

# Agenda

## Planning and regulatory committee

Date: **Wednesday 29 June 2022**

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Time: **10.00 am**

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

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Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:  
[Planning and regulatory committee - Wednesday 29 June 2022 10.00 am - YouTube](#)

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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



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

## **Membership**

<b>Chairperson</b>	<b>Councillor Terry James</b>
<b>Vice-chairperson</b>	<b>Councillor Paul Rone</b>
	<b>Councillor Paul Andrews</b>
	<b>Councillor Polly Andrews</b>
	<b>Councillor Dave Boulter</b>
	<b>Councillor Sebastian Bowen</b>
	<b>Councillor Clare Davies</b>
	<b>Councillor Elizabeth Foxton</b>
	<b>Councillor John Hardwick</b>
	<b>Councillor Tony Johnson</b>
	<b>Councillor Mark Millmore</b>
	<b>Councillor Jeremy Milln</b>
	<b>Councillor Felicity Norman</b>
	<b>Councillor Ann-Marie Probert</b>
	<b>Councillor Yolande Watson</b>

## Agenda

		Pages
	<b>PUBLIC INFORMATION</b>	
	<b>GUIDE TO THE COMMITTEE</b>	
	<b>NOLAN PRINCIPLES</b>	
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4.</b>	<b>MINUTES</b> To approve the minutes of the meeting held on 24 May 2022.	13 - 28
<b>5.</b>	<b>CHAIRPERSON'S ANNOUNCEMENTS</b> To receive any announcements from the Chairperson.	
<b>6.</b>	<b>211678 - LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE</b> Proposed residential development of 6 no. dwellings with associated access, parking and landscaping.	29 - 74
<b>7.</b>	<b>214046 - LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE</b> Proposed change of use of land, as an aerodrome consisting of the continued use of a grass airstrip, re-use of an existing barn as hangarage and for maintenance and associated landscaping.	75 - 104
<b>8.</b>	<b>212673 &amp; 212674 - LADYGROVE COTTAGE, MORDIFORD, HEREFORD, HR1 4LT</b> 212673/FH and 212674/L – Proposed repair and renovation of Ladygrove Cottage and attached outbuilding to form an extended residential dwelling.	105 - 116
<b>9.</b>	<b>220366 - MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF</b> Proposed variation of condition 2 and 4 following grant of planning permission. 183083/f (change of use of agricultural buildings and land to residential development (use class c3). Including demolition, conversion and extensions of agricultural buildings to form 3 no. dwellings).	117 - 128
<b>10.</b>	<b>214297 - BROOK HOUSE BUNGALOW, KIMBOLTON, LEOMINSTER, HR6 0EJ</b>	129 - 136

Proposed agricultural access off A4112.

**11. DATE OF NEXT MEETING**

Date of next site inspection – 26 July 2022

Date of next meeting – 27 July 2022





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

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

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

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

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

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

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

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

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

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

## **Public transport links**

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

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



### Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Paul Rone (Vice Chairperson)	Conservative
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Dave Boulter	Independents for Herefordshire
Councillor Sebastian Bowen	True Independents
Councillor Clare Davies	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Ann-Marie Probert	Conservative
Councillor Yolande Watson	Independents for Herefordshire

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

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, 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 service director, regulatory, 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 chairperson'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 chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

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

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

### **Role of the local ward member**

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

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

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



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

**1. Selflessness**

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

**2. Integrity**

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

**3. Objectivity**

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

**4. Accountability**

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

**5. Openness**

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

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



**Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 24 May 2022 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Paul Rone (vice-chairperson)

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Clare Davies, Toni Fagan, Elizabeth Foxton, John Hardwick, Tony Johnson, Jeremy Milln, Paul Rone, John Stone and Yolande Watson

**Officers:** Head of Law and Legal Business Partner Economy & Place, Lead development manager and lawyer 1, corporate services

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Dave Boulter, Mark Millmore, Felicity Norman and Ann-Marie Probert.

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

Councillor Toni Fagan acted as a substitute for Councillor Felicity Norman  
Councillor John Stone acted as a substitute for Councillor Ann-Marie Probert

**3. DECLARATIONS OF INTEREST**

Councillor Jeremy Milln declared an other interest in respect of agenda item no. 7, applications 210865 and 210866 – Canon Frome Court; the applicant and the agent were known associates.

Councillor Toni Fagan declared an other interest in respect of agenda item no. 7, applications 210865 and 210866 – Canon Frome Court; the applicant and the agent were known associates.

**4. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 6 May 2022 be approved.

**5. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairman welcomed Ingrid Lekaj, the new legal representative, to the meeting.

**6. 213963 - LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP (Pages 13 - 14)**

*(Councillors Paul Andrews and John Hardwick left the committee to act as local ward members for the next application.)*

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

In accordance with the criteria for public speaking Ms Cotton, spoke on behalf of Dormington and Mordiford Group Parish Council, Mr Williams, local resident, spoke in objection to the application and Mr Hall, applicant, spoke in support of the application.

In accordance with the council's constitution the local ward members spoke on the application. The local ward member for the Backbury ward explained the central issue concerning the application was the impact of the development on the Landscape and whether the proposed planting and landscaping was adequate to mitigate the impact. The application presented benefits in terms of power generation and biodiversity with the reduction in phosphates in the Frome Valley. The local ward member for the Hagley ward explained that the visual impact of the development was a concern. The planting scheme and landscaping which would mitigate the impact of the development must be implemented in accordance with the conditions. It was noted that the Bartestree and Lugwardine Parish Council had not objected to the application. The development would be located on grade 3 agricultural land which was prone to flooding; the application would remove phosphate pollution from the land. The application was an important contribution to the expansion of green energy and the need to reduce carbon. The committee discussed the application.

The committee discussed the application.

Councillor Polly Andrews proposed and Councillor Elizabeth Foxton seconded a motion that the application be approved consistent with the case officers recommendation.

The committee raised a change to condition 6 to require ongoing monitoring of the impact of the development on wild birds.

The committee further raised the inclusion of an informative to encourage the applicant to undertake ongoing engagement with the local Parish Councils.

The lead development manager provided clarification and explained that the inclusion of the following wording in the recommendation, to provide a delegation to officers, would allow those changes sought by the committee to be implemented: *' and any other further conditions considered necessary by officers named in the scheme of delegation to officers.'*

The inclusion of the wording *'and any other further conditions considered necessary by officers named in the scheme of delegation to officers'* in the recommendation was confirmed as acceptable by proposer and seconder.

The local members closed the debate.

The motion to approve the application assistance with the case officers recommendation and including the addition of the wording *'and any other further conditions considered necessary by officers named in the scheme of delegation to officers'* was put to the vote and was carried.

**RESOLVED – that:**

**That planning permission be granted subject to the following conditions, the varied condition above 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.**

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

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

**3**

**If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and all ancillary equipment shall be submitted to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall make provision for the re-use and materials recovery of all complements where possible. The scheme shall also include management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details**

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

**4**

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

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

5

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

- Site Location Plan 3900-REP-038
- Planning Drawing 2 Site Layout -3900-REP-039
- Planning Drawing 3 Landscape Mitigation Plan – 3900\_DR\_LAN\_101  
Rev 8
- Planning Drawing 4 Typical PV Panel Section – 3900\_DR\_P\_0002
- Planning Drawing 5 Inverter Elevations and Dimensions –  
3900\_DR\_0003
- Planning Drawing 6 20ft Battery Container – 3900\_DR-P\_0004
- Planning Drawing 7 40ft Inverter Elevations -3900\_DR\_P\_0005
- Planning Drawing 8 Deer Fencing - 3900\_DR\_P\_0006
- Planning Drawing 9 Deer Fencing with Mammal Gates -  
3900\_DR\_P\_0007
- Planning Drawing 10 Palisade Fencing 3900\_DR\_P\_0008
- Planning Drawing 11 Stock Fence & CCTV Elevations -  
3900\_DR\_P\_0009
- Planning Drawing 12 CCTV & Light Post Detail 3900\_DR\_P\_0010
- Planning Drawing 13 Access Track - 3900\_DR\_P\_0011
- Planning Drawing 14 Access Track Above Ground -3900\_DR\_P\_0012
- Planning Drawing 15 DNO Track – 4m - 3900\_DR\_P\_0013
- Planning Drawing 16 - Switchgear Housing – 3900\_DR\_P\_0014
- Planning Drawing 17 - 66kVa Looped Circuit (underground) –  
3900\_DR\_P-0015
- Planning Drawing 18 - Cable Trench Cross Section –  
3900\_DR\_P\_0016

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

#### Pre-commencement conditions

- 6 Before any work approved under this permission commences, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

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

- 7 Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority,

and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

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

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

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

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

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

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

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

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

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

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

- b) **Trees and hedgerow to be removed.**
- c) **Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.**

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

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

**Compliance conditions**

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

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

- 13 **Prior to development hereby approved first becoming operational a detailed Training and Educational Plan shall be submitted to and approved in writing by the Local Planning Authority. The aim of the plan will be to promote training and educational opportunities in connection with renewable energy for local people and provide social benefits to the local community. The plan shall set out opportunities and measures for educational benefit in connection with local schools, colleges and universities. The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing by the Local Planning Authority.**

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

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

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

**Other conditions**

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

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

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

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

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

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

#### **INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Local Drainage Board.**

*(There was an adjournment at 11:13 a.m.; the meeting reconvened at 11:27 a.m.)*

*(Councillors Paul Andrews and John Hardwick resumed their seats on the committee.)*

7. **210865 & 210866 - CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD**  
(Pages 15 - 16)

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

In accordance with the criteria for public speaking Ms Tully, local resident, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. He explained the application provided affordable homes in a rural area and was a well-thought-out scheme. It was noted the application had the support of the parish council. The application contributed to meeting local housing need. The need for a section 106 agreement was questioned: it was felt this applied an unnecessary legal framework to a development of this scale.

