

Supplement to the agenda for

Planning and regulatory committee

Tuesday 18 April 2023

10.00 am

The Kindle Centre, Belmont Road, Hereford, HR2 7JE

Schedule of updates

Public speakers

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PLANNING COMMITTEE

Date: 18 April 2023

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

181943 - OUTLINE PLANNING APPLICATION FOR UP TO 6 DWELLINGS. ALL MATTERS RESERVED APART FROM ACCESS. AT LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE

For: Tatintune Ltd per Mrs Kate Girling, Canalside House, Brewery Lane, Skipton, BD23 1DR

UPDATE TO OFFICER REPORT

The following internal consultation responses were omitted from the published Officer Report.

Land Drainage Team – comment

23/1/23 - We have been reconsulted on the above site as we understand that the proposals have been amended to 6 new dwellings rather than 9. The drainage proposals appear to remain unchanged. Under the same application number, we provided a consultation response in July 2022 whereby the proposed foul water drainage system was approved in principle with further details to be confirmed at Discharge of Condition stage. Further investigations of the Welsh Water Sewer Network show that a gravity fed connection may be achieved to the northwest of the site. As per our previous response (attached), this option must be explored. Our previous comments still stand.

14/7/22 - The Applicant proposes the construction of up to 15 dwellings. The site covers an area of approx.0.85ha and is currently a Greenfield site. An ordinary watercourse flows along the eastern boundary of the site. The topography of the site slopes down from approx. 90.5m AOD in the southwest to the northern, eastern and southern site boundaries at 83m AOD, 82m AOD and 85m AOD respectively.

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This application has been supported by a Flood Risk Assessment (FRA).

The FRA has considered the risk of flooding from fluvial flooding, surface water, groundwater, sewers, reservoirs and any other manmade sources.

Flood risk; -

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located

within an area at risk of surface water flooding. The flows are demonstrated to be contained within the Tarrington Brook. It has been stated in the Planning Statement that the Finished Floor Levels will be raised by 300mm.

We agree with this proposal. The overland flow routes have been considered to direct flows towards the Tarrington Brook (located to the East of the site).

Local residents have raised concerns of flooding in the area. It is thought that this development may have a detrimental effect on the area. The Applicant has demonstrated

that the surface water runoff can be controlled to below QBAR, thus no additional flows will be discharged into the brook.

There was mention of the culvert under School Lane and how this has been unable to cope with flows in the past. There are two culverts under School Lane. It is assumed that the downstream culvert is being referred to (as this development will have no bearing on the flows through the upstream culvert).

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

Surface water drainage; -

The Applicant has not undertaken infiltration testing. It was assumed that infiltration is not viable as the ground was boggy upon site visit. It may be that there is a permeable layer of soil beneath the surface.

In line with the drainage hierarchy, the Applicant should undertake infiltration testing in accordance with BRE365 to establish whether infiltration techniques are a viable option. The groundwater level should also be established to be a minimum of 1m below the base of any unlined infiltration features. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events. The drainage strategy should be redesigned to include soakaways if infiltration rates permit.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels, and must have a half drain time of no greater than 24 hours.

The Applicant is currently proposing to provide an attenuation pond (92m³) in the lowest part of the site with restricted outfall into the Tarrington Brook at 21/s (62mm hydrobrake). QBAR has been calculated to be 3.41/s/ha. The impermeable area for the site is 0.326ha, thus the discharge rate is approx. 1.11/s. When the QBAR value is less than 21/s/ha, it is considered acceptable to use the higher value of 21/s/ha for events up to the 100 year return period.

10% urban creep has been accounted for. This is to account for possible replacement of permeable driveways with non-permeable driveways in the future by homeowners who may be unaware of the purpose of permeable driveways. It also accounts for the additional of any impermeable area to gardens etc.

The Applicant has provided MicroDrainage submissions for the ICP SUDS (QBAR calculation) and Network Calculations, however no evidence of providing storage for the 1 in 100 year + 40% cc storm event has been provided.

