

Agenda

Planning and regulatory committee

Date: **Wednesday 24 June 2020**

Time: **10.30 am**

Place: **online only meeting**

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson Councillor John Hardwick
Vice-Chairperson Councillor Alan Seldon

Councillor Graham Andrews
Councillor Paul Andrews
Councillor Polly Andrews
Councillor Toni Fagan
Councillor Elizabeth Foxton
Councillor Bernard Hunt
Councillor Terry James
Councillor Tony Johnson
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Paul Rone
Councillor John Stone
Councillor Yolande Watson

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 3 June 2020.</p>	11 - 22
5.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
6.	<p>191958 - LAND AT BROAD OAK, HEREFORD</p> <p>Erection of two residential dwellings (C3) with associated access and infrastructure.</p>	23 - 46
7.	<p>194052 - LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ</p> <p>Site for the erection of one detached dwelling and two bungalows.</p>	47 - 68
8.	<p>201103 - 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF</p> <p>Proposed variation of conditions 2 & 3 of planning permission 153764 (proposed extension, dormer loft conversion and replacement of conservatory/lean to with glazed extension) to construct a single roof over the proposed first floor and existing bathroom, and to alter the cladding materials.</p>	69 - 74
9.	<p>DATE OF NEXT MEETING</p> <p>Date of next meeting – 15 July 2020</p>	

The Public's Rights to Information and Attendance at Meetings

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

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

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

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

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

YOU HAVE A RIGHT TO: -

- Observe all "virtual" Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting. (These will be published on the Planning and Regulatory Committee meeting page on the council's web-site. See link above).
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Access to this summary of your rights as members of the public to observe "virtual" meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect documents.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Herefordshire Independents

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)

- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

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

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

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

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

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

Minutes of the meeting of Planning and regulatory committee held as an online only meeting on Wednesday 3 June 2020 at 10.30 am

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

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

In attendance: Councillors Jennie Hewitt and Kevin Tillet

112. APOLOGIES FOR ABSENCE

None.

113. NAMED SUBSTITUTES

None.

114. DECLARATIONS OF INTEREST

Agenda item 6: Land at Greyfriars Bridge Hereford

Councillor Rone declared an other declarable interest as he owned a property adjacent to part of the site area.

Councillor Seldon declared an other declarable interest as he knew a local resident.

Councillor Milln declared that he had made a representation in objection to the proposal prior to his election to the council. He confirmed that he would consider the matter with an open mind.

115. MINUTES

RESOLVED: That the minutes of the meeting held on 3 June 2020 be approved as a correct record and signed by the Chairperson.

116. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson reminded the Committee that if they received additional material relating to an application on the agenda they should ensure officers were aware of it to enable relevant information to be included in the schedule of updates to the Committee.

117. 184520 - LAND AT GREYFRIARS BRIDGE, HEREFORD

(Replace the demountable flood defences with permanent glass panel flood walls and flood gates. This aims to reduce the whole life costs of the defences and reduce the risk of failure to deploy during flooding. The new passive defences will be located entirely along the within the footprint of the existing defences, and will be designed to fit into the existing supports. When open the floodgates will maintain current access routes for pedestrians and maintenance.)

(Councillor Millmore joined the meeting after the start of the officer presentation and accordingly had no vote.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mr S Kerry, of Hereford City Council submitted a written submission in opposition to the scheme that was read to the meeting by the legal adviser to the Committee. Mr R Binnersley, a local resident, spoke in opposition to the scheme, as a virtual attendee. Mr D Throup of the Environment Agency, the applicant, made a submission by video recording in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Tillett, spoke on the application.

He made the following principal comments:

- He considered that the Environment Agency's (EA) stated aim to reduce the whole life cost of the defences was a more significant factor in the application than the EA had indicated in its video submission. The proposal would not improve the flood defence capacity. The cost saving needed to be weighed against the impact on the appearance of the site.
- There had to date been no failure to deploy the defences.
- Discussions with the Environment Agency initiated by the Leader of the Council and the Cabinet Member – Infrastructure and Transport aimed at achieving more local control of the demountable defences, with a saving to the EA, had led nowhere. The EA had rejected all proposals. There had been no amendments to the proposals since December 2018.
- The City Council, Herefordshire Council's Executive, and local residents, with one exception, opposed the proposal.
- The proposed glass Panels would be at risk of graffiti to the detriment of the appearance of the area. The EA had been unable to offer a solution.
- A disconnect would be created between the river and path alongside that was promoted as a tourism, walking and cycling route.
- He questioned the arrangements for operating the new flood gates.
- The major concern was the setting and appropriateness of the glass wall. It would have an irreversible adverse impact on an historic, iconic view of the City.
- The Core Strategy (CS) contained many policies designed to protect the visual environment and heritage and historic setting. The site contained ancient monuments, historic and listed buildings, and a site of special scientific interest.
- The proposal would provide no gain to the flood defences, and no improvement in addressing flood risk. It was primarily a cost saving exercise by the EA.

In the Committee's discussion of the application the following principal points were made:

- The approval of the left bank development set a precedent and the glass flood defence panels were not therefore inappropriate in themselves. Their height would, however, be detrimental to the enjoyment of the area, separating people from the river.
- A view was expressed that whilst the left bank development might be considered to make a positive contribution to the area it was to be doubted whether the proposed flood defences would be viewed in the same light.
- The current demountable barriers were not complex to erect and had been effective.
- There was a risk of graffiti.
- The proposal would have an adverse impact on the view of the City.
- The principal consideration was policy LD4 and the weight to be given to preserving, conserving and enhancing the listed buildings and scheduled monuments in the area. Historic England may have said there was a “limited impact”. However, that recognised that there was some impact.
- The EA’s proposal had a limited benefit that was insufficient to outweigh the harm caused by the height of the panels that would remove a clear and unobstructed view of the river.
- A view was expressed that a permanent barrier was needed and glass panels, as proposed, would be the least intrusive solution. It was requested that consideration be given to requiring non-reflective glass.

In response to questions the Development Manager commented:

- His understanding was that the EA would retain responsibility for the maintenance and specification of the flood gates and glass panels and monitoring them and would meet the associated costs.
- In terms of the discussions about more local control of the existing demountable defences he did not consider that this could be given weight. The focus should be on whether the proposal was acceptable in terms of its environmental impact. Similarly the whole life cost of the proposal was not a relevant consideration.
- The demountable barriers had been deployed on only a few occasions. They had remained in place for some time during the severe floods in February.
- The specification of the glazing could be conditioned if the Committee requested it.

The Lead Development Manager commented that there were no objections from the statutory consultees or internal consultees. The council’s Health, Safety and Resilience Team had stated that there was benefit in having permanent barriers as opposed to demountable defences.

The local ward member was given the opportunity to close the debate. He reiterated concern about providing an additional opportunity for graffiti. Whilst the left bank development was in keeping with the area, the proposal was wholly out of keeping with the buildings and setting on which it would have an impact. The demountable barriers had worked well and had only had to be deployed infrequently for a limited time. The proposal should be refused on the grounds that it was contrary to policies LD1, LD4, SS6, HD2 and E4.

A motion that the application be approved in accordance with the Case Officer’s recommendation was lost.

Councillor Watson proposed and Councillor Fagan seconded a motion that the application be refused with 12 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be refused and that officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for refusal by the committee on the grounds that the proposal was contrary to CS policies LD1, LD4, SS6, E4 and HD2 – specifically stating that the natural, social, and cultural capital value outweighed the need or demand for the application.

118. 192711 - FARMSTEAD SOUTH EAST OF BAGE COURT, DORSTONE, HEREFORD, HR3 5SU

(Erection of a cattle shed, 1 bay extension to an existing general purpose agricultural storage building and landscaping.)

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

In accordance with the criteria for public speaking for virtual meetings, Mr P Kemble made a submission by audio recording in objection to the scheme on behalf of The Golden Valley Action Group. Mr I Pick, the applicant's agent, submitted a written submission in support of the application that was read to the meeting by the legal adviser to the Committee.

In accordance with the Council's Constitution, the local ward member, Councillor Hewitt, spoke on the application.

She made the following principal comments:

- In weighing the benefits of the scheme against the adverse impacts, the benefits appeared to be solely to the applicant. The adverse impacts included the effect on air and water quality and the visual impact on the landscape and therefore on the sustainability of the community.
- She questioned the statement in the officer report that the proposed buildings fell under any trigger sizes that would require an assessment for air pollution emissions. Regard should be had to the combined increase in floorspace the proposal entailed, given that the barns were going to be contiguous with each other.
- Account should be taken of the wider and cumulative activity on the farm given the sensitivity of the site, sitting in the valley bottom, source of the River Dore.
- A slurry management programme should have been submitted. She was concerned that the increase in livestock numbers would have an adverse effect on the SSSI and River Dore.
- The officer report cited policy SD3: sustainable water management and water resources. The development considerably increased the roof surface area but there was no calculation of this and the consequences of the rainwater run-off. There was no water management programme.
- Heavy rain had eroded and badly damaged the road surface of Scar Lane making it impassable to traffic. The Bage Farm sat alongside Scar Lane below the source of the River Dore which ran around the perimeter of the farmyard. On a visit, she had seen large piles of uncovered manure in the field opposite the farm on the other side of Scar Lane which was next to the river
- Natural England's MAGIC website providing data on the natural environment identified the area in which the Bage Farmstead sits as a high priority area for catchment sensitive farming. It was in a water quality priority area. High priority

issues at the site were identified as: surface water nitrates, sediment issues, phosphate issues, and flood risk management. It also identified a high level of groundwater vulnerability to a pollutant discharged at ground level on the hydrological, geological, hydrogeological and soil properties.

- The proposal appeared contrary to policy SD4: development should not undermine the achievement of water quality targets for rivers within the county.
- Residents did not understand why previous planning infringements had gone unchallenged. Basing the application on the current situation, as created by one infringement – allowing the line of the farmstead to be eroded, seemed to reward the infringement
- The visual impact of increased roof space would lead to an industrial feel to the farmyard seen from Merbach Hill or from Arthur's Stone.
- The council should seek to promote sustainable farming.

In the Committee's discussion of the application the following principal points were made:

- The proposal represented a substantial development out of keeping with the setting. The site had reached capacity.
- There were concerns about the detrimental effect on the landscape of the Golden Valley and the Black Mountains.
- Consideration should be given to water quality issues.
- The Committee should defer consideration of the application pending a site visit.
- Several members expressed the view that the addition of farm buildings of the size proposed to an existing farm in a farming area was acceptable.

In response to questions the SPO commented:

- In relation to air and water quality issues the Conservation Manager (Ecology) had made no objection to the proposal. The new building and the increase in the footprint of the building to be extended did not exceed any of the thresholds required for a Habitat Regulations Assessment. The new cattle building would not be contiguous with the existing storage building which would remain as a storage building. All manure will be solid with no slurry given that the cattle would be on straw.
- The impact on the line of the former Golden Valley Railway had not been considered because it was not a designated heritage asset.
- Roofing materials were governed by a proposed condition.
- The height increase in the new building in comparison with the other buildings had been considered acceptable in landscape terms and appropriate for a building to house cattle.
- No external lighting was proposed.
- It would not be customary to commission a full surface water drainage strategy for an agricultural building. The proposal was a relatively modest increase in the footprint. This could be conditioned if the Committee wished. There was no known flood risk from surface water run off at the site.

The Lead Development Manager commented that the application was for a relatively modest development. The key issue was visual impact as referred to in previous appeal decisions on the site. The proposal was contained within the building complex. A new landscape barrier would enhance the setting of new and existing buildings. There were no objections from statutory or internal consultees. The Parish Council supported the

proposal. There had been letters of objection. He suggested the Committee might wish to consider additional conditions to require a surface water management plan and no external lighting unless agreed by the local planning authority.

The local ward member was given the opportunity to close the debate. She reiterated that she would like consideration be deferred pending a site visit to assess the visual impact of the proposal. A hedge limiting further development to the west of the farm was welcome but it did not screen the development. The proposed surface water management plan was also welcome. She remained concerned that the development was not being assessed as one building, reiterating concern about water quality.

Councillor Rone proposed and Councillor Johnson seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions requiring a surface water management plan and no external lighting unless approved by the local planning authority. The motion was carried with 13 votes in favour, 2 against and no abstentions.

RESOLVED: That planning permission be granted subject to the conditions below and two additional conditions for a surface water management plan and no external lighting unless agreed by the local planning authority and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **Time limit for commencement (full permission)**
2. **Development in accordance with the approved plans**
3. **Samples of external materials**
4. **Prior to the first use of the buildings hereby approved all planting, seeding or turf laying shall be carried out in accordance with the approved landscaping scheme (JM/04A – received 12 January 2020 and planting specification – received: 7 November 2019). Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the Landscape and Maintenance and Management Plan – received: 7 November 2019. The landscaping barrier shall remain in perpetuity.**

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, Policy ENV 1 of the Dorstone Neighbourhood Development Plan and the National Planning Policy Framework.