The committee discussed the application.

The committee expressed concern regarding the requirement for a section 106 agreement and requested this requirement be withdrawn.

Councillor Tony Fagan proposed and Councillor Paul Andrews seconded a motion that the application be approved, consistent with the case officer's recommendation.

The committee raised the objections of the conservation officers with reference to the material proposed for conditioning of the material selected.

The lead development manager provided clarification. Consistent with the recommendation and the delegation to officers, an additional condition, requiring the treatment of the openings in the curved wall to be agreed in writing with the planning team, would be added to the permission.

The lead development manager explained an alteration to the recommendation to insert the wording '*or planning condition*' after section 106 would allow the planning team to review the requirement for a section 106 agreement in respect of the application.

The alteration to the recommendation to insert the wording '*or planning condition*' after section 106 was confirmed as acceptable by the proposer and seconder of the motion.

The local member closed the debate.

The motion to approve the application consistent with the case officer's recommendation and including the insertion of the wording '*or planning condition*' after section 106 in the recommendation was put to the vote and was carried.

**RESOLVED:**

**Subject to the completion of the S106 Agreement or planning condition to secure the delivery, retention and availability for local people of the affordable element of the scheme in perpetuity, that planning application P210865/F be granted planning permission subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C01 – Time Limit for Commencement**

2. **C06 – Development in accordance with approved plans**
3. **CBK – Restriction on hours during construction**
4. **CNS – The ecological protection, mitigation, compensation and working methods scheme including the detailed bat mitigation measures and management of any new lighting features, as recommended in the ecology report by Focus Ecology dated February 2021 shall be fully implemented and hereafter maintained in as stated unless otherwise approved in writing by the local planning authority.**

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

5. **C13 – Samples of External Materials (to include walls, roof, windows, doors and guttering/downpipes)**
6. **CAE – Vehicular Access Construction**
7. **CE3 – Vehicle Electric Charging Points**
8. **CBM – Provision of a Foul and Surface Water Drainage Strategy**
9. **CNS – Prior to first occupation of any one of the approved dwellings an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located 'fixed' habitat features such as habitat boxes supporting a range of bird species, additional bat roosting features and hedgehog homes located on land under the applicant's ownership shall be supplied for written approval by the planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

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

10. **CK4 – Implementation (Landscaping)**
11. **CK5 – Maintenance Plan (Landscaping)**
12. **CNS – For a period of 5 years after first occupation of any dwellings approved under this permission detailed bat survey reports of Horseshoe bat numbers (and any other species recorded) for summer roosting and winter hibernation counts completed to National Bat Monitoring Programme methodology, shall be submitted to and acknowledged in writing by the local planning authority. The survey results shall also be submitted to the Bat Conservation Trust and Herefordshire Biological Records Centre. The survey results for the previous 12 months shall be submitted to the LPA no later than the 31<sup>st</sup> March.**

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

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

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

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

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

- 15. CKN – Lighting**

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

- 17. None of the dwellings hereby approved shall be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority.**

**The said Agreement will provide for:**

- Securing the 1 no. dwelling brought forward as an 'affordable dwelling' in perpetuity.**
- To secure the long term management and occupation of the dwelling.**

**Reason: In order to provide ensure that the dwelling is secured and maintained as affordable housing and to promote and support sustainable development in accordance with Policies SS2, RA3 and H2 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework**

## **Informatives**

- 1. IP2 – Application Approved Following Amendments/Additional Supporting Information**



2. I11 – Mud on Highway
3. INS - Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:  
[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) or  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
4. INS – The LPA would advise the applicant of the Housing Act 2004 in terms of measures to ensure the premises are free of hazards.

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

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

#### **Informatives**

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

The meeting ended at 12.00 pm

**Chairperson**



**213963 - PROPOSED INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTERS/TRANSFORMERS, BATTERY STORAGE AND SUBSTATION WITH CLIENT AND DNO SWITCHING EQUIPMENT WITH UNDERGROUND CONNECTION TO THE ADJACENT DORMINGTON SUBSTATION AT LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP**

### **ADDITIONAL REPRESENTATIONS**

Further to the publication of the officers' report for the agenda item above, the following additional representation from St Michaels Hospice have been made.

St Michaels Hospice ("SMH") is grateful for the consideration given to reducing the Landscape and Visual effects the solar farm the local environment and particular the further review recently undertaken of both the LVA and the Mitigation strategy.

We note that is anticipated that there will be residual visual impacts following the implementation the planting scheme at year 15. We echo the need for well conceived planting strategy and the need produce 10-year Maintenance and Management Plan as part of pre-commencement conditions. We would welcome being consulted on the suitability the planting strategy, prior to agreement the Local Planning Authority, to ensure that the special setting and visual amenity our hospice is protected as best as possible. For example, we would welcome screening strategy, which favours woodland matrix style planting, utilising local native species, planted at 1m centres a 10m-wide band along the northern boundary. This would provide fast-growing woodland that in keeping with the local landscape character. While the use of standard or feathered specimen or hedgerow trees is welcome, they have less impact terms of screening potential.

Also, we would like to ensure that monitoring is undertaken to review the successful implementation of the agreed scheme. For example, thinning of matrix woodland planting would be required at 3, and 10 year intervals following successful establishment and again, would provide level of reassurance that the environmental mitigation strategy was being fully implemented to ensure its long term effectiveness.

I reiterate that SMH fully supports any project that provides environmental gain, but not at any cost and certainly not where it is detrimental to such an important community facility and landmark as the SMH building and gardens.

We look forward to engaging further in this process to ensure the proposed damage to an important part of our county is removed.

### **CHANGE TO RECOMMENDATION**

No change to the recommendation



**210865 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD; and**

**210866 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD**

#### **ADDITIONAL REPRESENTATIONS**

The applicant's agent has submitted the following correspondence following the publication of the report.

*"Having read through the report, I just wanted to clarify whether a S106 agreement will be required? It was our understanding that if the buildings were conversions, they would accord with Policies RA3 and RA5 and would not need to be considered as a rural exception site under Policy H2? The business plan that the community have carried out has concluded that In the absence of any available capitol grants to build affordable housing, two market dwellings will be required to fully cross subsidise one affordable, shared ownership dwelling. Once the loan for construction has been paid off, it is the communities ambition to use rental revenue form the affordable unit to fund a further affordable unit on the site. Please can you clarify this for us?"*

The applicant has also sent the following correspondence sent on 20 May 2022:

*"I see from your email to Elly Deacon-Smith that the planning solicitor will be looking at our application. I wonder if this is to resolve the policy matters which Elly raised to determine whether our application has categorically to be considered under rural exception rules. If it is to look at the community led housing aspect and legal frameworks under which these are set up, it might be helpful for him/her to also have this piece of information. Unlike formal housing associations (RPs) those which are community led are often constituted as Community Benefit Societies. Any homes owned and operated by such a society are exempt from the right to buy. (for confirmation of this see parliamentary written questions transcript in document attached) Windflower Housing Association which owns and operates the whole site at Canon Frome Court is an IPS (Regd no22193) which is the older form of a co-op or community benefit society and regulated by the same body, the FCA. I hope this helps. This means that the years of hard unpaid work that go into meeting a local need for housing are not then lost through outright sales and is a just recognition of community led efforts. AS106 is clearly not necessary to secure community benefit in perpetuity."*

## **OFFICER COMMENTS**

With regards to the comments raised by the applicant and agent in respect of a S106 requirement, officers feel this is required to ensure that the 1 no. dwelling is maintained as affordable housing, as brought forward in this application, which is explained at Section 6.8 of the officers' report. The agreement will provide for securing the dwelling if approved to be 'affordable' in perpetuity and secure the long-term management and occupation of the dwelling. Indeed, it needs to be recognised that Canon Frome Court is not located within the main area of Canon Frome settlement and its allocation for solely open market housing would be contrary to Policies SS1, SS2, SS6, RA2 and RA3 of the Core Strategy which seek to protect the intrinsic character and beauty of the countryside.

However, Core Strategy Policies RA3 and H2 support proposals for rural exception sites which would apply to this site. Policy SG3 of the Stretton Grandison Group NDP also identifies that Policies RA3 and H2 apply to deliver affordable housing at Canon Frome Court. Officers would refer members to the comments provided by the Council's Housing Partnerships/Strategic Housing team whom advise that if a Local Planning Authority are satisfied that the development can be considered under Policy H2 – Rural exception sites, then it is not unusual for affordable housing to be subsidised by open market units, as is the case with this application. The inclusion of a S106 agreement is therefore considered to be reasonable and necessary to satisfy paragraphs 55, 56 and 57 of the NPPF and avoid potential open market dwelling being delivered on site contrary to the sound spatial strategy of the development plan.