The invert level of the outlet (box culvert 1500mm⁰) into the pond has not been stated, however it must be lower than 82.638. The hydrobrake invert level is set at 82.600, this is 38mm below the box culvert before the pond. This means that the pond will be dry for the majority of the time. In storm events, it is likely that the system will back up as water will be above the inlet. This should be redesigned to ensure that the pond is providing storage for flood events.

The Applicant should confirm the level of the outfall into the Brook. The Applicant should also provide details of how the respective box culvert sections will be jointed.

The Applicant must provide a MicroDrainage submission to demonstrate that the system has been designed to cope with the 1 in 100 year + 40% climate change event.

For the proposed outfall to the adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. The ownership of the land either side of the watercourse should be clarified as permission may be needed from adjoining houses.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. The Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system (including temporary surcharging of gullies) and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Consideration has been given to the control of potential pollution of ground or surface waters from wash down and vehicles. The Applicant is providing trapped gullies, permeable paving and an attenuation basin.

The Applicant must confirm the proposed adoption and maintenance arrangements for the shared surface water drainage system. The Applicant should confirm whether this road is to be put forward for adoption, an approval in principle will be required for the box culvert.

Foul water drainage; -

The Applicant is proposing to connect to the existing public foul sewer located to the east of the site.

This will require a pumping station (proposed to be located adjacent to the pond), which will be put forward to Welsh Water for adoption.

We note that in a response from Welsh Water (dated 15/06/2018), the utilisation of a foul water pumping station should be explored and discussed further with Welsh Water Engineers as part of the Adoption Agreement.

Prior to a pumping station being confirmed, the Application should show that all other gravity fed/direct discharge options have been explored.

Overall comment; -

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

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- If infiltration techniques are a viable option, the drainage strategy should be revised to demonstrate that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A revised detailed surface water drainage strategy (please review comments in 'Surface Water Drainage' section^ with supporting calculations and evidence that there is sufficient onsite attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event including climate change;
- Provision of a revised foul water drainage strategy which considers a gravity fed discharge;

- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities:
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed surface water and foul water drainage systems. The Applicant should confirm whether the access road is to be put forward for adoption, an approval in principal will be required for the box culvert.

ADDITIONAL REPRESENTATIONS

A further representation from a local resident has been received following the publishing of the Officer Report / Agenda pack, raising concerns with respect to flooding from the Tarrington Brook to the north of the site. The comments can be summarised as follows;

- Flooding at Sparchall Farm has been increased by the discharge from housing developments in Tarrington.
- Copies of correspondence from Malvern Hills District Council between 1976 and 1982 relate to the Council's efforts to mitigate known flooding problems on Sparchall Farm land. This relates to housing at Barrs Orchard.
- Flooding would be exacerbated by more water coming from the Barrs Court development with matters worsened further after the development of Pound Close.
- Situation need urgent consideration and also should be taken into account on planning application 181943.

212518 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 191541 (OUTLINE FOR THREE OR FOUR BEDROOM DWELLING ON A PLOT OF LAND CURRENTLY PART OF HILLCREST'S GARDEN) AT LAND SOUTH OF YEW TREE FARM, RUCKHALL COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX

For: Mrs James per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

UPDATE TO OFFICER REPORT

Further to paragraph 6.24 of the report, advice has been received from the Council's Private Water Team that there is a registered private water supply to the north-east at Bethel Rose Cottage. Whilst this may lie within 50m of the proposed drainage mound, this matter would be considered as part of the necessary permit application to the Environment Agency. It does not give rise to a reason to withhold reserved matters approval.

204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND

For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ

UPDATE TO OFFICER REPORT

Additional to the updated Officer Report dated and scheduled for the Planning and Regulatory Committee on 18 January 2023 (withdrawn from the agenda), the following supplementary comments can be made.

