/file/25507/examiner-s-report-july-2023>
- 6.10 The history of the site in this regard has led to a 'hybrid solution' towards the site being put forward by the second NDP Examiner, which has since been adopted as part of policy TG5. The relevant extract of the adopted policy and the accompanying policy map is included below:

'The area shown as hatched within Plan 4 will be deemed to be within the settlement boundary if a residential development which has been granted planning permission (including outline planning permission where all reserved matters have been approved) and all pre commencement conditions have been discharged, has been commenced on site.'

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



Figure 11: Titley Village Policies Map NDP extract

- 6.11 The drafting of TG5 therefore recognises that the outline 160581/RM has been granted and provisionally identifies the site as being within the settlement boundary for Titley – albeit with a caveat. The site will only truly be regarded as being within the boundary if a residential development commences on site. Although there is an extant permission in the form of 160581/RM, this has not yet commenced and cannot lawfully do so until all reserved matters (and any relevant conditions) have been approved. The current application seeks that approval and, if this is granted and the scheme is subsequently implemented, the site would then be regarded as being fully within the settlement boundary for Titley as defined by TG5.
- 6.12 Whilst this context is noted, it is important to reiterate that the principle of development is not a matter the LPA is entitled to consider as part of the current application and hence policies guiding where the principle of new housing is considered to be locationally acceptable are of limited relevance. The fact of the matter is that the site benefits from an extant outline permission and the application seeks approval of the outstanding reserved matters layout, scale, appearance and landscaping. The proposals must be assessed on their merits within the scope of the outstanding reserved matters.
- 6.13 An application for approval of reserved matters in respect of access was allowed on appeal in August 2019 (P181476/RM). This established that access to the site would be gained from Eywood Lane to the south and technical details of the access, including the provision of appropriate visibility splays, were conditioned as part of that permission. Those details have been carried forward as part of the current scheme. Whilst therefore again noting that highways safety concerns are a common theme in the objections received from the Parish Council and local residents, these matters have already been addressed as part of the outline permission and approval of reserved matters application P181476/RM. It is not within the gift of the LPA to consider those matters again.
- 6.14 The current application is made in accordance with the conditions defined by the Outline permission seeks approval of the outstanding reserved matters. In this case the outstanding matters relate to layout, scale, appearance and landscaping, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and set out at Paragraph 1.5 of this report.

Layout, Scale and Appearance

- 6.15 In considering the details of the Reserved Matters scheme, strategic policy SS6 of the CS is relevant in that it sets out that all development proposals should conserve and enhance the environmental assets that contribute towards the county's distinctiveness, particularly its settlement pattern, landscape, biodiversity and heritage assets. This is reflected by policy RA2 which states that residential development in the county's rural settlements should result in high quality sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and landscape setting. Policy LD1 is of further relevance in this regard in so far as it requires that schemes demonstrate that they have been positively influenced by the character of the surrounding landscape and townscape in terms of the site selection, design, scale and nature of the development proposed. Schemes should also incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. In respect of new buildings, policy SD1 requires that developments should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials whilst respecting the scale, height proportions and massing of surrounding development.
- 6.16 From the Titley NDP, policy TG1 sets out objectives relevant to the achievement of sustainable development. Amongst other things, this sets out that all schemes will be expected to take all opportunities to conserve and enhance the landscape and the distinctive natural and historic environments whilst avoiding undue loss of visual amenity. Policy TG13 sets out that development proposals should protect and enhance the valued landscape by designing, siting and locating development in ways that secure positive landscape and visual impacts. Where harm to the landscape cannot be avoided it must be fully mitigated through sympathetic landscape planting
- 6.17 Policy TG16 deals with matters of design and access and, amongst other things, directs that development proposals should achieve a high quality design by respecting the character of adjoining development and the wider landscape, having regard to siting, scale, height, massing, detailing, materials and means of enclosure. It also requires that developments should retain and incorporate features of amenity and biodiversity value such as trees and hedgerows whilst providing for new landscaping which is in keeping with prevailing character of the surrounding area. Materials should also be incorporated which reflect the local vernacular and colour palette, unless sympathetic alternatives are justified.
- 6.18 The preceding policies are all reflective of the principles established in the NPPF, particularly Chapter 12 with regards to achieving well designed and beautiful places. This chapter highlights that good design is a key aspect of sustainable development and Paragraph 135 sets out a number of principles which should be pursued through both plan making and decision taking in order to achieve this. Amongst other things, the principles include that developments should be visually attractive as a result of good architecture, layout and effective landscaping whilst establishing and maintaining a strong sense of place.
- 6.19 As noted at the start of this report, the proposal has previously been deferred by Committee to seek amendments to the proposals. The amended plans supplied follow broadly the same approach as the previous iteration of the scheme, however alterations have been made to the site layout which includes reconfiguration of Units 3 and 4; reconfiguration of the garaging block; and amendments to the siting of Unit 1. Amendments have also been made to the external materials palate, which now favours stone and horizontal timber boarding over brick and vertical boarding. Provision has also been made for renewable and low carbon energy, in the form of PV panels and air source heat pumps.
- 6.20 The site in this instance is on the western edge of the village and relates closely to the built up part of the settlement with residential properties being located to the south and east. The built form of the site's immediate surroundings is characterised by a cluster of historic dwellings, converted farmsteads, and a small number of more recent houses which are loosely focused around the junction of the B4365 and Eywood Lane. The layout of the scheme presented takes direction from the historic farmsteads in particular and the arrangement of buildings is redolent of