It is noted however that a S106 can be completed prior to first occupation and as such a minor change to the recommendation is proposed below with the addition of condition 17, as set out below:

## **CHANGE TO RECOMMENDATION**

**Planning application P210865/F be granted planning permission subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

- 17. None of the dwellings hereby approved shall be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority.**

**The said Agreement will provide for:**

- Securing the 1 no. dwelling brought forward as an 'affordable dwelling' in perpetuity.**
- To secure the long term management and occupation of the dwelling.**

**Reason: In order to provide ensure that the dwelling is secured and maintained as affordable housing and to promote and support sustainable development in accordance with Policies SS2, RA3 and H2 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework**

<b>MEETING</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<b>211678 - PROPOSED RESIDENTIAL DEVELOPMENT OF 6 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE,</b>  <b>For: Ms Price per Miss Katherine Dowdall, Office 16 House 1, 2nd Floor, The Maltings, East Tyndall Street, Cardiff, CF24 5EA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211678&amp;search-term=211678">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211678&amp;search-term=211678</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 26 April 2021

Ward: Golden Valley  
South

Grid Ref: 332449,228640

Expiry Date: 1 July 2022

Local Member: Cllr P Jinman

**1. Site Description and Proposal**

- 1.1 This application sites comprises of agricultural land that lies in the heart of the village of Longtown and is positioned to the south east of the existing residential development known as Greyhound Close. Greyhound Close is a modern development of 7 dwellings which was granted permission in December 2001. Longtown is a rural village located in south west Herefordshire. Access to the site is from Greyhound Close and via currently a turning head and a field gate. This existing access will remain the primary access into the site. The site is located within the main built form of Longtown, a settlement designated under Core Strategy policy RA2 for proportionate growth. It is appreciated that Longtown as a settlement predominantly consists of dwellings arranged in a linear pattern along the main road which runs through the village. The village albeit in a rural location, has a wide array of properties nearby including modern properties, listed buildings and benefits from a village shop, a public house, church, primary school and village hall. There is a bus service providing a service to Hereford (weekly 441), albeit this is infrequent.
- 1.2 The main built-up part of Longtown is some 17 miles to the south-west of Hereford City. The site is proposed to be built on the west side of the village and looking out towards the Olchon valley.
- 1.3 The site consists of an area of approx. 0.57ha and this proposal is on an allocated parcel of land for housing within the Longtown Group Neighbourhood Development Plan for the area. An ordinary watercourse known as the Olchon Brook, flows to the south of the site. The topography of the site slopes down from approximately 150m in the north-west to 144m in the south east. The site is bordered by existing residential properties to the east and north and with countryside to the south and west. Hedgerow planting is located on the south and north-western boundaries and the site meets boundaries of existing residential properties to the north-east.

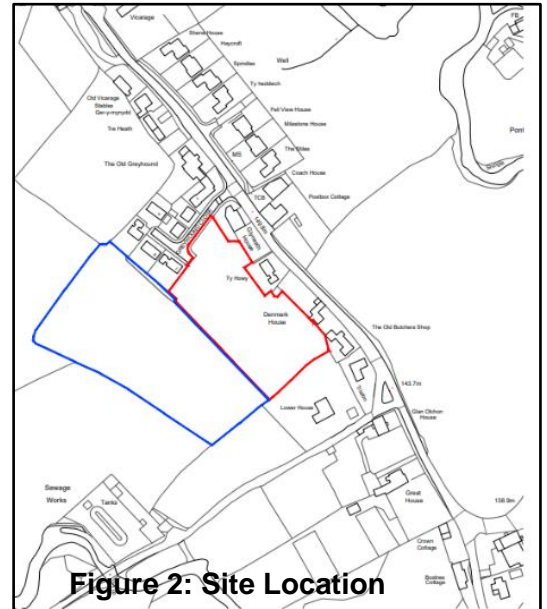
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 Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

- 1.4 There are no public rights of way through the site, the site is not within an area of AONB and does not lie within a Conservation Area or designated historic landscape. The site does not contain any listed buildings or scheduled monuments. However, it is located in proximity to a scheduled ancient monument, Longtown Castle and Town as well as two listed buildings: 'The Old Greyhound' (Grade II Listed) and there is a 'Milestone on West Side of approximately 15 metres West of the Old Greyhound' (Grade II Listed).



**Figure 1: Aerial Image of Site Location**



**Figure 2: Site Location**

- 1.5 The application seeks full planning permission for the erection of 6 residential detached 2 storey dwellings and garages. As shown on the submitted site layout plan, the proposed access into the site will be via Greyhound Close located to the north. This access would provide vehicular access to all of the dwellings within the development. Greyhound Close connects onto the main access road serving the village.

The proposed developments consists of 4 house types:

- Plot 1: House Type A: 5 bedroom: 218sqm
- Plots 2 & 3: House Type B: 4 bedroom: 194sqm
- Plot 6: House Type C: 4 bedroom: 148sqm
- Plots 4 & 5 House Type D: 3 bedroom: 148sqm

- 1.6 The application includes a proposal for landscaping on the site and members are directed to the proposed landscape plans for full details.
- 1.7 The scheme has been amended twice during the application process with the reduction of 4 units from 10 to 6, the insertion of the suds drainage feature within the application site and reducing the proposed site layout. As well as alterations in the design of the dwellings, housing mix and the insertion of pedestrian connectively improvements have also been negotiated. The details of the proposed dwellings are described in more detail in section 6 of this report.
- 1.8 Foul sewerage will be managed by connecting to the mains sewer to serve the dwellings and surface water will be managed by means of SUDS.





**Figure 3: Proposed Site Layout Plan**

1.9 The following supporting documentation has been supplied with the application and considered by officers:

- Landscape Character and Visual Impact Assessment
- Transport Statement
- Landscape specification and Management plan
- Planning, Design and Access Statement and Addendum
- Archaeology Report
- Heritage Assessment
- Preliminary Ecology Appraisal
- Climate Checklist
- Surface and Water Drainage Strategy and updated report
  - Infiltration Tests letter report

## 2. Policies

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

The following policies from the CS are considered to be of relevance to the current proposal;

- 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
- 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 - Waste water treatment and river water quality

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

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

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

### 2.2 Longtown Group Neighbourhood Development Plan (LNDP)

The Longtown Group Neighbourhood Development Plan was made on 6<sup>th</sup> March 2020. The following policies from the NDP are considered to be of relevance to the current proposal;

Policy LGPC 1: Housing within Longtown Village  
Policy LGPC 2: Land South East of Greyhound Close  
Policy LGPC 8: Highway Design Requirements  
Policy LGPC 10: Protecting and Enhancing the Landsape and its Features  
Policy LGPC 13: Protecting Heritage Assets  
Policy LGPC 14: Foul and Storm Drainage

The Longtown Group Neighbourhood Development Plan policies can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/downloads/file/19148/neighbourhood\\_development\\_plan\\_november\\_2019.pdf](https://www.herefordshire.gov.uk/downloads/file/19148/neighbourhood_development_plan_november_2019.pdf)

### 2.3 National Planning Policy Framework 2021 (NPPF)

The following Chapters of the NPPF are considered to be relevant to the current proposal:

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

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

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

### 2.4 National Planning Practice Guidance (PPG)

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

### 3. Planning History

3.1 There are no applications relevant to this site.

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 **Welsh Water** - comments on amended plans: (27/5/2022)

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### **Sewage**

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

We can advise that Longtown WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency.

#### **Conditions**

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### Advisory Notes

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

#### **POTABLE WATER SUPPLY**

The proposed development is in an area where there are water supply problems for which no improvements are planned within our current Capital Investment Programme. Any increased demand will exacerbate the situation and adversely affect our service to existing customers and

potential users of this proposed development. We consider the proposal to be PREMATURE and therefore OBJECT to the development. It may be possible for the developer to fund the accelerated provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991 or through planning obligations of the Town and Country Planning Act 1990.

#### Previous Comments

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. The water mains serving this area are known to have minimal pressures at times of peak demand. Any increased demand will exacerbate the situation and would adversely affect our service to existing customers and potential users of this proposed development.

It may be possible for the developer to fund the accelerated provision of essential improvements by way of water requisition under Sections 40-41 of the Water Industry Act 1991 or through planning obligations of the Town and Country Planning Act 1990.

We recommend that the applicant contacts us to discuss this matter further and where necessary commission a Hydraulic Modelling Assessment to either identify a suitable connection point or reinforcement works in order to facilitate the development.

In light of the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

#### Advisory Notes

We can advise that Longtown WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

#### 4.2 **Historic England Comments: Comments: 10 unit scheme - Raised Strong Concerns (no comments received on revised proposal for 6 dwellings)**

##### **Summary**

Historic England has strong concerns on heritage grounds regarding this proposal. Longtown has exceptional historic value, retaining much of its medieval character which contributes to the significance of the scheduled monument. The proposal site makes a positive contribution to the significance of the scheduled monument by preserving the open space that was occupied by the gardens of the medieval properties that fronted the main street.

The proposal represents harm to the significance of the scheduled monument and is not in accordance with national or local policies. We have recognised that there is scope for some development on the site and we would welcome further discussion with the local authority and the applicant to arrive at a scheme that minimises harm to the significance of the scheduled monument.

##### **Historic England Advice**

The proposal is for a residential development of 10 dwellings with associated access, parking and landscaping on land south east of Greyhound Close, Longtown.