In January 2023, the applicant submitted a Manure Management Plan and draft Section 106 agreement with respect to addressing the impact of the increased manure generated from the intensification of the equine enterprise (increased stabling provision proposed). This was considered by officers and for the reasons as set out comprehensively in the comments received from the Planning Ecology Team, it remains the case that the application, 'the project' in its entirety, is not able to demonstrate nutrient neutrality. As such, in accordance with the The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Part 6, section 63(5) – it would not be lawful to grant planning permission when an adverse effect on the integrity of a protected site has been identified.

Planning Ecology Comments (16 January 2023)

Background from previous comments

The application site lies within the catchment of the River Lugg SAC (Lugg- Lower Lugg), which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations') as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process. Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways – nutrient neutrality exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Lugg (Wye) SAC'. Natural England; the statutory nature conservation body, advise that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

The proposed development would support the potential for a maximum of 12 additional horses to be stabled at the site – with associated additional manure created which is an additional source (pathway) for phosphates in to the River Lugg SAC.

Additional comments in respect of supplied Manure Management Plan and draft s.106 agreement

The supplied Manure Management Plan (MMP) appears to be based on 19 horses – this number does not relate to existing potential occupancy (baseline) or the maximum potential additional number of horses the development would facilitate, or the potential total maximum number of horses on the site based on existing and proposed provision of stabling.

The supplied additional information appears to be based on Nitrogen rather than Phosphate which is the relevant constraint requiring Nutrient Neutrality to be demonstrated on a precautionary basis and with scientific and legal certainty for the operational lifetime of the proposed development.

The MMP is based on Nitrate Vulnerable Zone considerations and standard farming manure management practices and regulation that have not been demonstrated as HRA compliant; in particular as demonstration of Phosphate Nutrient Neutrality within the River Lugg SAC catchment is the required outcome.

The movement of manure offsite has been proposed but no nutrient neutrality for the P moved offsite has been demonstrated. The AD plant systems as proposed for offsite management of manure do not destroy P – so the input and output levels of P from an AD remain the same. The proposed receptor site for the exported manure is located within the River Lugg SAC catchment. As currently proposed, the additional P created by the intensification supported by the proposed development and exported from site remains within the Lugg catchment and has pathways to the River Lugg SAC.

No details to demonstrate that there are no P pathways in to the River Lugg SAC during the storage of additional/total manure on the site prior to export/spreading have been supplied.

No 'legacy' P calculations for fields proposed for spreading have been supplied to demonstrate that agricultural cropping for the proposed area of spreading will achieve nutrient neutrality for the additional application of manure proposed. This balanced application of nutrients must demonstrate how it will deliver required nutrient neutrality for the operational lifetime of the proposed development.

The supplied draft s.106 agreement does not appear to provide certainty of how any nutrient neutrality systems proposed can be secured, monitored and enforced for the operational lifetime of the proposed development. This includes securing what actions will be undertaken to ensure equine operations remain nutrient neutral should the proposed receptor AD plant fail, no longer operate or cannot be used to manage manure created by intensification supported by this development. This s.106 presumes nutrient neutrality in respect of additional digestate created by the AD has been scientifically and legally demonstrated as nutrient neutral for the lifetime of the development – this is not the case.

From supplied information significant uncertainty remains that the required nutrient neutrality can be demonstrated, secured, monitored or enforced for the proposed development and the equine intensification it supports.

ADDITIONAL REPRESENTATIONS

A further representation from applicant's agent has been received following the publishing of the Officer Report / Agenda pack, provided below:

Rebuttal Statement April 2023

Location: Priory Farm, Stoke Prior, Herefordshire

Proposal: Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling.

Prepared on behalf of the Applicant: Mr and Mrs Pearson

Planning Application Reference: 204230

1 SUMMARY

1.1 The principle of the development has already been unanimously approved by the planning committee in February 2022.

1.2 The Parish Council supports the proposed development.

1.3 There are several public interest letters supporting the proposed development.

1.4 The power to impose conditions when granting planning permission is very wide. It is imperative the Planning Committee uses its wide scope of powers to impose suitable conditions in the planning permission as set out in... *Circular 11/95: Use of Conditions in Planning Permissions. 5th May 2006*;

1.5 A condition can be written requiring a Section 106 Agreement. The draft agreement and Frontier Report appended to that agreement would ensure a high level of animal husbandry and site management of equine manure. Such a condition would remain within the control of Herefordshire Council in perpetuity and within the scope of The Conservation of Habitats Species Regulations 2017.