a traditional agricultural site. An individually designed unit with a strong domestic character occupies the more prominent land near to the roadside in the manner of a typical farmhouse, whilst the remaining units are positioned in a more regimented courtyard style arrangement on the land to the rear of the site and are of a simpler design which reflects vernacular agricultural buildings. This approach is considered to be appropriate to the context of the site; responding both to the pattern of development in the immediate locality as well as spatial constraints such as the site's irregular shape. It is noted that the Council's Conservation Officer is supportive of the proposed site layout and comments that it would avoid the creation of a suburban cul-de-sac type arrangement, which would not sit well within the rural village context.

- 6.21 In respect of appearance, the design of each unit continues the agricultural typology seen in the site layout and is considered to be broadly acceptable. The unit to the fore of the site seeks to reflect a traditional farmhouse design and in doing so features a narrow building span with a relatively steeply pitched roof which is seen throughout the surrounding village. It also utilises features and detailing which are distinctive to the rural character of the area, such as the symmetrical positioning of fenestration, arched window lintels and an external chimney breast. The remaining units are reflective of traditional agricultural buildings and are characterised by a simple rectilinear form with uninterrupted roof planes and minimal protrusion. Following the earlier comments of the Committee, the palette of external materials have been amended to stone, horizontal timber boarding and slate – which fully accords with the preferred materials set out by policy TG5 of the NDP. With regards to units 2 – 4 in particular, the architectural detailing (such as proportions, square fenestration etc) and use of materials is noted as being a close reflection of the adjacent Balance Barns:



Figure 12: Balance Barns adjacent to the site and proposed principal elevation (Unit 2)

- 6.22 The specific details of the stone to be used, including coursing and mortar type, can be secured by condition. This will include a requirement for a sample panel to be provided on site for approval prior to the relevant work commencing. Specific details of cladding and roofing will also be secured through condition, as well as details of the timber fenestration.
- 6.23 With regards to scale, the unit to the fore of the site would measure 8.6 metres to its ridge whilst the remaining units to the rear would be smaller at 8.2m. Whilst this is slightly larger than the current agricultural building on the site, it is not considered that the increase is significant or that it would be detrimental to the character of the locality. The increase in the height of the dwellings

would be offset to a certain extent by a reduced physical mass relative to the current building on the site, and the height of the units would be commensurate to the scale of surrounding development in any case. As such, it is considered that the development is appropriate with regards to scale.

Housing Mix

- 6.24 In terms of the size of the dwellings themselves (in so far as this is relevant to the matter of 'scale'), all units would provide four bedrooms of accommodation to future occupiers. It is noted that local representations have raised concerns that this means that the scheme provides exclusively for larger dwellings and hence would not contribute to providing the mix of housing sizes that are required to meet the needs of the local community. These concerns are duly acknowledged and it is not denied that the scheme fails to provide the range of houses that would ordinarily be sought in line with the latest Housing Market Area Needs Assessment (2021). However, it is highlighted that the size of the dwellings was inherently fixed as part of the development description approved at the outline stage – i.e. 'site for the erection of 5 no. **four bedroom dwellings**' (*Officer Emphasis added*). The matter of housing mix can hence not be revisited again here and, given the Reserved Matters scheme accords with the mix approved at outline stage, it is considered to be acceptable.