##### **Significance of designated heritage assets**

Longtown is a settlement with exceptional historic character, having a very evident and legible medieval form. The settlement is dominated by Longtown Castle, a substantial medieval castle site occupying the high point in the settlement sited on a northwest-southeast ridge. The medieval town was principally located below this to the southeast along the ridge. Immediately below the castle was an enclosed part of the town that incorporated the church and market place. The medieval town then extends a further 500m southeast as a series of laid out medieval house plots fronting onto the spinal road of the settlement with their gardens behind. The castle, core of the medieval town and some of the areas of medieval house plots that survive as earthwork features have been included in the scheduled monument of 'Longtown Castle and town' (National Heritage List for England 1021347). Other medieval house plots are occupied by current dwellings or are present within the gardens of properties. The form of the medieval house plots is well preserved in the current settlement form with properties or archaeological earthworks of medieval houses still being of single depth and fronting the road. The former garden areas of the medieval house plots, which extended to the full width of the ridge top, are well preserved on both sides of the road as open, permanent pasture fields. These open areas are part of the setting of the scheduled monument and make a strong positive contribution to the historic form of the settlement and to the significance of the scheduled monument. Loss of these open areas is limited to the housing on Greyhound Close, which were built on the site of agricultural buildings.

##### **Impact on designated heritage assets**

The proposal is for 10 houses filling the site between the current houses that front the main street of the settlement and the edge of the ridge. The proposal therefore fills the area that would have been occupied by the medieval house gardens causing harm to its contribution to the significance of the scheduled monument.

In addition, the proposed layout of plot form, access road and green space, and house design does not respect the historic form of the settlement and brings an urban character to this sensitive location. The access road runs parallel to the main road of the settlement reducing its dominance. The provision of green space has the character of urban amenity space that is out of character with this settlement and the proposed housing lacks sufficient variation to sit well with the organic form of the historic housing. All these matters add to the harm of infilling this important open space. The construction of a sustainable drainage system on the slope below the proposed development would also create a feature discordant with the historic character of the area and cause further harm. The overall impact of these proposals is that they would result in harm to the significance of the scheduled monument.

### **Policy**

The National Planning Policy Framework (NPPF) sets out that great weight should be given to conserving the significance of designated heritage assets (NPPF 193) and that through appropriate assessment any conflict between the asset's conservation and any aspect of the proposal should be avoided or minimised (NPPF 189 and 190). Proposal should seek to sustain and enhance the significance of heritage assets (NPPF 192) and any harm should be clearly and convincingly justified (NPPF 194) before being weighed against public benefit.

It is our view that the current proposal does not meet these NPPF requirements. Historic England has previously expressed its concern regarding the site as part of the development of the Longtown Group Neighbourhood Plan stating that it could not support its allocation in our response to the regulation 16 consultation. Our response indicated that with further discussion it may be possible for a sensitive design to be arrived at for a small number of houses on this site dependent on layout and design.

Unfortunately no further discussion has been undertaken. The neighbourhood plan examiner's report noted our comments and made amendments to the policies for this allocation (LGPC 2).

The neighbourhood plan has been adopted and policies LGPC 1 and 2 are relevant to this development. It is Historic England's view that the proposal is over development of the site and does not meet the neighbourhood plan policies as follows: LGPC 1a - The proposal causes adverse effect to the contribution made to the setting of Longtown Castle and its associated medieval settlement, a scheduled monument.

LGPC 1c - The proposal results in the loss of green space that contributes to the historic character of the village.

LGPC 2a - The scale and nature of the development harms the highly sensitive landscape of this area and its historic form.

LGPC 2b - The proposed tree planting and structural landscaping does not protect the setting of the settlement and Longtown Castle.

LGPC 2d - The design of the buildings does not reflect the historic character of the village and creates an urban appearance.

### **Position**

Historic England has strong concerns on heritage grounds regarding the proposed development. Longtown has exceptional historic value, retaining much of its medieval character which contributes to the significance of the scheduled monument. The site makes an important contribution to the significance of the scheduled monument through the preservation of the open space between the road and break of slope of the ridge that would have formed the garden areas of medieval dwellings.

It is our position that proposed development would result in infill this open space and introduce a design and layout that challenges the historic character of the settlement. We assess the proposal as causing harm to the significance of the scheduled monument. Harm is less than substantial harm. We recognise that the site has been allocated as part of the neighbourhood plan and we have previously indicated that with further detailed discussion it may be possible for a sensitive

design to be arrived at for a small number of houses dependent on about and design. It is likely, subject to further assessment that this would be up to 4 houses immediately adjacent to Greyhound Close. We would welcome further discussion with the local authority and the applicant to arrive at a scheme that minimises harm to the significance of the scheduled monument.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 192, 193 and 194 of the NPPF, and policies LGPC 1a, 1c, 2a, 2b and 2d of the Longtown Group Parish Neighbourhood Plan. We recommend you also seek the views of your specialist conservation and archaeological advisers regarding this proposal.

### Internal Council Consultations

#### 4.3 **Team Leader Area Engineer (Highways) comments: No Objection.** Comments on amended plans: (27/5/2022)

No objections to the proposed

CAE - Vehicular access construction

CAF - Single access - outline consent

CAH - Driveway gradient

CAJ -Parking - Estates

CAP -Highways Improvement/off site works – this is to include a drop crossing point on the C1203

CAQ - On site roads - Submission of Details

CAT - Construction Management Plan

CB2 - Secure covered cycle parking provision

I11 – Mud on highway

I09 – Private apparatus within the highway

I08 – Section 278 Agreement

I07 – Section 38 Agreement & Drainage details

I47 – Drainage other than via highway system

I35 – Highways Design Guide and Specification

### Previous Comments

The submitted documents show a number of changes which can be agreed however there still needs to be a pedestrian crossing point over the C1203 to connect to community facilities. Please can this be changed?

### Original comments:

1. The proposed access road, needs to meet HC standard for shared surfaces. Tarmac surfacing is required with 4.5m width. The proposed footway also needs to be tarmac.
2. There is an odd footway and carriageway connection at the entry.
3. Turning head isn't the right size as it's too short, 14.5m x 14.5 width demarcation at the end needs to be provided to allow for a clear turning head.
4. What do the colours/hatching mean on the plan? HC would not support raised features.
5. Parking - Plots 2, 3, 9 and 10 need more parking to meet HC design guide. The parking for plot 5 should be reviewed to put the parking next to the dwelling rather than further away.
6. Remove the service strips.
7. It should be noted that a commuted sum of £100000 will be asked for if you wish for the suds pond is to be adopted.
8. Dropped kerbs are required on the C1203 both sides of the junction with Greyhound close to link with community facilities.

#### 4.4 **Public Rights of Way Officer: No objection**

#### 4.5 **Land Drainage Engineer: No objection**

Due to the length of these comments, please see the summary of the comments below.

In principle we do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is requested within suitably worded planning conditions:

- Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;
- Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water.

Full comments (Jan 2022) can be viewed at:

<https://myaccount.herefordshire.gov.uk/documents?id=4fc9e79d-8f29-11ec-a491-0050569f00ad>

Previous comments (June 2021) from the drainage officer can be viewed at:

<https://myaccount.herefordshire.gov.uk/documents?id=d985e9a2-da6c-11eb-9daf-0050569f00ae>

#### 4.6 **Principal Building Conservation Officer: Qualified comments:**

These comments only relate to historic buildings, for archaeology advice please contact Julian Cotton, the Council's Archaeologist comments below.

I note the amended plans which appear to have been produced in part as a result of the archaeological constraints on the site and neighbouring sites

Longtown is an area rich in heritage remains many of which are designated. In addition it has exceptional landscape value and visible over some distance.

I note the comments raised previously by the built heritage team and would share those concerns. In the response dated 14 June 2021 the comments from the built heritage officer could be summarised as follows;

1. The development of this site should be of an exemplary standard respecting the scale, massing, materials and green space of Longtown.
2. There should be a significant reduction in the number of units.
3. It would be preferable to limit the number of detached buildings and group units.
4. Given the visually exposed site edge of settlement the predominant material should be facing stonework and not render which draws the eye.
5. Front garden to have boundary walls as the earlier development of Greyhound Close.

I note the reduction in units. However the proposal is still for 7 detached houses in large plots and as such are clustered in a suburban manner and not necessarily indicative of the built form of Longtown. The fact that this is a proposed estate and not linear development along the road accentuates this difference. Whilst duly acknowledging the constraints on the site, the layout would not appear to be in response to the visual aspects of the site, and still retains a suburban appearance. It is not clear how the layout has been produced in respect of views in, out and through the site. I note the criteria of Policy LGPC2 of the Longtown Group Parish Neighbourhood



Plan in respect of the heights desired and to protect the view of Hatterall Hill and the criteria of RA2 in respect of housing schemes to make a positive contribution to the surrounding development and its landscape setting.

I note the materials proposed and would have concerns with the front elevation only being stone and the remainder being render. Whilst acknowledging the vernacular tradition on stone and lime wash, with some stone properties only part being lime washed, the elevation treatment as proposed is particularly modern and not considered appropriate in this setting where it is not only the front elevation that is visible. I would repeat the concerns raised previously and request that stone be used on all four elevations, if not on all properties at least one half of them, which would give a mix of stone and render to the estate and not stone to the front elevation only. I note the neighbouring development has houses completely of stone and others completely of render and as such the change in material application is not readily understood. I note the boundary treatment is hedging and not a wall as previously requested.

I note the Longtown Group Parish Neighbourhood Plan, and in particular reference to question 3 of the Detailed Site Assessment, that the adjacent site whilst improving the environment by the removal of unsympathetic buildings, the development of this site would exacerbate the uncharacteristic form of development. However the proposal as submitted would appear to be continuing this form of development with individual houses on individual plots reflecting of a suburban character and not such a sensitive site. I also note the criteria of Policy LGPC2 of the Longtown Group Parish Neighbourhood Plan in respect of the design to reflect local distinctiveness and village character and avoid an urban appearance.