INFORMATIVES:

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

119. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 1.15 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 3 June 2020

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

TITLE OF REPORT:	192711 - ERECTION OF A CATTLE SHED, 1 BAY EXTENSION TO AN EXISTING GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING AND LANDSCAPING. AT FARMSTEAD SOUTH EAST OF BAGE COURT, DORSTONE, HEREFORD, HR3 5SU For: Mr Morgan per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Driffield, East Yorkshire YO25 8NJ
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ADDITIONAL REPRESENTATIONS

Two additional letters of representation have been made since the publication of the agenda. These are set out in full as follows;

1. *I have had the opportunity to read your report to Committee. However, I would be grateful if you would confirm to me:-*
 - a. *The existing type and number of livestock?*
 - b. *The proposed increase in number of livestock (and type)?*
 - c. *The area of existing agricultural land (in hectares) owned by the applicant at Bage Court Farm?*
 - d. *The area (in hectares) of any agricultural land rented by the applicant in the vicinity?*
 - e. *How many agricultural buildings are currently on-site and what is their combined floorspace (gross external measurements sq m).*

The reason I ask these questions is I remain unsure as to why yet a further new building is required in this location when there does not appear to be any evident increase in the size of the holding and / or livestock numbers. Clearly in the open countryside one should restrict new buildings and I understand that agricultural buildings should be demonstrated to be "reasonably necessary" for the purposes of agriculture. You are aware of the complex and controversial Planning history relating to this site. It was for that reason that I had previously suggested that you engage the services of a suitably qualified agricultural expert (I understand that Herefordshire Council occasionally engage the services of Robert Fox) to address the issue as to whether this further building is actually needed. Nobody wishes a building to be permitted that becomes redundant with inevitable pressure for another use.

2. *On the surface this appears to be a simple, straight-forward planning application which, in isolation, it is and intended to be so. But, considered in the light of the previous planning history relating to this site and the accumulated levels of legal and illegal activity now carried out at the site, it should be rejected.*

The initial buildings on this site were permitted to replace the old and obsolete buildings at Bage Court itself, within the hamlet of The Bage. Permission was also granted to convert the obsolete buildings into residential property and that development was commenced with demolition of some small buildings and the improvements to Scar Lane junction.

Over the years, further individual applications have been made for additional buildings on the site which have been granted and implemented thus creating a major complex. During this period three applications were also made for industrial units for poultry adjacent to the site. These were all refused on appeal.

Last year the applicant illegally erected four food silos on the site without planning permission. The County Council officers decided, after consultation with Councillor Price, that no enforcement action should be taken about the food silos and thus allowed industrial farming into Dorstone Parish by default. The applicant then illegally adapted two of the buildings on the site into industrial piggeries and commenced using the buildings for industrial activity.

The planning permissions for these buildings were granted strictly for agricultural purposes associated with the land at Bage Court Farm. Currently illegal major structural work is being carried out on further buildings on this site and it appears these will be used as industrial piggeries also.

It is very concerning that despite a history of non-compliance with planning conditions these illegal activities are allowed to continue by Herefordshire County Council officers and no enforcement actions are taken. Namely:

- 1) The illegal erection and operation of four food silos on the site.*
- 2) The illegal conversion of buildings to allow intensive farming activities to be undertaken.*
- 3) The continued use of the development site at Bage Court Farm for farming activities after commencement of the development.*

Current government policy relating to agriculture is moving away from intensive animal farming to more sustainable farming methods. The adopted Dorstone Neighbourhood Plan is clear that 75% of residents polled are against intensive farm in the Parish.

The majority of the buildings at this site are in use for intensive animal husbandry throughout the year. As such, levels of activity have intensified which is out of proportion for the normal farming processes throughout the Golden Valley for which permissions were granted at this site. In particular, dumping of substantial quantities of the manure arising and constant loader activities over extended hours cause nuisance to residents of the Parish.

The headwater stream of the River Dore actually runs through the site which, with the ever increasing intensity of livestock on the site, puts the river at greater risk of pollution and contamination.

Approval of this current application would add to the intensity and issues. This site is already the largest complex in the Golden Valley.

Since the majority of the buildings on the site are used for intensive animal husbandry the obsolete buildings at Bage Court Farm are still in daily use for food storage and processing, lambing, and any treatment of the sheep flock of the holding.

Because of the history of planning associated with this site the Planning Committee should give full consideration to all these issues that are involved and reject this application. If the County Council was minded to grant permission for such an increase in this industrial complex then it should impose appropriate conditions to mitigate the effects. These conditions should be carefully worded and enforceable, by law if necessary. They should include:

- a) *A wide tree planting margin planted all round the site installed prior to commencement of the buildings to ensure that the condition is, this time, met.*
- b) *No further buildings to be allowed on the site or the holding.*
- c) *Cessation of all farming activities at the development site at Bage Court Farm.*

In addition to the above, members will be aware of further correspondence sent to them directly on behalf of the Golden Valley Action Group. In summary, the correspondence raises concerns with regards to the how officers have addressed a number of points raised in subsequent representations. It also attaches these previous representations for reference and sets out details of the Group's speech which is to be read out during the Committee.

OFFICER COMMENTS

The enterprise is well-established and continues to grow and the applicant has identified a need for additional livestock accommodation/storage.

The following additional details have been provided by the applicant in relation to the justification of the proposal;

As pig numbers have increased and required housing in the existing buildings, the applicant has identified the requirement for additional buildings in order to grow cattle numbers. The traditional buildings at Bage Court Farm are no longer within the ownership of the applicant. They are owned by the applicants brother, and the applicant has 18 months left on a lease on these buildings, following which he has to vacate (the traditional buildings at Bage Court have an extant planning permission for residential conversion and this requires the removal of the modern farm buildings). The total land available to the applicant is 350 acres. The applicant has 1,000 fattening pigs, around 650 breeding ewes and 45 cattle which he intends to expand.

Notwithstanding the above submission, the question of 'need' is acknowledged and addressed accordingly at Paragraph 6.10 of the officer's report.

Comments relating to previous enforcement matters at the site or future concerns in this regard are noted but as set out at Paragraph 6.4 of the officer's report, this application has been assessed on its own merits.

Correction – Paragraph 6.12 of the Committee Report should read as follows;

The proposal would extend the length of the existing agricultural storage building by 6.09 metres and erect an additional cattle building for the resultant length of the above, with a ridge height 1.15 metres in excess of the existing building to be extended.

NO CHANGE TO RECOMMENDATION

MEETING	PLANNING AND REGULATORY COMMITTEE
DATE:	24 June 2020
TITLE OF REPORT:	191958 - ERECTION OF TWO RESIDENTIAL DWELLINGS (C3) WITH ASSOCIATED ACCESS AND INFRASTRUCTURE AT LAND AT BROAD OAK, HEREFORD For: Mrs Chambers per Mr Stuart Leaver, Singleton Court Business Park, Wonastow Road, Monmouth, NP25 5JA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191958
Reason Application submitted to Committee – Re-direction	

Date Received: 4 June 2019

Ward: Birch

Grid Ref: 348036,221208

Expiry Date: 1 May 2020

Local Member: Councillor Toni Fagan

1. Site Description and Proposal

- 1.1 The application site is found within the village of Broad Oak and the rural parish of Garway, 13 miles to the south of Hereford. The site is located to the western side of the C1239 with the cross-roads with the B4251, arguably the centre of the settlement, 50 metres to the north. The C1239 leads south from Broad Oak and connects with A466 2.5 miles to the southeast at Welsh Newton. The settlement is largely centred upon the aforementioned cross-roads with residential development generally found along the Garway road to the north of the B4521 and the C1239 to the south. Broad Oak Garage and shop is situated on the southern side of the B4521 to the east of the village.
- 1.2 The site is irregular in shape and lies to the south of the now redundant St Mary's Catholic Church, the site of which is subject to a separate application under consideration for 4 semi-detached dwellings (192577). Unkempt in its appearance, the site is laid to grass although it is unmaintained and overgrown and bound by mature hedgerows/tree species. It is accessed via a galvanised gate to the northern part of the site next to the telephone kiosk and post box.
- 1.3 Detached residential properties can be found opposite the site, on the eastern side of the C1239 and to the south of the site are four detached and semi-detached dwellings, currently under construction following approval of 180061/F. Residential development has also been approved for two detached dwellings to the immediate west of the site, accessed from the B4521 (192577/F).
- 1.4 This full planning application seeks planning permission for the erection of two-detached dwellings (1 x 3 bedroom and 1 x 4 bedroom) which would be accessed individually from the

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

C1239. The northernmost 4 bedroom dwelling (plot 1) which would benefit from a detached double garage, would be constructed from coursed stone and render under fibre cement tiled roof. The dwelling would benefit from a front projecting gable with a mono-pitched bay window adjacent to a centrally located front porch, also mono-pitched. Bi-folding doors would feature to the rear elevation of the dwelling.

- 1.5 The southernmost dwelling (plot 2) would benefit from a detached single garage and would be constructed from matching materials to those which would be used for plot 1, albeit the design would differ with a centrally positioned front projecting gable.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
SS7	Addressing climate change
RA2	Housing in settlements outside of Hereford City and the market towns
H3	Ensuring an appropriate range and mix of housing
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and geodiversity
LD3	Green infrastructure
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Wastewater treatment and river water quality

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

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

2.2 Garway Neighbourhood Development Plan (GNDP) (examination stage).

GAR1	New housing development in Garway Village and Broad Oak
GAR2	Design in Garway parish
GAR3	Flooding and drainage
GAR4	Protecting local landscape character
GAR5	Dark skies
GAR10	Highways and transport

https://www.herefordshire.gov.uk/download/downloads/id/16834/draft_neighbourhood_development_plan_january_2019.pdf

The Plan can be given moderate weight.

2.3 National Planning Policy Framework (NPPF)

Chapter 2	Achieving sustainable development
Chapter 4	Decision-making
Chapter 5	Delivering a sufficient supply of homes
Chapter 9	Promoting sustainable transport

- Chapter 12 Achieving well-designed places
- Chapter 14 Climate change, flooding and coastal changes
- Chapter 15 Conserving and enhancing the natural environment

3. Planning History

- 3.1 **044279/O** – Site for erection of one chalet bungalow with garage – Refused (2004)

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water – no objection

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

4.2 Natural England – no objection

Internationally and nationally designated sites

The application site is within the catchment of the River Wye Special Area of Conservation (SAC), which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI).

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

European site - River Wye SAC

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, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of the sites in question. Natural England agrees with the assessment conclusions. Further general advice on the protected species and other natural environment issues is provided at Annex A.

Internal Council Consultations

4.3 Transportation Manager – no objection

CAB - Visibility Splays – See submitted plan – CHM19.01-02

CAD - Access gates – 5m
CAE - Vehicular access construction
CAH - Driveway gradient
CAI - Parking – single/shared private drives
CAT - Construction Management Plan
CB2 - Secure covered cycle parking provision

I11 – Mud on highway
I09 – Private apparatus within the highway
I45 – Works within the highway
I05 – No drainage to discharge to highway
I47 – Drainage other than via highway system
I35 – Highways Design Guide and Specification

4.4 **Conservation Manager (Ecology) – no objection**

20 April 2020

The additional information, including the submitted copies of Discharge Permits for the use of raised drainage mounds issued by the Environment Agency (EPR/QB3294WC and EPR/PB3792AR). At this specific location and under the current Conservation Status of the River Wye SAC these are relevant and appropriate to allow the LPA to undertake the Habitat Regulation Assessment process with the required legal and scientific certainty.

The supplied Discharge Permits confirm that the management of the final outfall from the proposed package treatment plants can be successfully achieved through ‘mound’ drainage fields complying with BS6297:2007 and Regulations A1:2008.

As the Habitat Regulations that the LPA has to consider and grant planning consent through as the ‘competent authority’ are legislation over and above the Permits issued by the Environment Agency it is reasonable for the LPA to ensure the permits are implemented through a relevant Planning Condition.

Surface water will be managed through a relevant combination of attenuation Tanks and subsequent managed outflow (to greenfield or below outfall rates) to the adjacent ‘brook’.

Suggested Conditions:

Habitat Regulations (River Wye SAC) – Foul Water Management

All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway mound drainage field on land under the applicant’s control as approved through Environment Agency Discharge Permits (EPR/QB3294WC and EPR/PB3792AR or any subsequent permits so issued) unless otherwise agreed in writing by the Local Planning Authority.

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

Habitat Regulations (River Wye SAC) – Surface Water Management

All surface water shall discharge to appropriately sized attenuated Sustainable Drainage Systems unless otherwise agreed in writing by the Local Planning Authority.