Residential Amenity

- 6.25 Policy SD1 of the CS requires that all development proposals secure high standards of amenity for all residents and avoid any potential for adverse impacts through means such as overlooking, overshadowing or overbearing. Policy TG16 of the Titley NDP also directs that proposals for new housing should be sited and designed to avoid adverse impacts on the amenity of the future occupants from the operation of existing uses, such as agriculture and businesses. Both policies are reflective of the principles set out at Chapter 12 of the NPPF.
- 6.26 It was established with the grant of outline permission that the site is appropriate for residential development and that there would be no compatibility issues with neighbouring uses, which are either residential or agricultural in nature. The reserved matters scheme has been designed in a manner which ensures that good standards of amenity is achieved for future residents, with good areas of private curtilage provided and no potential for adverse impacts identified a result of overlooking, overshadowing or overbearing. The amenity of existing dwellings in the locale would also not be compromised by the development, on account of the degree of separation between them and the new builds and intervening screening. Good standards of amenity are hence achieved and there is hence no conflict found with the aforementioned policies.

Layout – Access Considerations

- 6.27 With regards to accessibility and highways considerations, it is noted that the proposed scheme adheres to the access arrangements approved under earlier reserved matters application P181476/RM and the areas for consideration at this stage are therefore those related solely to the internal layout of the site. In this regard, policy MT1 of the CS requires that developments are laid out to have appropriate operational and manoeuvring space having regard to the vehicle and cycle parking standards set out within the Council's Highways Design Guide. Policy TG16 of the NDP is also relevant in so far as it requires schemes to include provision for pedestrians and cyclists to encourage active travel. Both of these policies are reflective of the principles set out at Chapter 9 of the NPPF.
- 6.28 Having reviewed the scheme, the Council's Transportation Manager has confirmed that the internal layout is acceptable and no objections are consequently offered. The site layout provides adequate space to ensure a range of vehicles, including larger refuse collection vehicles if needed, can manoeuvre within the site and sufficient parking provision is made to support the development through a combination of garaging, spaces within curtilage and allocated parking

on the central courtyard. The internal layout also adopts the principles for shared private drives as set out within the Council's Design Guide, including the use of shared spaces, turning heads and passing places. The garaging proposed to each unit also provides opportunities for the secure storage of bicycles. On this basis, it is considered that the layout of the scheme is acceptable and no conflict with MT1 or TG16 is identified.

Landscaping

- 6.29 Landscaping in the context of an RM application means the treatment of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated. As set out previously, policy LD1 of the CS is relevant in this regard and requires that schemes incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. There is similar provision in policies TG13, TG14 and TG16, although these also introduce additional requirements that are more tailored and local grounded in the Titley Group Parish.
- 6.30 It is noted that the landscaping and layout proposals have been amended since the initial submission, with the current scheme of landscaping set out on plan 24/500/02 B. Importantly, the amended plans retain the belt of mixed coniferous and deciduous trees which sit atop an earth embankment to the west of the site. This feature currently forms an important visual landscape buffer between the site and the open countryside beyond, helping to mitigate the visual impact of both the existing agricultural buildings and the proposed new dwellings upon the setting of Eywood Park to the west. The retention of this feature ensures that this mitigation continues and that established features of ecological value are protected, in accordance with policies LD1, LD3 and TG13. There would be some removal of trees at the north-west corner of the site, however it is considered that these are adequately compensated for elsewhere.
- 6.31 The landscaping strategy makes provision for extensive new native species hedgerow planting throughout the site, including a new 90m length to form a boundary to the east of the site and further provision to gap-up the existing hedgerows to the north and west. New tree planting is also proposed throughout the site, both in communal areas on the approach from the highway and within the curtilage of each dwelling. The measures will help to ensure that the scheme assimilates with the location, as well as enhancing the biodiversity value of the site. With regards to hard landscaping, boundary treatments are considered to be sensitive to the rural setting; with traditional metal estate railing style fencing being used to the central courtyard in a manner that aids visual permeability and the maintains the openness of this area. Treatments between rear curtilages are to comprise hazel wattle panels, which avoid an over-urbanising effect whilst still achieving the levels of privacy expected by residents. It is noted that the access road and internal courtyard are shown to be finished in tarmac, however this is considered to be a suburban form of treatment that is not in keeping with the rural nature of the site. A condition is attached to secure an alternative surface finish, such as block paving or gravel.
- 6.32 Overall, the landscaping scheme is considered to be appropriate to context and in accordance with the policies of the development plan. It is noted that specialist advice has been sought from the Council's Landscape Officer and no objections have been offered. A condition is recommended to secure implementation of the approved scheme, as well as a condition to secure a scheme of landscape management and maintenance for a period of 10 years to ensure new planting robustly establishes itself.