1.6 Regulation 63 (6) states: *"In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to **any conditions** or restrictions subject to which they propose that the consent, permission or other authorisation should be given."*

1.7 As the site does not *"host"* a priority natural habitat type, or a priority species... *imperative reasons of overriding public interest* required under Regulation 64, does not apply.

1.8 The residential foul drainage element of the proposal is satisfied and, with regard to permitted equine practice – in the spirit of the moratorium – the applicant can demonstrate phosphate neutrality certainty via the extinguishment of permitted historic equine intensity and, the provision of betterment in the management of the potential for phosphate to enter a SAC. It is noted the relevant SAC is located at some considerable distance from the site area and, it is noted equine manure has a low phosphate content where by hand picking of equine manure from the fields on a daily basis is good standard practice.

2. PART VI TOWN AND COUNTRY PLANNING ACT 1990

2.1 The Applicant is mindful should the Planning Department refuse the application or, retroactively impose unreasonable conditions, they are at liberty to serve a purchase

notice on the Council in accordance with the above Act.

3 CONCLUSION

- i) The proposed condition requiring a Section 106 would comply with the regulations and the spirit of the “*phosphate moratorium*” in perpetuity;**
- ii) The planning approval would bring the site under effective planning control and extinguish historic equine use from 110 horses to just 28;**
- iii) The housing element of the proposal is satisfied such that it is confirmed there is acceptable neutrality of phosphate entering the SAC.**

Web links to draft section 106 agreement – application 204230:

[Draft Section 106 Agreement](#)

[Draft Section 106 Agreement - Appendix 1 Plan of Land](#)

[Draft Section 106 - Appendix 3 Manure Management Plan](#)

220783 - PROPOSED CHANGE OF USE OF LAND AND LAUNDRY/WASH ROOM TO A BUNGALOW (RETROSPECTIVE) AND FOR A NEW DAY/LAUNDRY ROOM FOR EXISTING TRAVELLER SITE AT LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX

For: Miss Walker per Miss Abigail Walker, New House at Bush Pitch, Hereford Road, Ledbury, HR8 2PX

UPDATE TO OFFICER REPORT

- Additional condition to be added restricting use of day laundry room to that purpose only.
- Size of mobile home previously on site 60ft x 25ft.

PLANNING and REGULATORY COMMITTEE

18 April 2023

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Tatintune Ltd per Mrs Kate Girling	Outline planning application for up to 6 dwellings. All matters reserved apart from access. at LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE	181943	35
OBJECTOR		MR WATKINS (local resident)		
SUPPORTER		MR FOLEY (Applicant)		
7	Mrs James per Mr Russell Pryce	Reserved matters following outline approval 191541 (Outline for three or four bedroom dwelling on a plot of land currently part of Hillcrest's garden) at LAND SOUTH OF YEW TREE FARM, RUCKHALL, COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX	212518	77
PARISH COUNCIL		MR CHATWIN (Eaton Bishop Parish Council)		
OBJECTOR		MS WALL (local resident)		
SUPPORTER		MR PRYCE (Applicant's agent)		
8	Mr and Mrs Pearson per Mr Garry Thomas	Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling. at PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND	204230	91
SUPPORTER		MR Thomas (Applicant's agent)		
9	Miss Walker per Miss Abigail Walker	Proposed change of use of land and laundry/wash room to a bungalow (Retrospective) and for a new day/laundry room for existing traveller site at LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX	220783	117

No registered speakers

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Mrs Brown

Proposed detached garage to include garden room with home office above at **ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG**

230076

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per

Mr Nick La Barre

No registered speakers