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

The previous ecology comments (June 2019) regarding other matters outside HRA requirements are included and updated below:

The supplied ecology report is noted and that there are no protected species constraints identified for this site. There is no reason for this LPA to include a generic wildlife protection condition as these requirements are already covered by the higher level protection of the Wildlife & Countryside Act 1981 – and the applicant and applicant’s contractors are reminded of their legal duty of care to wildlife protection.

Suggested advisory:

Wildlife Protection and Biodiversity ‘net gain’ Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Badgers, Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained. All retained trees and hedgerows should be subject to appropriate secured root protection areas as identified in BS5837:2012 (2m buffer for hedgerows).

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Biodiversity potential of the area. To secure these enhancements a relevant Condition is suggested:

Nature Conservation – Biodiversity and Habitat Enhancement

Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and TWO Hedgehog habitat homes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

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

3 October 2019

The updated drainage consultation response draws doubt of the capability and certainty that the applicant’s previously advised foul water (and potentially surface water) strategies proposed. With a technical uncertainty the previously completed habitat Regulations Assessment – appropriate assessment must be revised as the LPA has to have certainty that the proposed mitigation can be achieved in order to achieve a ‘satisfactory - no adverse effects on integrity’ conclusion to the legally required process.

Uncertainty has been identified around ability to implement a mound, or indeed any form of soakaway drainage fields at this location and as there are no legally compliant watercourses identified to support the alternative option of a direct discharge to a watercourse.

Until such time as additional scientific and satisfactory evidence to provide the required certainty that mitigation can be achieved this application should not legally be granted planning consent due to failing the required HRA process.

4.5 Neighbourhood Planning Manager – Comment

The Garway Plan would be attributed moderate weight at this stage.

4.6 Land Drainage Consultant – Object

8 June 2020

BS6297 requires that a drainage field should be at least 7m from a habitable building. The garage is not habitable. However, soakaways should not be installed within 5m of any building owing to the risk of settlement. Based on the drawing it appears that the bund would be less than 5m from the garage. This is not strictly a flood risk issue, but we do ensure that surface water drainage strategies rely on soakaways being installed 5m or more from buildings. We therefore object.

26 May 2020

I have reviewed the recent information that has been provided and note that Environmental Permits for a single drainage mound has been presented

In principle a drainage mound would be acceptable as the EA have approved this. However we note that one drainage mound is shown that serves both properties. We note that the EA permit requires the mound to be sized based on a $V_p=15$ s/mm. "Flows and Loads" requires treatment facilities for houses to be designed for 3 bedrooms (5 people) or 4 bedrooms (6 people)

The pipework could be installed in two adjacent mounds that are merged together, although separate. BS 6297 does not identify a separation distance but from a practical perspective this would need to be at least 2m

The size of each mound would therefore need to be $5 \times 15 \times 0.2 = 15$ m² or 12 m². It would appear that the size of the mound is approximately correct

However we note that the drainage mound for plot 2 extends into the garden of plot 1. Surely this is impractical as there would be no means for the owner of plot 2 to maintain the mound.

We note the proposals for pumps . Buffer tanks will be required, because the pumps will deliver flow at a rapid rate and this will cause scouring within the drainage mound.

Section 2.38 of the Building Regulations (Part H) requires that the pumping installation should comply with BS EN 752 as reiterated below.

The applicant will need to advise how the pumps and the package treatment plant will be maintained. Compliance will be required with the following stringent requirements so to mitigate foul flooding risk. There will need to be two pumps. The pumping station will need to provide 24 hours of storage in the event of failure (above the high level alarm). A specification will be needed to demonstrate how a local contractor can attend to tanker away the waste water within 24 hours. Calculations using British Water Flows and Loads will be needed to identify the storage volume that is provided above high level alarm level. An alarm system will need to be identified.

The main issue is that the wet well would need to be sized to allow for emergency storage of wastewater in the event of pump failure. As mentioned above, the maintenance plan would need to include details of an organisation that could attend site with a tanker on any day in the year including Bank Holidays, to facilitate removal of the waste water from the Wet Well (before the wet well overflows causing pollution). This is necessary to provide the Council the assurance that the risk of foul flooding has been mitigated.

The wet well will then be sized according to the equivalent population draining to the pumping station and the time allocated for a contractor to attend site and start tinkering. We note that adequate space is available for a tanker. Reference to a telemetry system means that a warning system will need to be designed so that the operatives are called to site when the water level in the wet well reaches a specified level.

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

2 October 2019

We have reviewed the latest drainage strategy (Ref: 19-02-06 01 A) and the note provided by the Applicant dated 23rd August 2019 13:29. Drainage Mounds work best on permeable/semi-permeable ground. In this case the tests have demonstrated that the soil is largely impermeable. Drainage mounds installed on soil of this type tend to work best on levelled ground. When the drainage mound becomes saturated, water will bypass directly into the ditch. We appreciate the intent to provide secondary treatment, but we hold concerns that the ditch will become polluted. Based on the latest foul water proposals, we do not support this application. In addition to this, we note that the surface water drainage strategy features a restricted rate of 0.61/s. We have stated on numerous occasions that this should be restricted to 21/s to mitigate the risk of blockage.

19 August 2019

It is in our interest to raise the risks associated with culverting of this ditch. We have concerns that the ditch is very likely to be culverted in the future and thus we have provided the attached letter which should be passed onto the developer and homeowner to ensure that Land Drainage Consent is obtained for any future culverting works - hence the attached letter.

In relation to foul water - we would like to make the risks associated with Drainage Mounds known to inform a balanced decision. As the site is very flat, there is a risk that effluent will spill from the drainage mound, sideways into the dry ditch, or sideways into the surface water drainage system which will cause a nuisance and may present an odour issue to the neighbouring land. It is likely that the effluent will need to be pumped to get into drainage mound. We do not consider pumps acceptable given the risks associated with failure of the pump.

There is also a strong preference to discourage the use of cesspools (as outlined in policy SD4). To facilitate development, a balanced decision needs to be made which may not involve strict compliance with SD4.

As outlined in our previous comments dated 23rd July, we request that a foul drainage strategy is provided prior to the Council granting permission. Once this has been provided, we would request further information as part of suitably worded planning conditions for the surface water drainage strategy.

23 July 2019

Overview of the Proposal

The Applicant proposes the construction of 2 dwellings and appropriate access arrangements. The site covers an area of approx. 0.14ha and is currently a Greenfield site. A ditch (dry ditch) runs through the existing site in the south from east to west and then runs along the western boundary of the site. The topography of the site is relatively flat.

Flood Risk

We are aware of an existing 100mm pipe which runs beneath the highway and outfalls into a ditch in the southern part of the site. This ditch runs through the southern part of the site (from east to west) and then along the western boundary towards the north (shown as the green dotted line in Figure 2). The ditch in the southeast part of the site is at approx. 150.78m AOD. The ditch at the northwest part of the site is at approx. 150.35m AOD. This ditch (within the site) has a fall of approx. 43mm and thus does not have much capacity.

We note the proposal to retain the ditch as an open ditch within the south part of the site due to the known risks of culverting this ditch. The curtilage of plot 2 extends to the south of the ditch. It is very likely that in the future this ditch will be culverted (as the owners of plot 2 will require access to their garden to the south). It is very likely that future residents of this dwelling will not be aware of the risks associated with culverting this ditch and will not be aware that Ordinary Watercourse Flood Defence Consent (and planning permission if necessary) is required. The culverting of this ditch is likely to result in nearby residential flooding. The landowner of plot 2 will have a riparian duty to ensure this ditch allows the free passage of water.

It is also likely that future homeowners of the residential properties at risk nearby will not be aware of the risks associated with culverting this ditch. They will only be aware of the issue once flooding has occurred.

We are not aware of how the prevention of culverting this ditch can be formalised and communicated to future homeowners. We suggest that the curtilage of plot 2 does not extend to the south to prevent the future scenario of culverting the ditch.

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Drainage

We appreciate that infiltration techniques will not be a viable option for this site. The current surface water drainage strategy includes directing surface water runoff into a shared attenuation tank (to be located within the curtilage of plot 1) with restricted discharge into the ditch at 0.6l/s. This rate is not acceptable.

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (40% for this site).

The rate and volume of discharge should be restricted to the pre-development Greenfield values as far as practicable. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes. If the 100 year Greenfield runoff rate is less than 2l/s, we would accept 2l/s. Discharge rates lower than this can result in small orifices likely to block.

For any proposed outfall to an 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. Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

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. 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.

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

Foul Water Drainage

The foul water drainage strategy includes the installation of individual package treatment plants with final (shared) outfall to the adjacent ditch. This is not in line with the Binding Rules as the adjacent ditch does not have a non-seasonal constant flow of water (we visited this site and did not see a flow of water, thus outfall of treated effluent into this ditch is not acceptable).

The Applicant should provide a foul water drainage strategy which is compliant with the general Binding Rules and in accordance with the Building Regulations Part H Drainage and Waste Disposal.

We are aware that percolation techniques are unlikely to be a viable option for this site. In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system, nearby watercourse and ponds.

Overall Comment

We currently object to this development due to the proposal to dispose of treated effluent into a dry ditch. The Applicant should provide a foul water drainage strategy which is compliant with the general Binding Rules and in accordance with the Building Regulations Part H Drainage and Waste Disposal.

We also have major concerns in relation to the layout of the development as described in the Flood Risk section. The curtilage of plot 2 extends to the south of the existing ditch which should remain an open ditch. There is a risk that the ditch will be infilled/culverted by future homeowners (as they will be unaware of the importance of ensuring this ditch/flow of water is maintained) and this is likely to result in nearby residential flooding.

5. Representations

5.1 Garway Parish Council – object

The Parish Council have concerns with regard to drainage issues between the land boundaries

5.2 To date, a total of 13 letters have representation have been received from 7 properties. All but one of these object to the proposal, with the remaining letter making a general comment. The points raised can be summarised as follows;

- Growth is disproportionate to the size of the settlement
- Local Planning Authority should be consistent in decision-making refuse the application given that 191775/PIP was refused on that the proposal when taken together with existing approved residential development would not present proportionate growth and thus is contrary to Policy RA2 of the Herefordshire Local Plan – Core Strategy.
- Decision-making should be consistent.
- Proposal would represent overdevelopment
- Application would create a precedent for further development along the B4251, beyond the village boundary.
- Dwellings would alter the appearance of the settlement
- Concerned about the impact on the surrounding landscape – especially when viewed from Public Footpath GW14 to the west, from the B4251 as approach from the Skenfrith direction and also from Cwm Maddoc Farm.
- Neighbouring dwellings would be dominated by those proposed.
- Double garage serving plot 1 should be changed to a fully hipped roof and the ridge of the plot 2 garage should run east to west.
- Essential that coursed stone to the front elevations is natural stone with lime mortar
- Would be preferable if natural slate was used
- Preferable if windows and doors were composite with powder coated aluminium frames
- Future occupants will be reliant on the private car to access services and facilities
- Buildings proposed are large, executive homes and do not meet the needs for younger people
- Design fails to take account of orientation in order to benefit from passive solar gain and therefore the proposal would do nothing to address the climate emergency.
- The road is curved and narrow with limited visibility and therefore additional increases in traffic entering and existing is bound to result in an increased problem on the highway.
- No other way to move around the village except on the roads – there is no provision made for pedestrians, cyclists, wheelchairs or non-motorised users.
the public footpath to Skenfrith at Nantewain.
- Footpaths should also connect the development to the neighbouring residential developments.
- Should be provision for pavement to allow access to the shop.
- Imperative that vehicle driveways and turning areas are surfaced with appropriate permeable material.
- Translocating hedges is prone to failure and a new one should be planted to the rear of the visibility splays and should comprise native species and be double staggered.
- Water table is high and the clay soil is slow draining – the ditched would be unable to cope and this would have a negative impact on roads.
- Run off from the six approved dwellings to the south of the B4521 ends up in the pond of Cwm Maddoc Farm – which is used for amenity/recreational purposes including by children. The additional dwellings would make the situation worse and lead to pollution.
- Existing drainage ditch would not be able to cope with the additional outfall from the proposed two treatment plants.
- Red line should not extend to the south of the northern side of the drainage ditch that traverses plot 2.
- Excess service water run-off is routed through neighbouring properties, under the road and then to the drainage ditch around the application site. Given the fall in the land is very limited, periods of heavy rainfall can result in the drainage ditches backing up.
- Drainage mound would be contrary to Policy SD4 of the Herefordshire Local Plan – Core Strategy – a revised HRA assessment should be undertaken.
- Proposed residential development of this site would have a Likely Significant Effect on the River Wye Special Area of Conservation and as such the proposal is contrary to the provisions of policies LD2 and SD4 of the Herefordshire Local Plan – Core Strategy
- Height of any drainage mound should be made available.