Impact upon Heritage Assets

- 6.33 The site lies within the setting of two designated heritage assets. The Grade II listed Balance Farmhouse is located approximately 50 metres to the east of the site, and the site's western boundary abuts the Grade II Registered Park and Garden of Eywood Park. The converted Balance Barns to the east of the site are not subject of any formal designations, but are considered to have some heritage value as traditional agricultural buildings.

- 6.34 The NPPF directs at Paragraph 205 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 206 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. In considering the potential of the development to affect the setting of a listed building, the Local Planning Authority also has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to 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. These heritage duties are manifested in the development plan through CS policies SS6 and LD4. The former is a strategic policy and it sets the expectation that developments should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. The latter is more detailed and, amongst other things, requires that new developments should 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. The Titley Group NDP also contains a heritage policy at TG15. This reinforces similar principles to LD4 and the NPPF in terms of the need to protect, conserve and enhance designated heritage assets. CS policy LD1 is also relevant in this sense in that it directs that schemes should conserve and enhance the natural, historic and scenic beauty of the important landscapes and features such as nationally and local designated parks and gardens. TG13 further requires development to respect valued landscape character.
- 6.35 It is noted that it was incumbent on the LPA to exercise the heritage duties set out above at the outline stage and the grant of that permission has established that the site is capable of accommodating residential development without leading to harm to the significance of heritage assets, subject to an appropriate design being secured at reserved matters stage.
- 6.36 Balance Farm House is located around 50 metres to the east of the site. Based on observations of the building and its list description, significance is derived from its traditional form, historic fabric and particular architectural features. Historically the building was associated with a farmstead of traditional barns, however these have now been converted to residential uses. Although the layout of the buildings and sympathetic manner of conversion allows for the historic relationship between the former barns and farmhouse to still be understood, the change to residential use has undoubtedly altered the surroundings of the farmhouse in a manner which means residential uses (rather than agricultural) are now a defining characteristic of its setting. The result of this is that the significance of Balance Farm is mainly experienced from within its own curtilage. Although there are views of the property from Eywood Lane, there is limited inter-visibility between the listed building and the proposal site on account of intervening vegetation, other development and the difference in levels between the two sites. The potential for the re-development of the site to residential uses to demonstrably affect the setting of the listed building is hence limited.
- 6.37 The proposal site currently hosts a large modern agricultural building which is to be demolished as part of the proposals. The settlement pattern in the surrounding area is mainly one of a dispersed nature, but there is a cluster of buildings and a number of farm complexes in the immediate vicinity of the proposal site. As identified in earlier sections of this report, the RM scheme takes direction from the local context and displays a layout and character that is sympathetic to local character and architectural styling. As such, it is not considered that the scheme would lead to any negative impacts on the character of the landscape or village setting when compared to the existing situation. It would also not affect the relationship between Balance Farm and the converted barns which adjoin it. As such, the ability to appreciate and understand Balance Farm's past connection with agricultural uses would not be materially affected by the development of the application site.