I would repeat the comments made previously that larger buildings forming 2 or 3 units would be more appropriate for this edge of village site. This could produce a challenging but exciting development, as in this location a larger rural character building (such as a traditional barn) would be more appropriate form of development when viewed from the Black Mountains, and would provide opportunities for glazing patterns reminiscent of barns that would afford the occupier the reverse views, and resulting in a less suburban character which does not seem appropriate for edge of village. This is more significant in this location than other villages, not only because of the sensitivity of the site, but also the other potential housing sites identified, which may result in the neighbouring land never being developed and as such the entrance to this sensitive historic village is a suburban development. A mix of house styles could also achieve other aims in terms of size of units, and height of proposed dwellings. I note the comments from the Longtown Group Parish Council in this regard.

I am aware that there has been pre-application advice given on this site which clearly identified the constraints and the requirement for a high quality design which should be heritage and landscape led, and not off the peg development nor to take the design influence from Greyhound Close.

Whilst not opposing the development per se, it would not appear that the amended plans have addressed the previous comments of the built heritage officer in a significant or meaningful manner. As such I would not be able to support the amended proposal as submitted and would suggest that if acceptable on all other matters that the application be amended to reflect the design layout and materials appropriate for this site, taking into account all advice provided at pre-application stage and during consultations.

#### Original comments

The site proposed for development has exceptional landscape value with extensive views over open farmland to the Black Mountains. The settlement of Longtown, a border settlement on the boundary with England and Wales retains its medieval character with dwellings of relatively small scale and individuality aligned with the street.

Any development of this site needs to be of an exemplary standard which respects the scale, massing materials and green space of Longtown. The proposal is in my opinion an over-development of the site which results in a sub-urban appearance which is not characteristic of the settlement. There should be a significant reduction in the number of units proposed and it would be better to group units to limit the individual number of detached buildings and increase the scope for improving the scale and massing. As the site lies on a visually exposed edge of the settlement the predominant if not all of the units should be constructed with facing stonework and not render which does draw the eye. I would like to see front gardens with boundary walls as there are in the earlier development of Greyhound Close.

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

The response from Welsh Water dated 31/12/2021 is noted confirming that the local main sewer Wastewater Treatment Plant operated by them as the statutory undertaker does have sufficient capacity to manage the additional foul water flows created by the proposed development; and that these flows can be accommodated within the discharge permit granted, managed and enforced by the Environment Agency as the relevant competent authority. This demonstrates compliance with relevant regulations and Core Strategy policy SD4 (LD2)

The supplied detailed drainage report demonstrates that all surface water can be managed through an appropriate Sustainable Drainage System (SuDS) and no discharge of surface water to the local mains sewer system will occur. This demonstrates compliance with relevant regulations and Core Strategy policy SD3 (LD2)

The relevant foul and surface water management systems should be secured through approval of supplied plans or by separate specific conditions as relevant in any final planning permission granted.

Using guidance from Natural England and their published SSSI Impact Risk Zone mapping there are no identified triggers requiring any specific consideration of any SSSI designated nature conservation site (includes SSSI that form part of any National Network site)

The Preliminary Ecological Appraisal by Wildwood Ecology dated 06/05/2020 is noted and based on all information available to LPA Ecology appears relevant and appropriate. No further surveys have been identified as being required and no significant effects on protected species from the development have been identified.

The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning process. However a relevant information note is requested:

##### Wildlife Protection 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 all Bat species, Great Crested Newts, 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 advised that advice from a local professional ecology consultant is obtained.

In support of NPPF, Core Strategy and declared Climate and Ecological Emergency and as supported by wider national strategy and regulations all developments should provide a clear and

sustainable biodiversity net gain for the lifetime of the development. A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any construction above damp proof course that is based on final plans and designs approved is requested.

#### Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course level commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including provision of ‘fixed’ habitat features such as habitat boxes supporting a range of bird species, bat roosting features, hedgehog homes, ‘hedgehog highways’ and pollinator homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

The site is in an area with an intrinsically dark that benefits local amenity and nature conservation, including nocturnal protected. Any significant or additional permanent additional illumination could impact the foraging and commuting of this local bat population and affect other nocturnal species. A condition to ensure all external lighting is kept to the essential minimum and any systems installed compliant with current best practice is requested:

#### Protected Species and Lighting (Dark Skies)

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

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

#### 4.8 **Principal Natural Environment Officer (Landscape) comments:** No Objections comments on amended plans: (20/4/2022)

I have compared the revised scheme (Detailed Soft Landscape Proposal), Rev C, with the previously submitted scheme, Rev B, and cannot find any significant change, other than the building layouts are much clearer, than the previously submitted drawing. Therefore, I have no further comments

#### Earlier comments

I have compared the revised scheme (Refer to figure 1), with the original proposed scheme (Refer to figure 2). One of the defining features of the original proposal, was the central open space. In the revised scheme, this has been reduced by the inclusion of two dwellings, with the open space located at the entrance. I consider this less effective. I recommend that the dwellings are adjusted, and that the open space is connected to the SuDs area, with the aim to also provide some degree

of connection with the central space to the north (Refer to figure 3). This approach will also reduce the extra hard surfacing required to access the carpark to the south.

By increasing the open space, larger legacy trees (such as oak) can be planted, that will significantly improve the place making, biodiversity potential and the overall local landscape character. It is well regarded that oak trees are one of best native trees for a wide and diverse species mix.



Figure 1: Revised scheme



Figure 2: Original scheme



Figure 3: Reconfigure dwellings to create a larger and more connected open space, providing more potential for place making and biodiversity.

Original comments: No objection

In terms of landscape character and appearance, I am satisfied that the development location is such, that visual harm is reasonably minimal viewed from the public domain. The combination of existing vegetation, built environment and proposed landscaping contains the development. There is visual impact from long distance views looking down onto Longtown from surrounding higher elevations, however with the correct colour, material and finish of the roofs and facades, and with the covering of tree foliage overtime, the visual impact can be reduced. The colours and finishes of the development are provided, however confirmation from the applicant that the colours, material and finish are harmonious with the existing buildings would reinforce that an environmental colour assessment or contextual study has been undertaken to provide an objective rationale for the external design.

The development itself provides tree lined streets, and provides orchard and hedgerows. Although some of the dwellings are within close proximity to the hedgerows. This in my view needs to be addressed, to ensure the integrity of the hedgerows are maintained, and that the hedgerows can actually be maintained. Refer to the below mark-up (Figure 1), that highlights areas that the buildings are within close proximity to hedgerows. This closeness, may be a reflection of the number of dwellings, and it must be noted that the issue of density was raised during the pre-application stage.

It would be preferable to have the drawing revised, without the requirements of conditions.

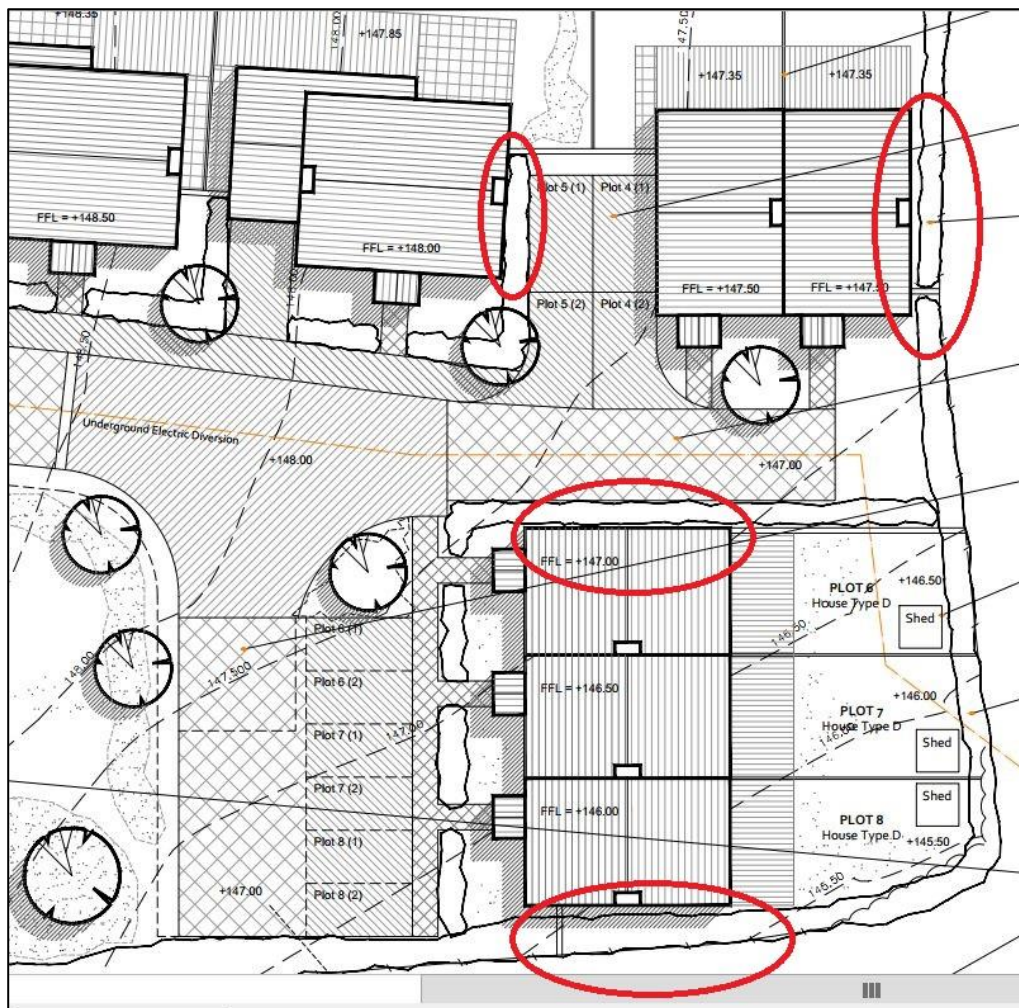


Figure 1: Extract of a part of the development where the buildings are within close proximity to hedgerows. A review of the whole scheme is required.