- Concerns with regards to the filling of the drainage ditch on plot 2 in order to increase useable garden area – who would be responsible for maintaining the ditches?
- Great crested newts and Dormice have been seen in Broad Oak.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191958

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

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

6. Officer’s Appraisal

Policy Context and Principle of Development

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

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

6.2 In this instance, the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the parish of Garway and thus the Garway Neighbourhood Area. The Garway Neighbourhood Development Plan (GNDP) was sent for examination on 3 April 2020. The examiner’s report is currently awaited and the GNDP can be attributed moderate weight at the present time. This is in conformity with Paragraph 48 of the NPPF.

6.3 Policy SS1 of the CS sets out that proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF. This policy states:

‘When considering development proposals, Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) Specific elements of national policy indicate that development should be restricted.’*

- 6.4 It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the NPPF echoes the above in that it advises the following in respect of decision making:

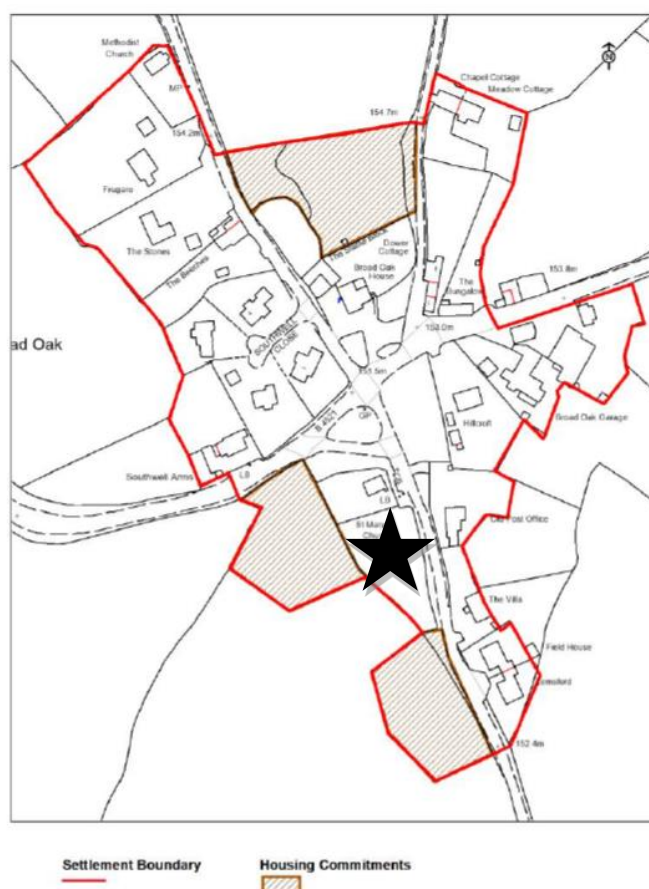
'Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

Principle of development

- 6.5 In locational terms, paragraph 79 of the NPPF seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. With this in mind, the adoption of the CS recognises that proportionate growth is required in rural areas for social and economic purposes. As such, the proposal is assessed under the CS policies alongside the NPPF, notwithstanding the out of date nature of the policies.
- 6.6 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across Herefordshire. In order to meet the targets of the CS, the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. 6,500 of these will be in Hereford City, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.7 Outside of Hereford City and the market towns, CS Policy RA1 identifies that Herefordshire's rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Broad Oak is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% housing growth, and is listed in Figure 4.15 under policy RA2 as an 'other' settlement where proportionate housing is appropriate. The indicative housing growth translates to 25 dwellings being required across the plan period within the Parish (which comprises both the settlements of Garway and Broad Oak).
- 6.8 Policy RA2 then goes on to outline that housing proposals will be permitted where the following criteria are met:
- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in Figure 4.15, proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
 - 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
 - 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding development and its landscape setting; and*
 - 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in a particular settlement, reflecting local demand.*

- 6.9 Broad Oak is characterised by a generally loose-knit cluster of dwellings, albeit largely centred on the crossroads to the centre of the settlement. Whilst the general bulk of development can be found on the northern side of the B4251, the shop and garage are found on the southern side, together with some detached residential development along the eastern side of the Welsh Newton Road (C1239). Notwithstanding this, additional residential development (6 dwellings in total) is under construction to the south of the application site (western side of the Welsh Newton Road) and to the south side of the B4251 opposite the Southwell Arms.
- 6.10 With the above in mind and noting its relatively central location, the application site is considered to be within the main built up part of Broad Oak and is visually well related to the established built form of Broad Oak. The site is visually well-contained by virtue of its established boundaries and given the construction of residential development to the south in what was a larger and more open agricultural field, it is not considered that the residential development of this site would be out of character in this growing settlement.
- 6.11 Notwithstanding the above consideration, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, Garway Parish is preparing an NDP (the GNDP) and the proposed site lies within the settlement boundary of this emerging document.
- 6.12 As stated, the GNDP is at the examination stage and can thus be attributed moderate weight in accordance with Paragraph 48 of the NPPF. The site's location within the settlement boundary is indicated on the plan below by the black star with the red line of the settlement boundary contained at Policy GAR1 of the GNDP for context. This policy states that within the defined boundaries of Garway and Broad Oak, new housing will be supported where it meets a set of criteria.



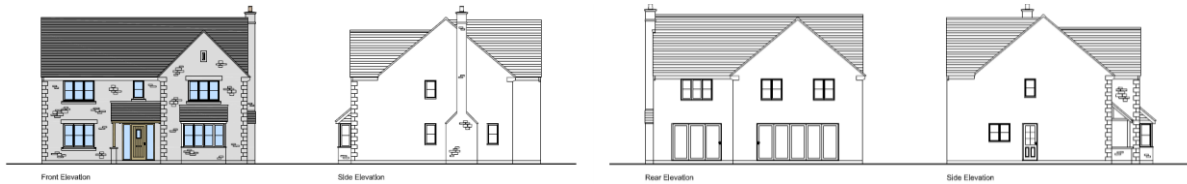
- 6.13 Subject to the criteria of Policy GAR1 being satisfied, which will be touched on in the proceeding sections of this report, locationally, the site is considered acceptable for residential development.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

- 6.14 Much attention has been drawn to the recently refused Permission in Principle (PIP) application to the western side of the settlement and to the south of the B4251 for the erection of two dwellings (191775/PIP). As set out above, the parish, which comprises both the identified settlements of Broad Oak and Garway is expected to deliver a minimum of 25 dwellings in the plan period through to 2031. The Parish has performed reasonably well in regards to housing provision given that as of 1 April 2019 completions and commitments totalled 28 dwellings. Since then 193555/F was approved which entails the conversion of a barn to a single residential dwelling at Oaklands Farm. Further 191330/F was approved and is for the erection of a single dwelling at Ivy Cottage and also 192922/F approved for the conversion of a barn to a single dwelling at Haskells. This takes the total completions and commitments to date to 31 dwellings. A further 7 dwellings are under consideration by the Council at land at Lemsford, to the south of the application site (3 dwellings – 194052) and at the site of St Mary’s Church to the north (4 dwellings – 192577).
- 6.15 As such, while there may not be an acute shortage of housing in the parish, in light of the Council’s housing shortage the target of 25 dwellings is a minimum figure and not an upper limit and therefore there is not considered to be a ceiling to further residential growth. The GNDP does not satisfy all of the criteria of paragraph 14 of the NPPF (it is not yet part of the development plan as it has not passed a referendum) and as such the tilted balance as set out at paragraph 11d of the NPPF is engaged. Consequently, in spite of the LPA holding some reservations in terms of the cumulative impact of further development at Broad Oak, an assessment is required as to whether any harm would arise from such net additions, especially noting the sites location within the settlement boundary (unlike the refused PIP application) and the recent increase in weight which should be attributed to policy GAR1 of the GNDP.
- 6.16 In light of the above, whilst some contention in terms of whether the growth can be considered proportionate is acknowledged, noting the increased level of weight attached to the GNDP at the present time, it is not found to automatically direct the decision maker to refuse the application. This will be weighed up in the planning balance at the end of this report.

Design, landscape and amenity

- 6.17 The design of any building requires assessment against Policy SD1 which states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing impact. These requirements are, in the large part, echoed through Policy GAR2 of the GNDP. Paragraph 127 of the National Planning Policy Framework reinforces this further by stating that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.18 In landscape terms, Policy LD1 of the CS is relevant insofar that it requires that the landscape character should positively influence the proposal as well as the scale, nature and site selection. Likewise, at the local level, Policy GAR4 sets out that the development proposal will need to demonstrate that the character of the parish landscape has influenced the design, scale, form and siting of the proposal. Proposals should also, amongst other things, maintain and extend native tree species, hedgerows and other important vegetation.
- 6.19 Broad Oak is comprised of a variety of dwelling types including bungalow, detached and semi-detached two storey properties with construction materials presenting no prevailing theme. Stone, facing brickwork and render all feature and this is somewhat common in rural settlements in South Herefordshire.



Plot 1 Elevations



Plot 2 Elevations

- 6.20 Whilst the proposed dwellings are larger than those found on the opposite side of the C1239, they are not considered to be disproportionately so when having regard to the variety of dwelling sizes found within the settlement. Further, noting that there is no prevailing design or scale that characterises Broad Oak, the dwellings proposed would not appear as alien in this rural settlement by virtue of the materials proposed, although details of such would be secured by way of condition attached to any approval. Notwithstanding this, the use of stone and render would respond well to this rural location and would reference the variety in design and materials found within the wider parish.
- 6.21 Whilst not of any particular architectural merit, the dwellings are rather standardised in their design. It is acknowledged that front projecting features are not particularly common with traditional dwellings within the settlement, however, it would break up the dwellings and add some architectural interest. The layout of the dwellings would also ensure that the loosely knit settlement pattern to the south of the B4251 is upheld. In addition, the fenestration arrangement is simple and is not excessive so as to appear unduly contemporary and alien in the rural landscape. The detached garages would be appropriately sited as to achieve subservience and would again be constructed using appropriate methods to complement the hosts. Whilst the design of these has been criticised, they are not considered to be out of keeping when having regards to the host dwellings and there are similar outbuildings/garages found in the locale.
- 6.22 It is acknowledged that the orientation of the dwellings is not wholly conducive to passive solar gain insofar that the scheme is absent of any south facing roof-slopes, this does not preclude the scope and ability for any future introduction of other means of renewable energy technologies.
- 6.23 The comments are noted in relation to the landscape impact of the proposal, especially when viewed from the west and from public footpaths and highways. However, the application site would essentially infill an undeveloped parcel of land where there is development both to the north, south and to the east. The existing hedge which bounds the site with the C1239 would be translocated to the west to allow for the requisite visibility splays to be achieved whilst ensuring that the dwellings sit within a characteristically rural plot that would not appear to have been urbanised as a consequence of the dwellings. It is not considered that the design, scale and layout of the proposal would result in any net harm to the wider landscape setting. In accordance with Policy LD1 of the CS and GAR4 of the GNDP, a landscaping scheme and maintenance plan would be secured by way of condition.

- 6.24 In terms of the impact the proposed dwellings and garages would have on residential amenity, the site has a proximal relationship with The Old Post Office and The Villa given their siting directly opposite the application site on the eastern side of the C1239. Field House and Lemsford lie slightly further to the south-east of the application site. Regard must also be had to any future residential relationship between the dwellings proposed and those approved (and under construction) as a result of the approval of 183591/F and 180061/F to the west and south respectively.
- 6.25 Whilst plot 2 would be orientated so that it does not directly overlook any opposite properties, plot 1 would have a more direct presence towards The Old Post Office. However, noting that the dwellings would be set well back within the plot and observing that The Old Post Office is a single storey dwelling, sited on the opposite side of the highway and very well screened by a box hedge, it is not considered that the resultant residential relationship, in terms of overlooking, would be harmful or exceptional in this location.
- 6.26 The northernmost dwelling to the approved site to the south would not contain any first floor windows and notwithstanding this, the distances between the dwelling and plot 2 together with boundary hedges allows for a harmonious residential relationship. Whilst plot 1 would be rear facing onto the side elevation of plot 2 of the approved 183951/F to the west, only one window is found to the first floor side elevation, this serving a study. However, the distance between the two dwellings would not be harmfully close and noting the retention of the tree to the corner of the site and other appropriate landscaping (to be secured through condition), it is not considered that the residential relationship between these two dwellings would be so unacceptable as to warrant refusal of the application. It is also considered that the resultant relationship between plot 1 and plot 2 would be satisfactory and no harm in terms of overlooking, overshadowing or through overbearing appearance has been identified.
- 6.27 Finally, noting that plot 2 would have reduced usable private amenity space by way of the presence of the drainage ditch through the southern part of the garden, the overall levels of private amenity space afforded to each of the dwellings is considered to be commensurate to their scale.