- 6.38 Taking all of this into account, it is considered that the scheme would not alter the setting of Balance Farm (or the converted barns) in a manner which is demonstrably harmful to its significance. The features which give the building special interest and the characteristics within its setting which contribute to its significance would be preserved. It is highlighted that specialist advice has been sought from the Council's Historic Buildings Officer and the response received supports the view that there would be no harm to the significance of the listed building. Officer's give this view significant weight.
- 6.39 With regards to the setting of Eywood Park, this lies to the west of the site and has significance as a result of its historical and aesthetic value as an example of an 18th century designed landscape. Eywood Lane was originally a secondary entrance to the park, but in recent times has become the main approach with a 19th century lodge and wall being located opposite the entrance to the proposal site. The proposal site and the park however are separated by a belt of tall and dense planting which means there is limited inter-visibility. This screening will be maintained as part of the scheme and would serve to reduce the impact of the development when viewed from the park. Moreover, when the site is experienced from within the park it is viewed against the backdrop of existing built form which makes up the western edge of Titley in any case, thereby reducing the impact of the new dwellings further. Overall therefore, it is considered that the scheme would not adversely affect the setting or significance of Eywood Park. It is noted that the Council's Landscape Officer has not offered any objections in this regard and Officer's again give this view significant weight.
- 6.40 In summary therefore, it is considered that the proposal would preserve the settings of the nearby heritage assets and would not lead to any demonstrable harm to their significance. It follows that the proposals comply with policies LD4 and LD1 of the CS and policies TG13 and TG15 of the Titley NDP. The heritage duties imposed upon the LPA by Section 66 of the Act are accordingly discharged.

Sustainability and Climate change

- 6.41 The Applicant has completed the Council's Climate Change Checklist and this indicates that the scheme would seek to provide solar panels, air source heat pumps and charging points for electric vehicles. The first two of these measures are now also shown on the elevation plans provided. As a collective, the measures align with those sought through policies SD1 and SD2 and encouraged by policies TG1 and TG11. They are secured by condition.

Assessment under the Habitats Regulations

- 6.42 The proposal site is located in the catchment of the River Lugg, which is a tributary of the River Wye Special Area of Conservation (SAC) and forms part of the designated site, is currently failing its conservation targets on phosphate levels. Following advice issued by Natural England (as the relevant statutory body) in July 2019, Herefordshire Council has been unable to approve developments within the Lugg catchment unless it can be demonstrated with certainty that it would have a neutral impact on water quality and the integrity of the designated site. This has become known as the need to demonstrate 'nutrient neutrality'. Case law has also made clear that this requirement applies to all multi-stage consents (such as outline and reserved matters) where there has been a significant change in circumstance since the first permission was granted. In this case, the River Lugg has moved to a 'failing' status since the outline permission was granted and this is a significant change in circumstance which means that the 'nutrient neutrality' must be shown for the scheme before the Reserved Matters can be issued. The inability to demonstrate this has effectively led to the application being placed 'on hold' since it was submitted in 2019.
- 6.43 These duties are set out by the Conservation of Habitats & Species Regulations 2017. There is similar provision to protect environmental assets in the CS, with policy LD2 setting out that development likely to harm sites of European importance will not be permitted. Policy SD4 deals

with wastewater management and sets out that development should not undermine the achievement of water quality targets and that permission will only be granted in SAC catchments where there will be no adverse impact on the integrity of that site. This is echoed by policy TG14 of the NDP, which reflects the more recent issues within the Lugg and states that:

All development proposals should demonstrate that they would not have an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance. Planning permission will only be granted if clear and convincing evidence is provided to show that the proposed development would not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate calculator and any other current associated guidance'

- 6.44 The proposal for residential development would generate additional foul water that is proposed to be managed through a connection to the mains sewer network serving Titley. This is an acceptable arrangement in principle and is secured as part of the outline permission. However, the additional sewerage load generated by the development has the potential to impact upon the River Wye SAC through the discharge of treated effluent containing phosphate into the Lugg catchment. The LPA must be able to ensure that this potential impact is mitigated for and that the proposal would lead to no adverse impact upon the integrity of the designated site before it can approve the RM.
- 6.45 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 6.46 The applicant has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 3.32kg TP/year which must be mitigated for to avoid detriment to the River Lugg. The Council's Conservation Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 6.47 The applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 (plus VAT) per Kg of phosphate generated. Based upon the annual phosphorus load of 3.32kg TP/year, the Applicant is required to purchase credits to the value of £46,480. This will be secured by a S106 legal agreement.
- 6.48 The Council's Ecologist has completed an appropriate assessment which is summarised at Section 4.5 of this report. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits and the imposition of conditions, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy.
- 6.49 This assessment has been submitted to Natural England for consideration and a response has been received to confirm that the statutory body agreed with the LPA's conclusions. The proposed development will be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection. The LPA, as the competent

authority, is therefore able to conclude that the proposal would have no adverse effect on the on the integrity of the River Lugg / River Wye SAC.