#### 4.9 Archaeology – No objections

This is a better scheme that limits direct impact, and confines it to areas already assessed. For the record, the applicants should provide as part of the submitted documents a report on the (negative) archaeological field evaluation undertaken previously. No objections.

##### Earlier comments:

We would agree with Historic England's comments and objections for this application. The visual impact upon the medieval planned settlement of this scale of development is a major concern and would have a significant impact. As HE has stated, we would welcome discussions concerning changes to the design and layout of the proposed development in order for it to "fit" better into the historic landscape and better reflect the historic character of the historic settlement. The construction of the sustainable drainage system is also a concern as noted by HE. It would appear that the current proposals have not considered the fact that large areas of Longtown are Designated as Scheduled Ancient Monuments and that the group value of these makes the character of the entire settlement highly significant. The proposals as they currently stand would have a detrimental impact upon the historic layout of the settlement

##### Original Comments:

As identified by the archaeological advisor and supported by the Heritage Impact Assessment there is a high possibility of significant archaeology being present across the site relating to the medieval development of Longtown (and possibly earlier). This would require further information

before we could make a decision. In the first instance a geophysical survey of the area should be undertaken which would be used to inform archaeological evaluation requirements.

#### 4.10 **Crime and Disorder officer: Qualified comments**

Original scheme

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application makes reference to crime reduction within the Design Access Statement, specifically regarding natural surveillance opportunities, which I endorse. There is, however, a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have good access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community within this village.

## 5 **Representations**

### 5.1 **Longtown Parish Council: - Objection**

*Updated Comments: January 2022*

It is not in line with the NDP because

- Urban design does not match the style of the village
- House type not the preferred single storey building for this site recommended in Policy LGPC2 in the NDP which says d) the design of new buildings and materials used should be locally distinctive reflecting existing village characteristics and avoiding an urban appearance. e) If appropriate could provide low density, single-storey housing to suit older people and to protect the view of Hatterall Hill.
- The two storey buildings proposed will destroy the view and impact too heavily on the historic site and the visual impact of the village from the hillside. They will also spoil the view existing houses have of the hillside and the view of the hills from the road In the consultation about the NDP 85% of people did not want to see executive homes built in the village.
- As stated in the NDP the local need is for affordable housing not larger, more expensive housing.
- Single storey dwellings are needed for elderly residents to downsize.

Objections related to water.

Sewage treatment

- The current treatment plant is at least 40 years old and is currently not meeting the legal requirements for the number of houses in the village (in times of heavy rain it overflows polluting the Olchon Brook)

Water supply

- At times of peak demand there are currently water pressure issues. This problem would get worse.

Destruction of archaeological evidence

- The site is part of the medieval gardens of the historic village. The open nature of the former medieval gardens is part of the setting of the scheduled ancient monument. This development risks significant harm to a designated heritage asset.

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

## Roads

- The access road is too small and narrow
- The entrance splay is problematic
- The current houses need to park their cars in the road narrowing it further
- The development proposed would be likely to increase the traffic by about 20 cars
- The children have no play area and play in the road
- Significant risk and danger would result
- The local road network is mainly narrow lanes which are under strain because of increased traffic. Further development would increase the Uber cars and the number of journeys.

## 5.2 Longtown Parish Council: Comments July 2021

Further to our earlier telephone conversation regarding the above issue. A meeting of the Longtown Group Parish Council was held last night, 21<sup>st</sup> July, where this matter was discussed. Members of the public were present along with the Ward Councillor Mr Peter Jinman. Strong opposition to this application was heard and various reasons cited including a lack of infrastructure i.e school places and poor roads but to be concise Council decided to object to the application on the following grounds.

It does not reflect the NDP

- Urban design does not match the style of the village
- House type not the preferred single storey building for the site recommended in policy LGPC2 of the NDP
- The large number of two storey buildings will destroy the view and impact too heavily on the historic site and the visual impact of the village from the hillside

It does not match the needs of the Parish –

- Local housing need is for affordable houses not larger more expensive family homes
- Single storey dwellings are needed for elderly residents to downsize too

Sewage Treatment

- The current treatment plant is at least 40 years old and is not meeting the needs of the numbers of houses in the village (in times of heavy rain it overflows polluting the Olchon Brook)

Water Supply

- At times of peak demand there are currently water pressure issues. This problem would get worse.

Destruction of archaeological evidence

- The site is part of the medieval gardens of the historic village. The open nature of the former medieval gardens is part of the setting of the scheduled ancient monument. This development risks significant harm to a designated heritage asset.

Roads

- The access road is too small and narrow
- The entrance splay is problematic
- The current houses need to park their cars in the road narrowing it further
- The development proposed would be likely to increase the traffic by about 20 cars
- The children have no play area and play in the road
- Significant risk and danger would result



### 5.3 Representations (In response to publicity)

3 Rounds of Public Consultation.

67 Letters of Objection have been received.

- First round of consultation: for 10 dwellings: July 2021: 24 letters from 21 households
- Second round of consultation: Amended drawings for 6 dwellings: December 2021/January 2022: 11 letters
- Third Round of Consultation: Amended drawings house types: April 2022: 12 letters from 10 households

### 5.4 The matters raised are summarised as follows:

- **Principle:**
  - Does not meet the NDP.
  - Conflicts with LGPC 12, LPPC 2
  - Market Housing not low cost or for rent or affordable
  - Parish Plan is ignored. No first homes or bungalows for elderly.
- **Character:**
  - Too many houses. Unsuitable and inappropriate. Negative impact/out of keeping
  - Materials need to be in keeping with houses of Longtown. Village is overwhelmed with render
  - Over development of rural landscape
  - Out of keeping. Use brownfields sites in existing urban areas
  - Houses to be in keeping with Greyhound Close in regards to size and materials
  - Not characteristic with the older style built properties: Glyneath House, Denmark House, The Old Greyhound.
  - Does not respond to the village character.
  - Suggest landscape scheme, low rise dwellings (bungalows).
  - Large homes – more suited to an urban or suburban estate.
  - Another new build estate (Roman Way and Greyhound Close) will exacerbate the fact that new build do not blend with the predominant stone older buildings.
  - Why built so close to hedgerows?
  - Deep square plots and detached garages no precedent in village
  - Not sensitive infilling
  - Mini housing estate. 6 dwellings still excessive in this location
- **Environment:**
  - Loss of green fields
  - Blot on landscape
  - Development not conducive to tourism (Offa's Dyke trail)
  - Presence of archaeology. No archaeology report/assessment.
  - Commentary on the submitted archaeology report.
  - Visual impact from Brecon Beacons National Park and Offas Dyke Path
  - Light pollution
  - Documents do not provide adequate demonstration of the visual impact on the proposal
  - No information given on core construction eg foundations, insulations etc
  - No details on Building regulations given.
  - No details on passive energy
  - If landscaping and public areas are not maintained then this will reduce quality
  - Management strategy for landscaping detail?
  - Lack of design detail
  - Historic England comments on NDP. Scale proposed. Suggest 4 houses.
  - Hedgerow – south east should not be interfered with.

- **Ecology:**
  - Detrimental effect on wildlife
  - Loss of habitats/natural vegetation/prevent loss of rare and endangered flora and fauna
  - Health of nearby water courses: Olchon Brook, the Monnow River
  - Wildlife loss due to excessive traffic
  - Phosphate record for sewage plant – outfall into Olchon Brook which flow into River Monnow and then the Wye
  - Dark Sky Area
  - What has been offered for Biodiversity net gain?
  