Housing Mix

- 6.28 Noting concerns raised with regards to the type of houses proposed, the site is found within the Ross-on-Wye HMA whereby the most required dwellings are those with 3 bedrooms. Policy H3 of the CS seeks to ensure that proposals for new residential development provide a range and mix of housing in order to allow for the creation of balanced and sustainable communities, Policy GAR1 echoes this expectation at the local level.
- 6.29 Noting the scale of the development, it is not feasible to secure affordable housing or agreements to meet any such need off site. However, the scheme would provide for 1 no. 3 bedroom dwelling and 1 no. 4 bedroom dwelling and in the context of the Ross-on-Wye HMA, this is not found to be an unacceptable mix.

Highways and access

- 6.30 In terms of highways impacts, Policy MT1 of the CS require development proposals to give genuine choice as regards to movement. Likewise, Paragraph 103 of the NPPF requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 109 of the NPPF makes it very clear that

development should only be prevented or refused on highways grounds where the residual cumulative impacts of development would be severe.

- 6.31 At the local level, Policy GAR10 of the GNDP requires new development to include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.32 Both dwellings would benefit from single access with sufficient parking and turning. Whilst fears raised in terms of access to the dwellings are noted, the existing hedgerow would be translocated to allow for the requisite visibility splays to be achieved to allow for safe entrance and exit to and from the C1239.
- 6.33 Whilst the comments received in relation to poor footpath and non-motorised connectivity throughout Broad Oak are accepted, the provision of extensive footpaths and active travel infrastructure would not be considered commensurate or appropriate for two dwellings in this small rural settlement. Notwithstanding this, the Area Engineer has confirmed that the translocation of the hedgerow to allow for the requisite visibility splays would allow for the insertion of a footway in the future, should the need or desire arise.
- 6.34 Overall, the proposed access, parking and turning arrangements are considered acceptable and the scheme allows for the introduction of a footpath to the side of the carriageway, should the requirement be forthcoming. As such, subject to the recommended conditions, it is considered that in this regard the proposal accords with the requirements of Policy MT1, GAR10 and the principles as set out within Chapter 9 of the NPPF.

Ecology

- 6.35 With relation to matters of ecology and biodiversity, both policies LD2 and LD3 of the CS are pertinent. Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new green infrastructure.
- 6.36 Whilst comments relating to protected species close to the site or within Broad Oak are acknowledged, the applicant has submitted an ecology report which has been reviewed by the Council's Planning Ecologist. It is concluded that there are no protected species or constraints at the site which would be adversely affected by the proposal. Moreover, the applicant has a legal duty of care to wildlife protection and an informative is recommended in this regard.
- 6.37 In terms of green infrastructure, the existing boundary hedge would be translocated to allow for the requisite visibility splays. The tree to the north-western corner of the site would also be retained together with some additional planting. These details would be secured by submission of a landscaping scheme secured by way of condition.
- 6.38 Noting the comments received from the Council's Ecologist, and that no objection has been received from Natural England to the Habitat Regulations Appropriate Assessment consultation, the proposed drainage strategy, by virtue of the receipt of Environment Agency permits is considered to be acceptable. This therefore allows for the required scientific certainty in order for the Council as 'the competent authority' to conclude that the proposal would not result in any likely significant effects on the integrity of the River Wye SAC. There are not found to be ecological implications as a result of the proposal subject to appropriate mitigation conditions being attached to any approval.

- 6.39 With the forgone in mind, no harm to immediate or wider biodiversity or ecological networks is identified and the proposal is in accordance with Policy LD2 and LD3 of the CS.

Drainage

- 6.40 Much of the representation received raises concerns with regards to the proposed drainage arrangements and the impact they may have on surface water flooding of neighbouring sites and properties and through pollution. To this end, Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, Policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical, alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). At the local level, Policy GAR3 of the GNDP sets out that all new development is required to include adequate surface water drainage measures to protect existing and new development from flooding. It proceeds to state that all development of existing properties (including alterations) must demonstrate that surface water is diverted into suitable and adequate drainage systems and not sewers.
- 6.41 It is recorded that there is a pipe which runs from The Villa, under the road and into a ditch, dissecting the southern part of the site, which would form the garden serving plot 2 and then running northwest along the boundary, falling in level marginally. Whilst the concerns raised by the Land Drainage Engineer in terms of the risk of this being culverted are acknowledged, the applicant has confirmed that this not the intention. Further, other consenting regimes (Ordinary Watercourse Flood Defence Consent) would be required in order for this ditch to be culverted. It is understood that there could be communicative issues in ensuring that the owner of plot 2 obtains the correct consent and is aware that they must obtain the relevant consent, should they wish to culvert the ditch, but this is not a material planning consideration which should weigh against the proposal or warrant the request that the curtilage of plot 2 is curtailed so as to not extend southwards beyond the northern edge of the ditch. Nonetheless, a condition preventing any operational development on or within a specified distance of the ditch is recommended to ensure access can be retained for maintenance.
- 6.42 The amended drainage strategy proposes to deal with surface water by way of a stormwater attenuation tank to the rear of the dwelling on plot 1, serving both plots. Water flows from this would outfall to the ditch to the rear of the site. Noting that the outfall rate is set to 0.6 l/s on the submitted drainage strategy, the applicant has acknowledged the Land Drainage Engineer's comments pertaining to the risk of blockage and has thus confirmed that this can be amended to 2 l/s. Subject to these details being secured by way of condition through a full drainage strategy, there are no overriding concerns raised which suggest that a satisfactory surface water drainage strategy could not be achieved and thus no conflict with Policy SD3 of the CS or Policy GAR3 of the GNDP is identified.
- 6.43 As per the hierarchical approach to the treatment of waste water as set out at Policy SD4, it is confirmed that there is no possible mains connection in Broad Oak. Given the scale of the site, it is not possible to implement package treatment plans and/or septic tanks with outfall to a drainage field given the physical constraints of the site. Noting that Policy SD4 does not discount alternative proposals once the aforementioned have been demonstrated to not be possible, it is a requirement that information is submitted with any alternative proposal which demonstrates that there would be no likely significant effect on the water quality of designated sites, namely the River Wye Special Area of Conservation (SAC) in this instance.

- 6.44 The amended approach to dealing with foul water seeks to utilise a drainage mound to serve both plots and would be sited in plot 2, although extending into the garden of plot 1. The drainage mound would be constructed of 250mm of topsoil seeded with grass which would be upon a geotextile membrane. Below this would be a minimum of 300mm of gravel, 600mm of coarse sand again on top of a geotextile membrane. Wastewater would be pumped into the pressure system following being treated by a treatment plant for each plot. Any remaining filtered outfall would run from the mound to the dry ditch by way of a number of perforated irrigation pipes laid to a fall at 1:200.
- 6.45 As set out within the latest comments from the Council's Land Drainage Engineer, in principle there is no objection to the use of drainage mounds. Further providing assurance of the proposed drainage method is the presentation of permits issued by the Environment Agency for both plots 1 and 2, required given that the proposal is not strictly in accordance with the General Binding Rules as it would outfall to the drainage ditch that has been identified as having a non-seasonal constant flow. Whilst noting the concerns which have resulted in the objection from Land Drainage, the applicant has confirmed that there is more than sufficient space within the site to ensure that the drainage mound can be constructed more than 5 metres from any structure. Moreover, this is a matter which would be addressed by Building Regulations and through the submission of a full and comprehensive drainage strategy. Following a discussion with the Council's Building Control Manager, there is no "in principle" objection from a Building Regulations perspective, subject to the demonstration that ground conditions and percolation tests, for example, meet the design and therefore the strategy can be implementable. With this in mind, it is pertinent to refer to the NPPF, at paragraph 183, which states that *'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities'*.
- 6.46 As explained, permits for the proposed drainage strategies for both plots 1 and 2 have been provided by the Environment Agency. Together noting that full details of the proposed drainage strategy would be secured by condition and would be subject to further separate consenting regimes (Building Control), there is considered to be more than adequate assurance that the proposal presents a sustainable drainage solution. It is therefore considered that the proposal accords with requirements of Policy SD3, SD4 and GAR3 of the development plan.

Planning Balance and Conclusion

- 6.47 The application site, noting its inclusion within the settlement boundary for Broad Oak, is considered to be acceptable for residential development. The provision of two dwellings on the site is considered to be representative of an appropriate amount for the site and by virtue of the design and layout, would uphold the rural, loosely-knit character of the settlement.
- 6.48 The Council's housing land supply position is such that the policies most important for determining the application are considered out of date. However, these are still considered to accord with the NPPF and should be provided significant weight in this decision. Via paragraph 11(d)(ii) the NPPF directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.49 Whilst noting some tensions relating to the level of growth experienced at Broad Oak and arguments as to whether or not this is proportionate, given that the location of the site is found within the settlement boundary (which in itself can now be attributed moderate weight), in the absence of any identified landscape harm and in context of the absence of a 5 year housing land supply, only limited weight is attached to the contention over the proposal presenting disproportionate, cumulative residential growth.

- 6.50 The construction of two further dwellings would contribute towards the wider undersupply of housing in Herefordshire would derive modest benefits. The introduction of two additional dwellings in Broad Oak would help to support local businesses and provide short term economic benefits associated with the construction period.
- 6.51 In terms of drainage, Officers are satisfied that the proposed method of dealing with both foul and surface water is acceptable in planning terms and would accord with the requirements of Policy SD3 and SD4 of the CS. To re-affirm, the NPPF makes it very clear that there should be an assumption that separate consenting regimes can be relied upon to work effectively. As such, in light of the issued permits confirming the acceptability of the proposed drainage arrangements, the LPA has been provided with the requisite certainty in order to positively screen the proposal, concluding that there would be no likely significant effects on the integrity of the River Wye Special Area of Conservation.
- 6.52 While regard has been had to the representations received, in terms of the overall planning balance, there is confidence that in the context cast by the lack of housing land supply, the absence of demonstrable adverse impacts and the benefits arising in the social and economic sphere, that the scheme is representative of a sustainable form of development and is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION

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

- 1. C01 Time limit for commencement (full permission)**
- 2. C07 Development in accordance with approved plans and materials**
- 3. C13 Samples of external materials**
- 4. CBK – Hours of construction**
- 5. C58 - Domestic use only of garage**
- 6. CAB - Visibility Splays**
- 7. CAD - Access gates – 5m**
- 8. CAE - Vehicular access construction**
- 9. CAH - Driveway gradient**
- 10. CAI - Parking – single/shared private drives**
- 11. CAT - Construction Management Plan**
- 12. CB2 - Secure covered cycle parking provision**
- 13. CK3 – Landscape scheme**
- 14. CK4 – Landscape maintenance plan**
- 15. CE6 – Efficient use of water**

16. CDA – Clear area adjacent to watercourse

17. CBM – Scheme of foul and surface water drainage strategy

18. All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway mound drainage field on land under the applicant's control as approved through Environment Agency Discharge Permits (EPR/QB3294WC and EPR/PB3792AR or any subsequent permits so issued) unless otherwise agreed in writing by the Local Planning Authority.

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

19. All surface water shall discharge to appropriately sized attenuated Sustainable Drainage Systems unless otherwise agreed in writing by the Local Planning Authority.

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

20. Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and TWO Hedgehog habitat homes should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

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

INFORMATIVES:

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

2. I11 – Mud on highway

3. I09 – Private apparatus within the highway

4. I45 – Works within the highway

5. I05 – No drainage to discharge to highway

- 6. I47 – Drainage other than via highway system
- 7. I35 – Highways Design Guide and Specification
- 8. Wildlife Protection and Biodiversity ‘net gain’ Informative
- 9. Well maintained watercourses, (which include drainage ditches), are a major means of protecting against flooding. The provisions of the Land Drainage Act 1991 as amended, and the common law, requires landowners, with a watercourse (or ditch) running through or adjacent to their land, to ensure that the watercourse is in such a condition that the proper flow is not impeded. Balfour Beatty Living Places working on behalf of Herefordshire Council are responsible for ensuring that most ordinary watercourses in Herefordshire, (i.e. those that exclude main rivers), are maintained to allow for this free flow of water. The proposed development includes an open ditch running through land owned solely by plot 2. The homeowner must be aware that this ditch must not be culverted without consent granted by Herefordshire Council under Section 23 of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010).