- 6.50 With regards to the conditions recommended by the Council's Ecologist, it is noted the first of these sought to prevent occupation of the dwellings before 1st August 2023 in order to ensure that the Luston wetland had reached a point that it could be relied upon to provide mitigation. That date has however now passed and the wetland is now operational. The condition has therefore become superfluous through the passage of time and to impose it would not pass the relevant tests set out in the NPPF. The second condition recommended seeks to secure a scheme of measures to enable the efficient use of water prior to first occupation. Whilst the requirements of the condition are reasonable and justified with regards to policy, it is a duplication of Condition 10 that is already attached to the outline permission. Provision is hence already in place to secure the efficiency measures and hence there is no need to impose a duplicate condition on the RM approval.

Other Matters

- 6.51 In respect of drainage arrangements, it was established as part of the outline permission that foul water would be managed through a connection to the mains sewer network and that surface water would be managed through the use of soakaways in accordance with the principles established by Core Strategy policies SD3 and SD4. These arrangements are secured, broadly, through Conditions 8 and 9 attached to the outline permission. There are no conditions attached to the outline permission to require full and specific technical details of the drainage arrangements to be submitted to the LPA for approval and these do not form one of the Reserved Matters requiring approval in line with the definitions of the DMPO. Whilst the concerns of local residents and the Parish Council in respect of surface water in particular are therefore acknowledged, the LPA does not have remit to require further information in this regard. The outline permission secures an outline strategy that accords with policy and securing a suitable technical specification for those systems will be a matter for the statutory undertaker DCWW and the Building Regulations.
- 6.52 With regards to protected species, an ecology survey was supplied in support of the original outline application and Condition 5 attached to that permission secures implementation of the mitigation measures set out therein. It also requires that the development be overseen by a qualified ecologist and that a scheme of habitat protection and enhancement scheme be supplied to the LPA for approval prior to the commencement of the development. Those details will follow as part of a separate application. Subject to this condition, the LPA is satisfied that its duties in respect of protected species are fulfilled.

Summary and Conclusion

- 6.53 In accordance with Paragraph 11 of the NPPF, all planning decisions should apply a presumption in favour of sustainable development. Paragraph 11 requires that proposals which accord with an up to date development plan should be approved without delay.
- 6.54 The site in this case benefits from an extant outline planning permission which provides for the erection of five four bedroomed dwellings. The principle of the development is hence already established. Details of the access arrangements to the site have already been approved as part of 181476/RM. This application seeks approval of the outstanding reserved matters, these being appearance, layout, scale and landscaping.
- 6.55 The application provides the requisite level of detail to address the outstanding reserved matters and as required by the conditions attached to the outline permission. In terms of the layout, the scheme has taken direction from the agricultural origins of the site and this is manifested in layout influenced by the principles of a traditional farmstead. The result is a scheme which is sympathetic to context and avoids an overly suburban development which would otherwise erode the character of the village. The scale and appearance of the scheme is a suitable response to the

local vernacular, with precise details of materials and finishes to be secured by condition. The scheme of landscaping is also appropriate, retaining important trees and boundary features which contribute to local character whilst proposing additional planting and sensitive hard landscaping features which will ensure the scheme assimilates appropriately to its surroundings. These matters combined ensure that the scheme would not harm the amenity of any existing residents, and there is no harm identified to the setting or significance of nearby heritage assets such as the Grade II listed Balance Farm, the Grade II registered park of Eywood or the undesignated assets of Balance Barns.