- **Drainage/sewer:**
  - Provide additional capacity to water treatment plant. Built over 40 years ago.
  - Over flows after rainfall. Raw Sewage.
  - Longtown Sewage Plant. When rebuilt and for how many households
  - Surface water (heavy rain) overflows down the village from Greyhound Close/Penrihw Lane
  - Flow of water
  - Sewer. Problems with existing system forcing effluent onto land/down road
  - Current sewage arrangements are incapable
  
- **Water Supply:**
  - Minimal pressure of watermains at peak times. Increase demand will exacerbate this. Proposal is premature
  
- **Highways:**
  - Infrastructure can't cope. Roads can't cope with extra traffic
  - Additional vehicles on local roads Narrow lanes to get to A465
  - Existing entrance not wide enough. Greyhound Close road not hard wearing and needs to be upgraded.
  - Existing roads can't cope/pot holes
  - Parking chaos around School drop off and collection times
  - Narrow lane. Mostly single track.
  - The Village street needs to be 20 mph
  - Construction Traffic. Not appropriate to use Greyhound Close.
  - Need additional street parking with Greyhound Close as loss of 2 informal spaces to access this proposal
  - Need traffic calming in Greyhound close if built
  - More passing bays within the village and surrounding area
  - PROW: within site
  - Increase in traffic through Cloddock
  - Layout. Have to reverse into spaces/garages
  
- **Amenity:**
  - Noise and disturbance of increased traffic and houses, children, bonfires, human activity. Loss of hedge next to No 7 Greyhound.
  - No need for street lighting. No external street lighting
  - Noise and traffic during construction. Pollution
  - Loss of privacy, overlooking and light, Denmark House. Views obstructed
  - Lower House. Privacy due to fenestration and orientation of dwellings
  - Glyneath House: Overlooking and privacy concerns Plot 1
  
- **Infrastructure**
  - Shortage of school places. Primary and secondary
  - Pressure on existing drainage, water and sewage systems

- Phones, wi-fi, doctors surgery and public services.
- Limited employment opportunities
- Water pressure has decreased. Will put further pressure on water supply
- No play area within this proposal
- Poor bus service (one per week to Hereford and one to Abergavenny)

- **Procedural:**

- Sets precedent for loss of more green fields. Previous application was rejected on this site?
- No public engagement with local community by developer
- No details on phasing of the proposals
- North point on original plan misleading (TDA 2579.02 (A))
- Should be decided by committee not delegated authority
- Comments are not an objection but raised as a concern

- **Other matters:**

- Loss of view
- Can't sell properties

5.5 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=211678&search-term=211678](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211678&search-term=211678)

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

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

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

6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Longtown Group Neighbourhood Development Plan (NDP). The latter was 'made' on the 6<sup>th</sup> March 2020. The National Planning Policy Framework (NPPF) 2021 is a significant material consideration, but does not hold the statutory presumption of a development plan.

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

- 6.4 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 the County. 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, where it is recognised that there is a wide range of services and consequently it is the main focus for development.
- 6.5 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire 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). Longtown is within the Golden Valley HMA, which is identified for being a main focus of proportionate housing growth of 12% via Policy RA1 of the CS.
- 6.6 Core Strategy Policy RA2 – Housing in settlements outside Hereford and the market towns states:

*To maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15. This will enable development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned.*

*The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15.*

*Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity.*

*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 fig 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 environment 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 particular settlements, reflecting local demand.*

*Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.*

6.7 As detailed above Neighbourhood Development Plan is the mechanisms for setting growth as it allocates land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets, by indicating levels of suitable and available capacity. The relevant NDP policies are detailed above.

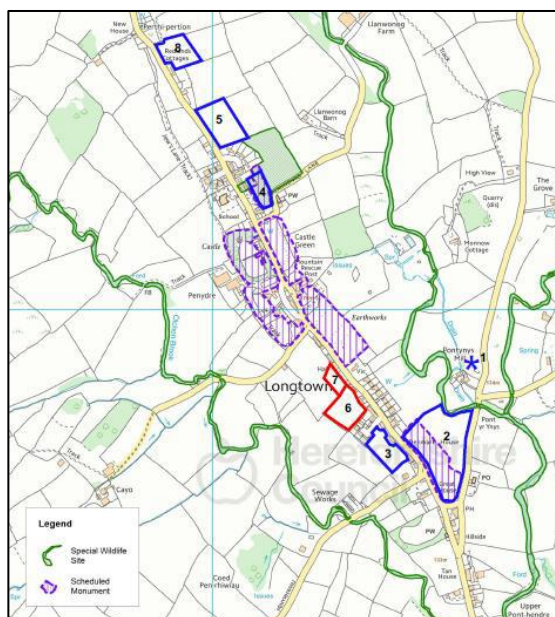
### Neighbourhood Development Plan

6.8 The Longtown Group Neighbourhood Development Plan was made on 6<sup>th</sup> March 2020. The made NDP identifies a settlement boundary. This site is located within the designated Settlement Boundary and also within an allocated proposed housing site (Policy LGPC 2: Land South of Greyhound Close of the Neighbourhood Development Plan). Core Strategy Policy RA2 (Housing in Settlements outside Hereford and the Market Towns), turns to the NDP to inform the minimum level of housing that will be delivered in their neighbourhood areas and settlements.

#### *Background to allocation.*

6.9 The NDP undertook a detailed land assessment and detailed analysis to look into the potential for sites to be including as housing allocation.

6.10 This sites are detailed on the map below. All of the sites were analysed against a range of criteria and only 3 sites were considered not to be in conflict with the criteria due to the constraints within the Parish. All 3 of the sites are within Longtown and includes *Land to the south of Greyhound Close* (known as site 3) as one of the chosen allocated housing sites.



**Figure 4: Extract from NDP: Sites assessed in terms of potential as housing allocations as submitted within NDP**

6.11 Reflecting the requirements of the Core Strategy policies and aims, the NDP contains an assessment of housing delivery figures for the Parish as of 2018 and notably the NDP proposes allocations or commitments. The table below from Appendix B: Meeting Housing Need and Site Assessment Summary report of the NDP shows how the required level of housing growth might be met (and exceeded) through policies.

Table 2 shows how the required level of housing growth might be met (and exceeded) through policies based upon the assessment above.

**Table 2: Achieving the Housing Target 2011-2031**

		Number of Dwellings
HC Core Strategy Requirement 2011 – 2031		32
1	Number of Completions April 2011- 2017	10
2	Dwellings with outstanding planning permissions April 2017	9
Site Allocations		
3	i) Land north of Penbailey	12 - 16
	ii) Land south-east of Greyhound Close	8 – 12
4	Windfall site within settlement boundary: Land south of Perthy Perton	2 (Frontage development only)
5	Provision for rural windfall allowance	19
<b>Potential Total during Plan Period</b>		<b>60 - 68</b>

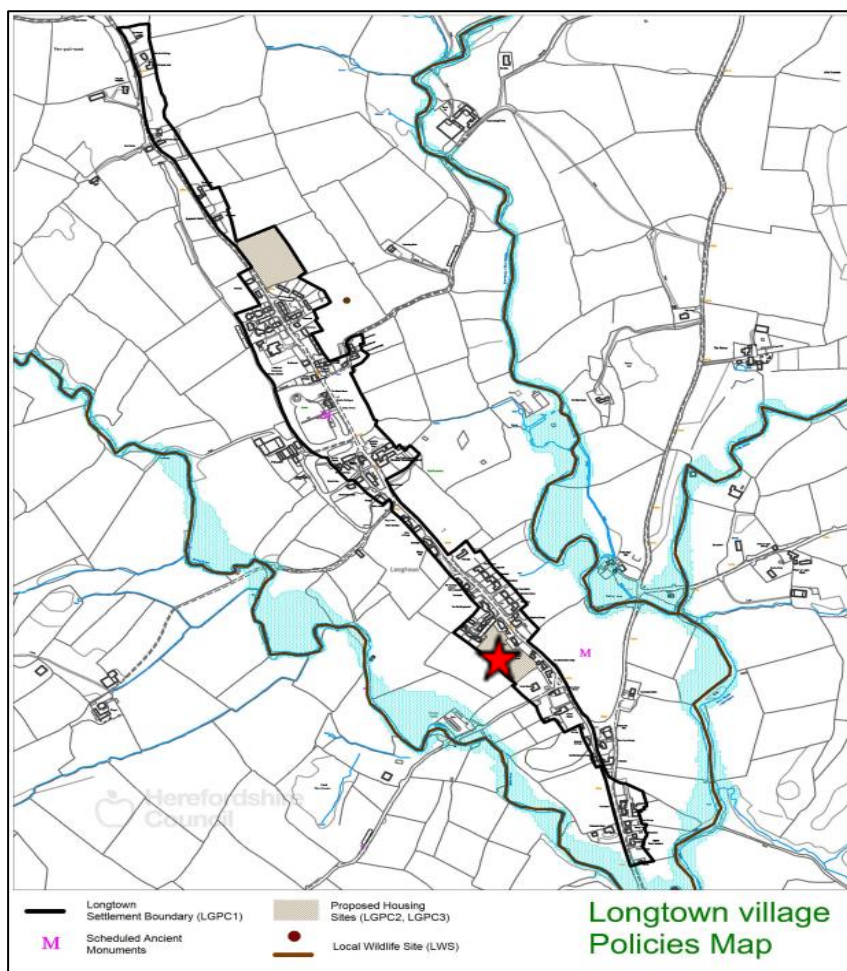
The estimates of dwellings under rows 3 and 4 above are for the purposes of showing how the Herefordshire Local Plan Core Strategy target for the Group Parish might be met. It is based upon the lower end of a medium density and seeks to consider amenity and other site-specific constraints. It is possible that the number of dwellings may be higher on some sites/areas than indicated, depending upon the type of dwellings provided.

**Figure: 5: NDP housing target.**

- 6.12 When looking at estimated numbers of dwellings on this site known as Land to the South of Greyhound Close it advises: *HC SHLAA suggests 18 although this is considered too high given its location within a rural settlement. A figure of 8-12 is considered more appropriate.*
- 6.13 Finally, as detailed above, the Neighbourhood Area is tasked with developing a minimum of 32 dwellings up to 2031. As of the 1<sup>st</sup> April 2022, the area has built out 16 units and has a further 13 commitments. Officers would acknowledge that this proposed development will help to boost the housing supply in the locality, assisting the area in meeting their growth targets in the immediate area as well as wider county requirements.
- 6.14 The Longtown Group Parish Neighbourhood Area (which covers Craswell, Llanveynoe, Longtown and Walterstone) progressed through the various stages of Neighbourhood Development Plan preparation to referendum and the NDP was made in March 2020.