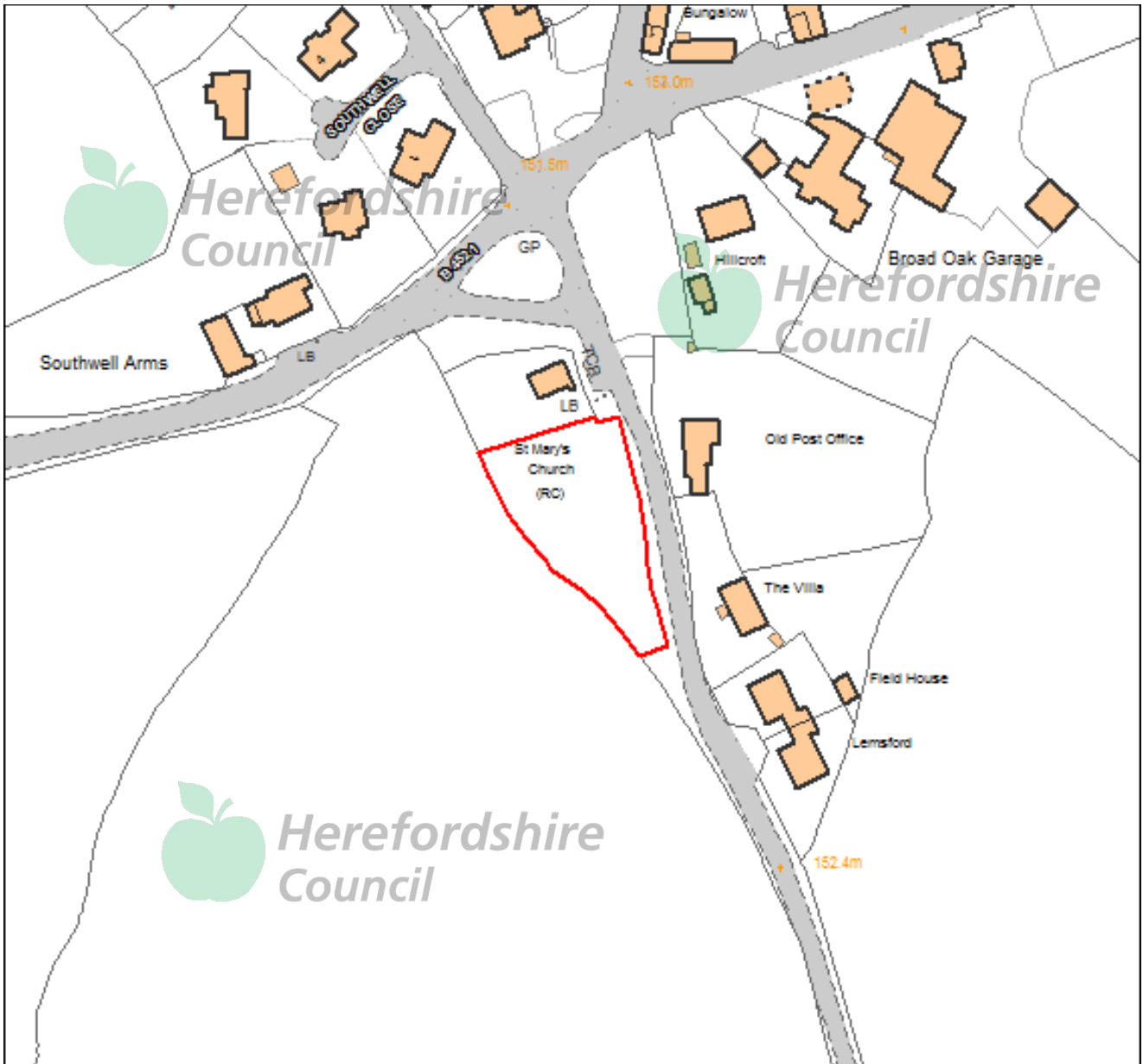
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 191958

SITE ADDRESS : LAND AT BROAD OAK, HEREFORD

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260612

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	24 June 2020
TITLE OF REPORT:	194052 - SITE FOR THE ERECTION OF ONE DETACHED DWELLING AND TWO BUNGALOWS. AT LEMS FORD, BROAD OAK, HEREFORDSHIRE, HR2 8DZ For: Messrs Partridge per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194052&search-term=194052
Reason Application submitted to Committee - Redirection	

Date Received: 21 November 2019 **Ward: Birch**

Grid Ref: 348093,221128

Expiry Date: 16 January 2020

Local Member: Councillor Toni Fagan

1. Site Description and Proposal

- 1.1 The application site lies either side of the C1239, approximately 180 metres south of its junction with the B4521, which forms the central cross roads of Broad Oak. Currently both portions of the application site comprise agricultural fields with no access within the constraints of the existing site. Immediately to the north of the application site, to the west side of the C1239 lies a development of 4 residential dwellings (ref: 180061, later amended by 191721 and 192709).
- 1.2 The application seeks outline permission, with only access and layout for consideration, for the erection of three dwellings. The proposed layout is for a single detached dwelling on the portion of the site located to the west of the C1239 with a private access proposed. Then, on the portion of the site that lies to the east of C1239, two detached bungalows are proposed utilising a shared access. Scale, appearance and landscaping are reserved for later consideration. The application site is indicated on the below location plan, in relation to the junction of the C1239 and B4521 that form the central cross roads of Broad Oak. The red star indicates the application site with a blue star denoting the site of the four dwellings currently under construction (180061):



2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
RA3	-	Herefordshire's countryside
H3	-	Ensuring an appropriate range and mix of housing
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
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

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

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

2.2 Garway Neighbourhood Development Plan (currently under examination)

GAR1	-	New Housing Development in Garway Village and Broad Oak
GAR2	-	Design in Garway Parish
GAR3	-	Flooding and Drainage
GAR4	-	Protecting Local Landscape Character
GAR6	-	Rural Environment and Tranquility
GAR10	-	Highways and Transport

The Plan can be given moderate weight.

2.3 National Planning Policy Framework 2019 (NPPF)

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

3. **Planning History**

- 3.1 **P193265/F** - Application for permission in principle for the erection of two bungalows and one two storey dwelling – Withdrawn - 14-Nov-2019
- 3.2 **P192729/EN** - Proposed installation of a new three phase overhead electricity line - No objection - 19-Sep-2019
- 3.3 **SW2002/1397/F** - Secure touring caravan storage area surrounded by ditch and mound. Includes collection area, electronic perimeter beam system, fencing and gates, anti ram posts and 3 lights. Formation of vehicle passing place on road – Refused - 03-Jul-2002

4. **Consultation Summary**

Statutory Consultations

4.1 Welsh Water – **No objection**

We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

4.2 Natural England – **No objection**

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

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

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

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

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

European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

European site - River Wye SAC - No objection

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

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

River Wye SSSI – No objection

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

Internal Council Consultations

4.3 Environmental Health Officer – **No objection**

My comments are with regard to potential noise and nuisance issues that might arise from development.

It is noted that 2 of the proposed dwellings are just over 100m away from a slurry lagoon and that there are other dwellings also in reasonably close proximity.

I have not witnessed any smells coming from this lagoon and we have no general history of complaints or problems being reported to our department with regard to slurry storage issues.

In the event of failure to manage the slurry lagoon site appropriately, our department has powers to investigate and take action against alleged Statutory Nuisances under the Environmental Protection Act 1990.

Our department therefore has no objections to this proposal.

4.4 Area Engineer – **No objection**

No objections to the proposed. Please condition as follows

CAB - Visibility Splays 54 x 2.4m

CAD - Access gates 5m

CAE - Vehicular access construction

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

CAH - Driveway gradient
CAI - Parking – single/shared private drives
CAT - Construction Management Plan
CB2 - Secure covered cycle parking provision

I11 – Mud on highway
I09 – Private apparatus within the highway
I45 – Works within the highway
I05 – No drainage to discharge to highway
I47 – Drainage other than via highway system
I35 – Highways Design Guide and Specification

4.5 Ecology – **No objection**

The site location in the River Wye SAC triggers the requirement for a Habitat Regulation Assessment process. The appropriate assessment completed by the LPA is subject to consultation with Natural England prior to any planning consent being granted.

It is noted that the foul water management system for the adjacent, previously approved housing development (180061) has been subject to consultation with the Environment Agency who are satisfied that it is compliant with General Binding Rules and includes the use of individual PTP systems and a reed-bed pond system prior to final outfall in to a local watercourse. This additional development by the same owner/applicant proposes additional connection to this existing agreed system. The LPA ecology team have no reason not to believe that this 'combined' system will not be achievable and with the maximum flow rates still fall within General Binding Rules. The River Wye SAC at this catchment area is not currently failing its conservation status water quality levels and any phosphates finally released are a significant distance from the River Wye SAC and can be managed with the existing 'phosphate allowance' as agreed with Natural England.

Surface water can be managed through an appropriate SuDS scheme.
A condition is requested to secure the relevant mitigation:

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

All foul water shall discharge through connection to new private foul water treatment system with final outfall to existing Environment Agency compliant outfall on land under the applicant's control; and all surface water shall discharge to appropriate SuDS; unless otherwise agreed in writing by the Local Planning Authority.

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

It is noted that NO ecological report has been submitted with this application however the ecology report submitted with approved application 180061 did cover this area of land and based on the findings can still be considered relevant and appropriate. This existing ecology report by Janet Lomas should be formally appended to this current application. It is noted that the previously approved Biodiversity Net gain (Enhancement Plan) does not refer to this current application and a scheme specific to this current application should be secured by a relevant condition.

Nature Conservation – Ecology Protection, Mitigation.

The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Janet Lomas dated June 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. No external

lighting should illuminate any boundary feature, highway corridor, adjacent habitat or area around the approved mitigation.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

As identified in the NPPF, NERC Act, Core Strategy LD2 and draft Environment Bill all developments should clearly identify how they are going to achieve enhancement of the local biodiversity values. To secure this a condition is requested:

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, hedgehog homes and movement corridors across the site, amphibian and reptile hibernacula and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature.

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

4.6 Land Drainage Consultant – **No objection**

19th December 2019

I have reviewed the proposed drainage strategy for the three houses.

The proposals involves discharging treated effluent to a dry ditch. This will not be compliant with the Binding Rules as discharges require a constant flow of water.

On this basis I recommend refusal of the outline planning submission

16th January 2020

I note recent correspondence between the applicants designer and the EA regarding compliance with the Binding Rules

Separate to this particular issue, I have some reservations regarding the proposed drainage layout. There will be practical difficulties associated with identifying when a Package Treatment Plant is not functioning, if a further 3 additional dwellings discharge into the pipe that has already been approved to receive flow from 4 properties (7 in total)

The law has evolved to include the term ‘knowingly pollute’. So in a hypothetical scenario, if a package treatment plant was found to be defective the owner would only be breaking the law if he or she allowed the PTP to continue to cause pollution.

With the drainage system that has been approved to date, there are two properties draining from the north to one headwall. In the event of pollution of the watercourse, the pond would be inspected. The headwalls are close together, but presumably the grass adjacent to the headwall where pollution was occurring would be discoloured, with a black sewage fungus. If the

inspector had a plan showing the drainage network then it would be possible to approach the two home owners to the north to check which PTP was not working.

Likewise with the drainage system that has been approved to date, there are four properties draining from the east to one headwall. In the event of pollution of the watercourse, the pond would be inspected. Presumably the grass adjacent to the headwall where pollution was occurring would be discoloured, with a black sewage fungus. If the inspector had a plan showing the drainage network then it would be possible to approach the four home owners to the north to check which PTP was not working.

If the application is approved, the likelihood of identifying the source of pollution will reduce as there will be 7 properties connected on the eastern side.

Note that providing sampling chambers on the site is not an easy remedy to this problem, because organic pollution is released in batches. This is because domestic properties release bath water, dish water etc in between batches of foul water from WCs etc. Accordingly identifying pollution by means of lifting an inspection chamber is difficult

The proposals do not offer assurance regarding pollution mitigation

21st May 2020

I was aware that the planning system is geared this way

On this basis we do not object

Yes I suggest that we condition to ensure that the alarm system referred to in earlier emails is utilised.

4.7 Senior Landscape Officer - **Objection**

This is a desk based response, however the site setting was visited 16th December 2019. The landscape character type is Sandstone Farmlands. The site is located on the southern edge of the small village of Broad Oak. The village includes a Grade II listed building, an ancient tree and a small triangle of Common land at the village centre. Construction work is underway on the adjacent residential development to the site.

The site is outside of the settlement boundary (Broad Oak Village Policies Map) and is contrary to the ambitions of the local community as set out in the Garway Neighbourhood Development Plan (Submission Version Nov 2019). The Objectives of the NDP include to ensure that "All development will be designed to ensure it has minimal impact on the area's distinctive character and environment" (no. 4). It is considered that in landscape terms the location for new development proposed in this application does not conserve or enhance the rural character of Broad Oak (Objective 2), nor will it integrate well into its setting (Objective 3). This is due to the incremental effect of developments collectively that encroaches on and erodes the rural landscape features of the setting of the settlement. The cumulative impact of 7 new buildings, rather than just 4 permitted, will create a 'creeping' change to stretch out the village further south in a more suburban character which is not locally distinctive. Continuing development further south along this road reduces the rural gap between the village and the farm buildings at Caldicott Farm, an important separation that should be retained so that the cumulative impact of built development does not dominate views and character of the area.