- 6.56 Although not a 'Reserved Matter' per se, the LPA has an overarching duty when exercising its planning functions to ensure that there would be no harm to the integrity of designated conservation sites. In this case, that includes the River Lugg / River Wye SAC which is afforded protection under the Habitats Regulations. The LPA is able to conclude that the proposal scheme would have no adverse impact upon the integrity of the designated site, subject to the Applicant purchasing Phosphate Credits to mitigate for the effects of the development. This will be secured as part of a Section 106 agreement.
- 6.57 It is acknowledged that the application is one that is a source of contention locally and this is reflected in the objections received from the Parish Council and representations of local residents. The prevailing concerns in these submissions include general objections to the principle of the site being developed for housing; the location outside the settlement boundary for Titley; the potential impact upon highways safety; and the size of the dwellings in terms of meeting local housing needs. These concerns have been discussed in the earlier sections of this report, but it is reiterated here that these are not matters which are open for consideration as part of the current Reserved Matters application. The principle of development was established by the outline permission, as was the number of the dwellings and bedroom to be erected on the site. With regards to highways matters, the access arrangement to the site was fixed through Reserved Matters application 181476/RM and in allowing that appeal the Inspector made very clear that issues regarding the safety of the wider highways network are not valid considerations as part of a Reserved Matters application.
- 6.58 Overall, the proposal for the Reserved Matters of appearance, scale layout and landscaping are considered to be acceptable. No objections have been received from any technical consultee and there has been no conflict identified with the policies of the Core Strategy or the Titley Group Neighbourhood Development Plan. Officers therefore consider that there are no material or technical reasons to refuse the application, and such approval is recommended subject to the conditions set out below and the completion of a S106 agreement to secure the purchase of phosphate credits.

RECOMMENDATION:

That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation.

Standard Conditions

- 1. The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:**
 - **Proposed Site Layout 7218-1-20-Rev C**
 - **Proposed Site Sectional Plan 7218-1-26-Rev C**
 - **Proposed Plot 1 - 7218-1-21-Rev B**
 - **Proposed Plot 2 - 7218-1-22 Rev A**

- Proposed Plot 3 - 7218-1-23-Rev A
- Proposed Plot 4 - 7218-1-24- Rev A
- Proposed Plot 5 - 7218-1-25-Rev A
- Proposed Garages 7218-1-29
- Proposed Landscaping Proposals 24/500/02 B
- Estate Railing Fencing Example 31/7/2024
-

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA2, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG13, TG14, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Conditions to be Discharged

2. Details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being undertaken on site:

- a) Details and/or samples of external timber cladding
- b) Details and/or samples of roofing materials
- c) Details of all windows, doors and rooflights including
 - Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings
 - Method & type of glazing.
 - Colour Scheme/Surface Finish
- d) 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, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. No works in relation to the stone facing of the dwellings hereby approved shall be commenced until a sample panel of the stonework has been provided on site and this has been approved in writing by the Local Planning Authority. The sample panel shall be a minimum of 1m x 1m in size and shall show the stone type; sizes, face-bond; pointing mortar mix, joint thickness and finish profile. The works shall subsequently be carried out in accordance with the approved details and the sample panel shall be retained on site until the relevant works have been completed.

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, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG5, TG15 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. Prior to the first occupation of any dwelling to which this permission relates, the vehicular parking areas shown on the approved plans shall be properly consolidated, surfaced and drained in accordance a specification which has first been submitted to an approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

5. Development shall not begin in relation to the provision of road and drainage infrastructure until the following details are submitted to and approved in writing by the local planning authority:

- Surface finishes
- Drainage details
- Future maintenance arrangements

The development shall be carried out and thereafter maintained in accordance with the approved details

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any dwelling hereby approved, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The scheme of management and maintenance shall subsequently be carried out in accordance with this approved schedule. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan 19/500/02A.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance Conditions

7. The following scheme of energy sustainability measures shall be implemented in accordance with the approved details prior to the first occupation of any dwelling hereby approved:

- PV panels and Air Source Heat Pumps to each plot in accordance with details shown on plans 7218-1-21-Rev B, 7218-1-22 Rev A, Proposed Plot 3 - 7218-1-23-Rev A, 7218-1-24- Rev A, 7218-1-25-Rev A.
- An electric vehicle charging point at a minimum rate of one per dwelling

Those measures shall thereafter be maintained in perpetuity.