In terms of the indicative layout proposed the driveways would require gaps and widening in the important roadside hedgerow, which is a key landscape feature as well as an important biodiversity corridor. The large mature tree is shown for retention within Plot 2 but it's long term viability could be put at risk as it is not an ideal size and species for a garden tree, as well as potential root damage due to hedgerow works to create a visibility splay.

The application lacks any demonstration that the character of the landscape has positively influenced the site selection for residential development. It does not conserve or enhance the natural environment or protect the area's character. The indicative location of new hedgerows would need to be fully specified, but does not off-set the intrusive increase in built infrastructure. A tree and hedgerow survey in accordance with BS5837:2012 would be required.

The application is contrary to Core Strategy Policy LD1 and LD3.

5. Representations

5.1 Garway Parish Council – Object

Garway Parish Council considered the proposals set out in planning application 194052 and are not prepared to support the application on the following grounds:

- The proposed development is too close to a slurry lagoon.
- The proposed development falls outside the village settlement boundary.

5.2 Third Party Representations – to date a total of 12 representations have been received, comprising of 11 letters of objection from 10 individuals and 1 letter of support.

The contents of the objecting representations are summarised below:

- Overdevelopment of the hamlet that goes beyond proportional growth
- Contrary to the emerging Neighbourhood Plan
- Increase in traffic without sustainable transport options and lack of local services
- Lack of parking
- Loss of light, privacy and general amenity
- Loss of green space and habitats
- No details regarding design
- Concerns the drainage would impact the River Wye SAC

The contents of the supporting representation is summarised below:

- Development of three further dwellings would help support local businesses, services and hamlet as a whole
- Scale of development proportionate to Broad Oak
- Bungalows always sought after and provide for a wide demographic

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=194052&search-term=194052

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

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

6. Officer's Appraisal

Policy Context and Principle of Development

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

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

- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Garway Neighbourhood Area, which submitted a draft Neighbourhood Development Plan (NDP) for independent examination on the 3 April 2020. At this time the policies in the NDP can be afforded moderate weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration. While there are a range of objections to GAR1 in relation to Map 2, which defines the settlement boundary of Broad Oak, none specifically relate to the current application site.
- 6.3 It is a matter of fact that currently the Council is unable to demonstrate a 5-year housing land supply. This leads to the policies for housing supply being considered out of date. As set out in paragraph 11 of the NPPF, in such circumstances that the policies most important for determining an application are considered to be out of date permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. As such this tilted balance in favour of development is adopted as directed by paragraph 11(d)(ii) of the NPPF.
- 6.4 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the ‘other’ typically smaller settlements where proportionate housing will be appropriate. There are 119 ‘main’ villages (figure 4.14) and 98 ‘other settlements’ (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle, Broad Oak is a settlement so defined by figure 4.15.
- 6.5 It is of note that the spatial strategy for the location of housing contained within the CS is considered to be sound and consistent with the Framework; which itself seeks to avoid the development of isolated homes in the countryside through paragraph 79. It is therefore considered that Policies RA1 and RA2 of the CS continue to attract significant weight in the decision making process despite being considered out of date.
- 6.6 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. However, as stated above, at this stage the NDP policies for Garway can only be afforded moderate weight.
- 6.7 With the foregoing paragraph in mind, it is the relationship between the proposal site and the main built up part of the settlement which is to be assessed. The site is indicated on the plan below by the red star with the black line of the settlement boundary contained at policy GAR1 of the NDP for context (dotted area indicates housing commitments). This policy states that within the defined boundaries of Garway and Broad Oak new housing will be supported where they meet a set of criteria.



- 6.8 The application site is mostly outside of the identified settlement boundary, although some of the west element of the site overlaps the housing commitment to the north (180061) as shown in paragraph 1.2 of this report. The application site lies adjacent to the southernmost extremity of the settlement and forms a continuation of the emerging linear pattern along the C1239, to which 180061 represents the latest addition.
- 6.9 The centre of Broad Oak is, arguably, the cross roads formed between the C1239 and the B4125 which is located 180m north of the application site. A further 80m east of the cross roads lies the only services in Broad Oak, a shop and garage. These distances are considered to be walkable from the application site even in the absence of pedestrian footpaths. As such it is considered that the application site does not form part of the main built-up part of Broad Oak but that it does lie adjacent to it and would form a natural extension of it.
- 6.10 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport beyond that of a private motor vehicle. The lack of a pedestrian footpath into the centre of Broad Oak may discourage some walking, however, it is such a short distance over which driving would be impractical. While there was historically a bus stop located in Broad Oak, outside the garage, there does not appear to currently be a service running and prior to the COVID-19 travel restrictions it was unclear how regular this service was. In either event there would likely be a heavy reliance upon the private motor vehicle to access employment and basic services such as doctors, pharmacies and groceries.
- 6.11 Notwithstanding the above reservations, when having regard to the aforementioned policy provisions relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS RA2. The principle of residential development is therefore considered broadly acceptable and the sustainability of the location will feed into the overall balance.

Landscape Impact

- 6.12 The impact of the proposed development and layout upon the landscape character is to be primarily assessed against CS policy LD1, which seeks to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the nature and site selection of the proposal. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity. These aims are broadly reflected in NDP policy GAR4. Paragraph 127 of the NPPF reinforces this further by stating that development should be sympathetic to local character including the landscape setting.
- 6.13 The Senior Landscape Officer has objected to the proposal for three dwellings across the site primarily on the grounds that it represents incremental encroachment that erodes the rural landscape features and reduces the important separation between Broad Oak and farm buildings at Caldicott Farm, to the south.
- 6.14 The southern boundary of the dwelling known as Lemsford, which lies immediately to the north of the application site, is laid to hedge. This boundary forms a clear distinguishing feature between the residential extent of Broad Oak and the agricultural fields beyond. This boundary hedge extends north-east to the corner of the field. While the proposal is in outline form it is accepted that boundary treatments could remedy some of this harm, however it would, nevertheless, create an incursion into the field pattern which would not only lie to the south but also around to the east and north east of the application site. As such I concur with the assessment of the Senior Landscape Officer and consider that there is clear tension in relation to this proposal and the requirements of both CS policy LD1 and the emerging NDP policy GAR4.
- 6.15 The location and design of the access to the eastern element of the site is such that it would require the removal of approximately 6.5m of hedgerow to enable access to be gained to the site. This would result in further localised harm to the character of the area.
- 6.16 The extent of the resulting harm of the above noted conflicts is, however, mitigated somewhat by the characteristics of the site. The site does not hold any notable topographical landscape features and has little value beyond that of a visual and physical separation between the settlement and the adjacent farm complex.
- 6.17 The scale, appearance and landscaping of the proposal will be important to ensure any harm is mitigated and will be dealt with at reserved matters stage and the associated balance in relation to the extent of harm and other benefits will be addressed in the planning balance below.

Amenity

- 6.18 CS policy SD1 states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. Furthermore policy GAR2 of the emerging NDP states that proposals should not adversely impact on the residential amenity of existing and future residents. Given appearance and scale are both reserved matters the assessment is whether the principle of residential development through the layout proposed is considered to adversely affect the privacy of the adjacent dwellings: Lemsford to the east of the C1239 and the southernmost dwelling of the approved 180061 to the west of the C1239.
- 6.19 In relation to the effect on Lemsford the two dwellings proposed directly to the south of this property are both to be bungalows. This will inevitably reduce the likelihood of privacy and overshadowing concerns as they will remain single storey. The single detached dwelling to the west is suitably separated from Lemsford and views from the application site would be of the front of the dwelling, an inherently less private area. In officer's opinion a scheme could be

designed to suitably take account of privacy of Lemsford in compliance with CS SD1 and NDP GAR2.

- 6.20 In relation to the southernmost dwelling of the approved 180061 the current application site could essentially form a fifth dwelling in the approved row of 4. In this regard there is no concern that a suitable design could not adequately make provisions for the privacy of future residents of both the current proposal and the approved 180061 in accordance with both CS SD1 and NDP GAR2.

Access and Parking

- 6.21 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards to movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109). Policy GAR10 of the NDP requires new development to include any necessary and appropriate traffic management measures and avoid the use of large areas of hardstanding by adequately landscaping and screening them.
- 6.22 The application proposes two wholly new accesses on the C1239, one to serve the west element of the site and proposed detached dwelling and the other to serve the east element of the site and proposed two bungalows. Both of the proposed accesses lie within the extent of the 30mph for Broad Oak. The plans indicate an achievable visibility splay of 54m in both directions for the access proposed to serve the bungalows with 50m north and 54m south achievable for the access proposed for the single detached dwelling.
- 6.23 Given the levels of accommodation proposed as part of the scheme, a minimum of two car parking spaces is required for the bungalows which the application form indicates would be three bedroom properties. A minimum of three spaces for the detached dwelling which the application form indicates would be a four bedroom dwelling. Noting the area of hardstanding in front of the dwellings and the inclusion of garages for each dwelling I consider this level of parking and turning to be achievable.
- 6.24 As touched on above in paragraph 6.10, the sustainability of the site is in large part derived from the ability to access a range of sustainable transport methods. The Department for Transport 'Manual for Streets', NPPF, CS MT1 and NDP GAR10 recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change. The site is within walking distance of the basic services provided by Broad Oak and the Area Engineer has recommended a condition ensuring secure cycle storage is provided on the application site. While access to employment and a wider range of services will be reliant on the private motor vehicle this is typical of rural settlements across Herefordshire. The NPPF clearly highlights that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas and encourages decision makers to take this into account.
- 6.25 The comments received from the Area Engineer endorse the view that both access and parking/turning for the proposed dwellings are acceptable and raise no objection to the scheme. On this basis the proposal accords with CS MT1 and NDP GAR10.

Ecology

- 6.26 Noting the nature of the site, policies LD2 and LD3 of the Core Strategy are applicable. Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats and important species, restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and creation of new biodiversity features and wildlife habitats. Policy LD3 states that development proposals should protect, manage and plan for preservation of existing and delivery of new infrastructure.
- 6.27 While no specific Ecology report was undertaken with this application the Ecologist was happy to receive the report submitted with 180061 (produced by Janet Lomas dated January 2018) as it covered the current application site as well. The Council's Ecologist was satisfied with the details contained within the report and that subject to the recommended conditions the proposal would comply with current policy.
- 6.28 The application site is within the Garren Brook subcatchment of the wider River Wye Special Area of Conservation (SAC) and as such the proposal triggers the need for a Habitat Regulation Assessment. The completed Appropriate Assessment concluded that there would be no likely effects upon the integrity of the SAC subject to appropriate mitigation conditions being attached to any approval. This was reviewed by Natural England who confirmed there was no objection to the proposal.

Drainage

- 6.29 CS Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.30 The application proposes individual package treatment plants (PTP) with discharge to an attenuation pond to the west of the application site on land owned by the applicant. The attenuation pond forms the approved discharge point for 6 dwellings in total, four approved under 180061 and two on a site further north fronting the B4125. The proposal is considered to be able to meet the general binding rules and so an Environment Agency permit was not deemed to be required. If the general binding rules are not met an Environment Agency permit would be required under obligations outside of the planning process.
- 6.31 The drainage consultant had initially raised concerns that inclusion of 3 additional dwellings to the accepted system would mean that identifying any faults in the system would be increasingly difficult and that this may lead to pollution entering the watercourse. However, the applicant has agreed to the imposition of a condition requiring a flashing beacon alarm system be installed to the PTPs to ensure any failure is identified by the owner or a contracted maintenance company.
- 6.32 The NPPF, at paragraph 183, states the following:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 6.33 The proposed foul and surface water drainage strategies provide a policy compliant arrangement and the final comments from the Drainage Consultant confirm their satisfaction with this providing the recommended conditions are adopted.