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, policies TG1 and TG11 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

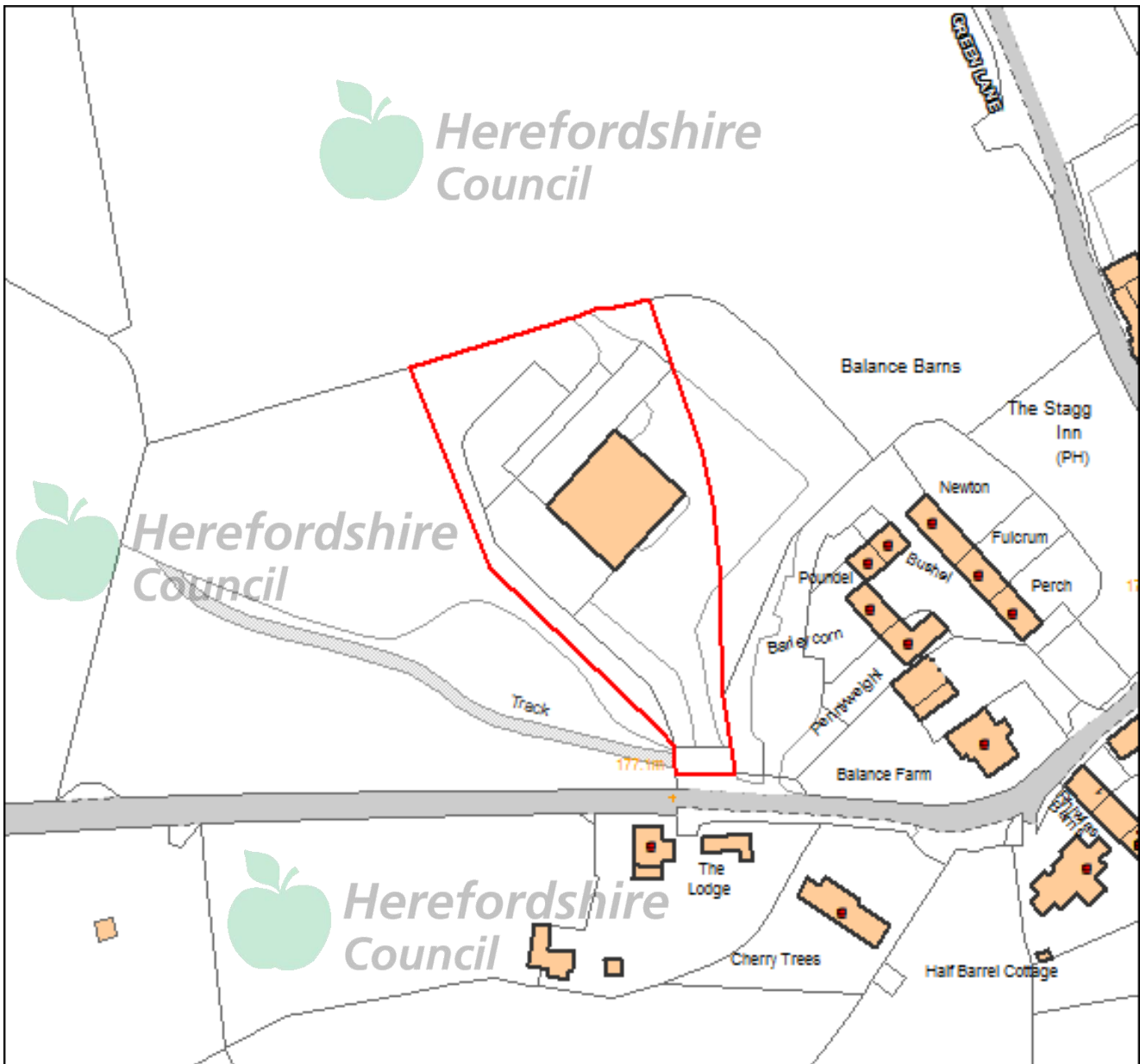
- 8. All planting, seeding or turf laying in the approved landscaping scheme (24/500/02 B – Peter Quinn Associates) shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner. The hard landscaping shall be carried out in accordance with the approved plans and be completed prior to the first occupation of the development.**

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 TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 9. Apart from where explicitly identified for removal on landscaping plan 24/500/02 B and tree survey 19/500/01, no retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.**

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies TG13, TG14 and TG16 of the Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

Background papers – None identified.



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APPLICATION NO: 192515

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