Conclusion and Balance

- 6.34 The Council's housing land supply position is such that the policies most important for determining the application are considered out of date. These are still considered to accord with the NPPF and should be provided significant weight in this decision. Via paragraph 11(d)(ii) the NPPF directs decision makers to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 6.35 The site is found to be adjacent to the main built up part of the settlement and while it is outside of the settlement boundary included within the NDP, as this has moderate weight at the present time, there is no direction to refuse but rather the decision maker is required to consider the benefits of the proposal as a whole and weigh this against the harm.
- 6.36 The proposal is considered to have an adverse landscape character impact in that residential development in this location would be an incremental encroachment that erodes the rural landscape features and reduces the important separation between Broad Oak and farm buildings at Caldicott Farm, to the south. The harm attributed to this erosion is, however, somewhat mitigated by the characteristics of the site. The site does not hold any notable topographical landscape features and has little value beyond that of a visual and physical separation between the settlement and the adjacent farm complex. Conflict with CS LD1 and GAR4 of the emerging NDP, which should be attributed moderate weight, is therefore identified.
- 6.37 The Parish of Garway has fared reasonably well in regards to housing provision of the Core Strategy plan period. With a minimum growth target of 25 dwellings for 2011-2031 the Parish had at 1 April 2019 completions and commitments totalling 28 dwellings. Since that time I note P193555/F approved the conversion of a barn to a single residential dwelling at Oaklands Farm, P191330/F approved the erection of a single dwelling at Ivy Cottage and P192922/F approved the conversion of a barn to a single dwelling at Haskells. This takes the total completions and commitments to date to 31 dwellings.
- 6.38 While there may not be an acute shortage of housing in the Parish in the absence of the requisite housing land supply or an NDP that satisfies all of the criteria of paragraph 14 of the NPPF the tilted balance is engaged. The figure of 25 dwellings remains a minimum growth target and not an upper limit. In officer's opinion the proposal represents proportionate housing growth for the settlement of Broad Oak.
- 6.39 The construction of three further dwellings towards the wider undersupply of housing in Herefordshire would derive modest benefits. Furthermore the introduction of three additional dwellings in Broad Oak would help to support local businesses and provide short term economic benefits associated with the construction period. Finally the proposed inclusion of 2 bungalows would provide dwellings that are more widely accessible to all members of the community. The location accords with CS RA2 in that it is adjacent to the main built form of Broad Oak. The adverse landscape effect as identified by the Senior Landscape Officer is not sufficient to significantly or demonstrably outweigh the benefits of the scheme. In the absence of further adverse impacts I therefore recommend that planning permission be granted subject to the below conditions.

RECOMMENDATION

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

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

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

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

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

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

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

4. The development shall be carried out strictly in accordance with the approved plans (drawing number 7703/200 dated 12-11-19 and Project Number 3566 No. 001 Revision P03 dated August 19), except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with policy SD1, SD3, SD4 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

5. Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Parking for site operatives

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of the dwellings hereby approved full details of the proposed alert system, which will notify owners or maintenance contractors of faults in the foul water drainage strategy shall be submitted to and approved in writing by the local planning authority.

Reason: To compensate for the number of individual systems flowing into the attenuation pond and to prevent pollution in compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy GAR3 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

7. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to:

- Plot 1 - 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 54 metres south and 50m north along the nearside edge of the adjoining carriageway.
- Plot 2 and 3 - 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 54 in both directions along the nearside edge of the adjoining carriageway.

Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

8. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of each property for the parking and turning of Plot 1: 3 cars, Plot 2 & 3: 2 cars which shall be properly consolidated, surfaced and drained at a gradient not steeper than 1 in 8 in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

9. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform

with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

10. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy, Policy GAR3 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework

11. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, hedgehog homes and movement corridors across the site, amphibian and reptile hibernacula and pollinating insect ‘nesting’ should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain feature.

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

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

Reason: In the interests of highway safety and to 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 GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

13. All foul water shall discharge through connection to new private foul water treatment system with final outfall to existing Environment Agency compliant outfall on land under the applicant’s control; and all surface water shall discharge to appropriate SuDS; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD2, SD3 and SD4 and policy GAR3 of the Garway Neighbourhood Development Plan

14. The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Janet Lomas dated January 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, highway corridor, adjacent habitat or area around the approved mitigation.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats &

Species Regulations 2017 (as amended), Policy SS6 and LD2 of the Herefordshire Local Plan - Core Strategy, National Planning Policy Framework and NERC Act 2006.

- 15. The landscape scheme required by condition 3 shall include a scaled plan identifying:**
- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
 - b) Trees and hedgerow to be removed.**
 - c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
 - d) All proposed hardstanding and boundary treatment.**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy GAR4 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

- 16. All planting, seeding or turf laying in the approved landscaping scheme (as required by condition 3) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

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

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy GAR4 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

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

Reason: In the interests of highway safety and to 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 GAR10 of the Garway Neighbourhood Development Plan and the National Planning Policy Framework.

- 18. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:**

- Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy

Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

6. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

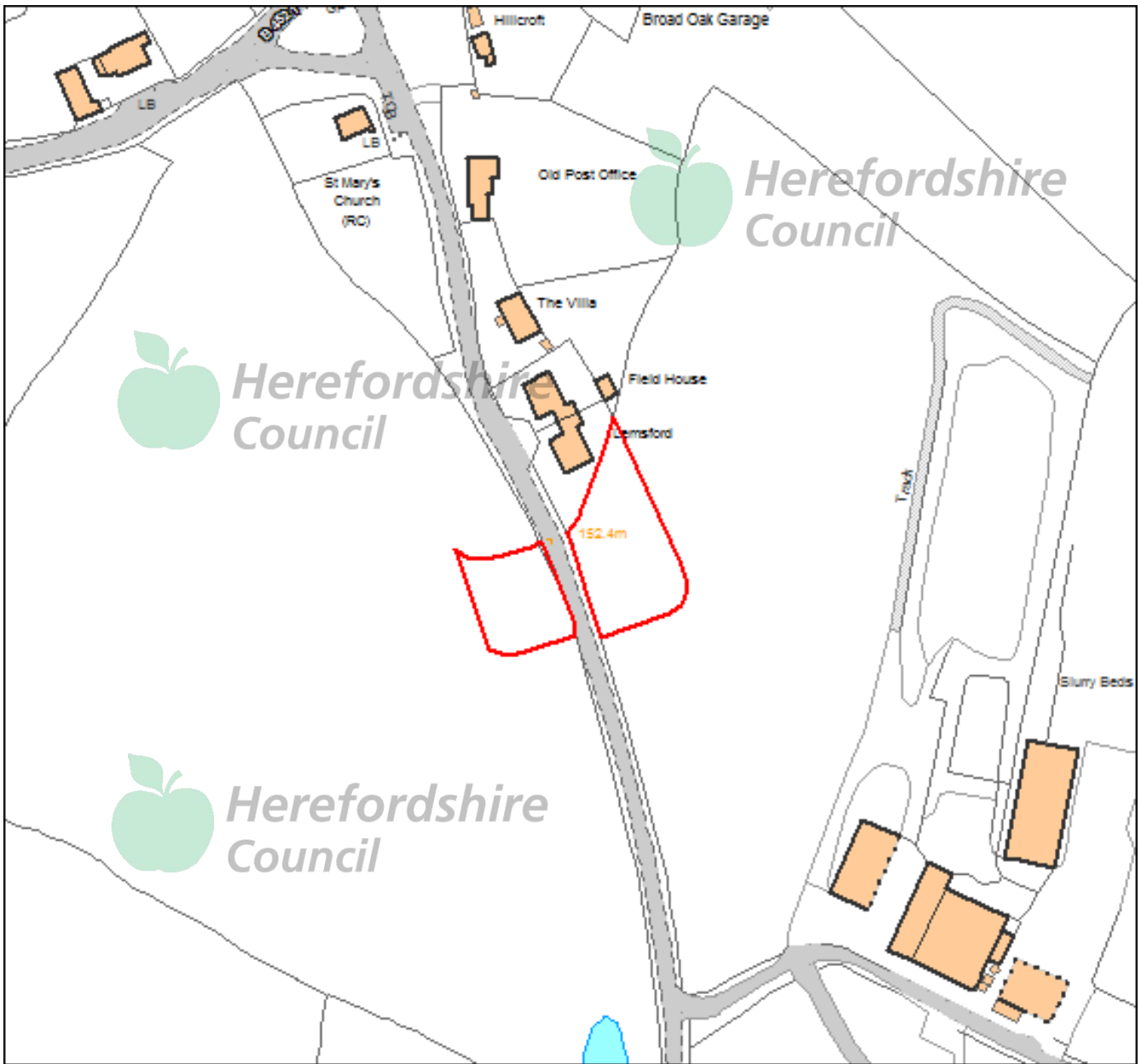
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 194052

SITE ADDRESS : LEMS福德, BROAD OAK, HEREFORDSHIRE, HR2 8DZ

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	24 JUNE 2020
TITLE OF REPORT:	<p>201103 - PROPOSED VARIATION OF CONDITIONS 2 & 3 OF PLANNING PERMISSION 153764 (PROPOSED EXTENSION, DORMER LOFT CONVERSION AND REPLACEMENT OF CONSERVATORY/LEAN TO WITH GLAZED EXTENSION) TO CONSTRUCT A SINGLE ROOF OVER THE PROPOSED FIRST FLOOR AND EXISTING BATHROOM, AND TO ALTER THE CLADDING MATERIALS. AT 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF</p> <p>For: Mrs Thomas-Alvarez per Mrs Natalia Thomas-Alvarez, 16 Cornwall Street, Hereford, Herefordshire, HR4 0HF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201103&search=201103
Reason Application submitted to Committee – Member of staff	

Date Received: 3 April 2020

Ward: Greyfriars

Grid Ref: 349920,240205

Expiry Date: 29 May 2020

Local Member: Councillor Diana Toynbee

1. Site Description and Proposal

- 1.1 The application site comprises a late Victorian red brick terraced property located on the north side of Cornwall Street in the established residential area of Whitecross. The original property had two bedrooms on the first floor with access to a small attic storeroom but the existing partially implemented permission facilitates the creation of an additional bedroom in the roofspace. It has a mono-pitched two storey addition at the rear in common with many of the houses in this terrace and later single storey lean-to extensions. There is a long narrow garden that adjoins the rear boundaries of properties facing Cottrell Street to the north.
- 1.2 Planning permission is sought for the variation of conditions 2 and 3 of an earlier partially implemented permission (P153764) to allow for changes to the design of the first floor element of the approved extension and to allow for the use of contemporary timber cladding in place of the originally permitted combination of brick, render and cladding.

2. Policies

2.1 Herefordshire Local Plan Core Strategy

Policy SS1 - Presumption in Favour of Sustainable Development

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

- Policy LD1 - Landscape and Townscape
- Policy SD1 - Sustainable Design and Energy Efficiency
- Policy MT1 - Traffic Management, Highway Safety and Promoting Active Travel

2.2 Hereford Area Plan remains at the drafting stage and as such cannot be afforded weight in decision making

2.3 National Planning Policy Framework (NPPF)

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

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

3. Planning History

3.1 P153764FH – Proposed extension, dormer loft conversion and replacement of conservatory lean-to with glazed extension. Approved

4. Consultation Summary

4.1 Statutory Consultations

Not applicable

4.2 Internal Council Consultations

None

5. Representations

5.1 Hereford City Council

No response received

5.2 No responses from neighbours and other third parties

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201103&search=201103

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

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

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 The key considerations in the determination of this application are the implications of the extensions and alterations on residential amenity having particular regard for privacy and the effect on character and appearance of the property and its wider context.

Residential Amenity

6.4 Policy SD1 of the CS requires development proposals to safeguard residential amenity for existing and proposed residents.

6.5 The original permission has been partially implemented with the dormer extension and conservatory constructed. The application concerns the first floor only and the main consideration in this case is the effect of the alteration of the first floor bedroom extension upon the privacy and general amenity of residents either side of the property. The proposed changes actually seek to replace an existing lean-to element that abuts the neighbouring property with a flat roofed addition that would span the width of the rear elevation. In this regard, it is no higher and projects no further beyond the rear elevation than the existing structure and approved extension. It is effectively sandwiched between two existing structures of equivalent size. As such whilst it adds additional volume, this does not result in any increased impact upon the neighbour and the arrangement of windows would remain largely the same as the approved extension with no greater impact in terms of privacy.

6.6 In the context of my assessment of existing and proposed amenity levels, I consider the proposal to be acceptable and in accordance with Policy SD1 of the CS and the relevant section of the NPPF.

Character and Appearance

6.7 The proposed alterations cannot be viewed from Cornwall Street by reason of the continuous built up nature of the street frontage. Longer distance glimpses can be achieved from between properties in Cotterell Street and whilst the revised proposal would increase the bulk of the approved extension, it would be seen against the existing property and would not appear out of keeping within this established residential context.

6.8 The proposed use of contemporary materials (timber cladding), is considered to be appropriate and in accordance with Policies LD1 and SD1 of the CS.

Other Matters

6.9 In conclusion, the proposed alterations allow for improved accommodation and would continue to satisfactorily preserve the residential amenity of neighbouring properties without compromising the residential character of the area or local highway safety.

RECOMMENDATION

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

- 1. Time limit for commencement (full permission)**
- 2. C07 (002/1/15, 005A/1/15 006A/1/15 and 007A/1/15)**

3. CBK

INFORMATIVES:

1. IP1

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201103

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