### Principle of Development

- 6.15 The made LGNDP identifies a settlement boundary. The application site is located within the designated Settlement Boundary and is also an allocated proposed housing site. Spatially, and having regard to the requirements of policy RA2 of the Core Strategy, the sites allocation and siting within the defined settlement boundary of the NDP, the sites location is one that is considered to be acceptable in principle. For ease of reference, the policies map that forms a part of the NDP is inserted below and the red star demarks the sites location.



**Figure 6: Extract from Longtown Neighbourhood Plan: Longtown Village Policies Map**

- 6.16 Acknowledging the in principle acceptability, Policy LGPC 2: Land South of Greyhound Close of the Neighbourhood Development Plan is therefore of key relevance to the determination of this application and is inserted below:

**Policy LGPC 2: Land South East of Greyhound Close**

The development of 0.6 ha (1.5 acres) of land to the south east of Greyhound Close identified on the Longtown Village Policies Map is proposed for housing development subject to the following additional conditions:

- a) *The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of “The Old Greyhound “ Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, showing its historic form, from the Brecon Beacons National Park.*
- b) *There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.*
- c) *Landscape proposals should include measures to protect and enhance biodiversity.*
- d) *The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.*

*e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.*

- 6.17 Within the NDP it makes it clear that any proposals for new housing should meet the criteria above. Adherence to the conditions listed above (a-d) are deemed to be satisfied as explored within the main body of this report under the design, landscape and heritage and housing mix sections alongside other relevant policies of the Core Strategy, taking into account any other material considerations as appropriate.
- 6.18 The main material planning issues which have been identified are considered to be:
- The impact of the development on local character, design, and amenity;
  - The visual impact of the development on the landscape character;
  - The implications of the proposal on surface water, foul drainage and connection to water supply within the area;
  - The impact of the proposal on heritage assets;
  - The impact upon the local highways;
  - The impact the proposal has on local residential amenity;

### **Local Character, Design, and Amenity**

- 6.19 The NPPF promotes a high level of design. Para 126 states that:
- “The creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work”
- 6.20 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and 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.
- 6.21 The requirements of RA2 are underpinned by Policy LD1 Landscape and Townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure. Green infrastructure is also covered by Policy LD3, which requires development proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure; and to protect valued landscapes, trees and hedgerows. Proposals will be supported where the provision of green infrastructure enhances the network and integrates with, and connects to the surrounding green infrastructure network.
- 6.22 Policy SS6 of the Core Strategy states that development needs to conserve and enhance environmental assets that create the county’s distinctiveness. With SD1 going on to state that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. 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. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is. The Core Strategy



seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the proposal. Development should be integrated appropriately through the use of landscape schemes and their management. Furthermore LD1 seeks to maintain and extend tree cover where important to amenity.

NDP policy LGPC 2 under condition d) also states:

*‘The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.’*

- 6.23 During the application process the numbers of dwelling on site has been reduced from 10 units to 6 and the size of the units reduced. The dwellings proposed consist of two storey properties with communal living space on the ground floor and bedrooms above. The form of the dwellings has been amended through the application process. The design of the 6 plots reflect a more traditional rural approach. The scheme has evolved to take into consideration the historic setting of the village through the provision of a smaller units and improved landscaping. Examples of the elevations of the dwellings can be seen below:

**Figure 7: House Type D: 3 bed: 107M2**



**Figure 8: House Type B: 4 bed: 194M2**



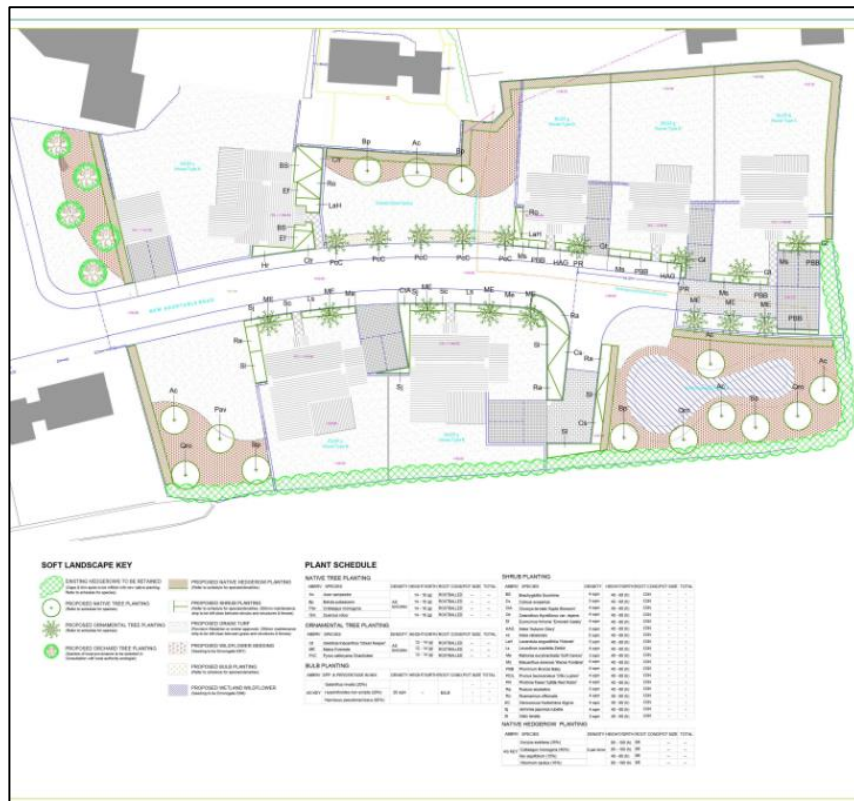
- 6.24 The proposed development is considered to be a stand-alone development from the existing Greyhound Close and has been designed to retain the character and through views from the main road.
- 6.25 Additional landscaping also helps to break up the site massing and provide green infrastructure between the dwellings. The layout as submitted also has the opportunity to allow sightlines through the site to the surrounding countryside from various positions within and outside of the site. The proposed landscaping scheme now includes the SuDs features within the formalised boundaries that surround the site. There is a provision of green spaces, the entrance green incorporates some orchard planting alongside Greyhound Close and the layout afford views through to the countryside from the site entrance; the ‘central green’ which is enclosed by 4 houses offer passive surveillance over this space; the southern wild garden that will incorporate the SuDs feature and be a less formal space to encourage wildflower growth and insect and bird habitat. Each of these spaces are visually linked to one another and have been designed so that there is a through site view available from most positions within the site.

- 6.26 The layout is now looser which is more appropriate to the local development grain. This has also provided more openness through the site, especially from the main road via Greyhound Close and the changes to the materiality of the houses, soft and hard landscaping will help to settle the houses into their context.
- 6.27 The development is relatively well self-contained. It is evident that the village of Longtown has an eclectic mix of design types so there is no definitive style characterising in the area.
- 6.28 In terms of the architecture and style of the houses, revisions have secured natural stone façade and thus creating suitable vernacular through material use. Also, changes to entrance porches, window proportions and style, and the treatment additional forms attached to the houses are better proportioned and styled. The overriding concept for the design of the houses is a traditional cottage hence the symmetrical arrangement, chimneys on gable ends, steep pitched roof and smaller scale add-ons which help to break up the volumes created. All house types have a predominance of stone to the main front elevation and revert to render on gable ends. Additional stone features have been used on porches, smaller elements and recessed features.
- 6.29 Within the application, materials proposed to include:
- Painted sand render
  - Painted timber sash windows
  - Painted timber fascias and soffits
  - Blue grey roof slates
  - Brick chimneys
  - Natural Stone –roughly coursed
  - Timber painted front door
  - Timber doors
  - Green oak framed porches
  - Conservation rooflights
- 6.30 The proposed materials of the dwellings are not found to be out of keeping with the locality or unacceptable in principle. However, it is found to be appropriate to condition exact details and finishes of the materials on any approval.
- 6.31 It is noted there are concerns raised in regards to the building design, the designs have evolved over the application period. This has included a reduction in units. Clearly design is a matter of subjectivity but it is considered that the style of the units sits comfortable in this setting.
- 6.32 Officers would conclude that the design of the dwellings are found to have been influenced the locality, the materials are in keeping with the surroundings and the differing form respects the adhoc way in which the settlement has grown. Officers during the application process secured changes to the proposals and sought the removal of render on the rear of the elevations, however this was not secured albeit officers acknowledge that it would be difficult to refuse the application on these grounds due to the local context.
- 6.33 When looking at specific amenity impacts, each dwelling will benefit from its own garden to the rear. Given the orientation of the dwellings, there are not found to be detrimental issues of overlooking for future occupiers. In relation to existing properties within the settlement in close proximity there are no concerns due to the distance and no concerns in regards to overshadowing or privacy are anticipated. It is however found to be appropriate to condition working hours during the construction phase of any development on the site.
- 6.34 The proposal in its amended form is considered to be an appropriate and informed response to context which safeguards existing and new residential amenity and that results in a development of architectural quality thus reflecting the desire for high quality design in both the design aims

and objectives of the NPPF; Policies RA2, LD1 and SD1 of the adopted Core Strategy and policies within the NDP policy LGPC2 part d.

### **Landscape Impact**

- 6.35 Policies SS6, RA2, LD1, LD3 of the Core Strategy as details above are key policies when considering the environmental impacts of the development. In this context NDP Policy LGPC2 condition b), c) and e) as described below also addresses landscape character and appearance
- b) There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.*
- c) Landscape proposals should include measures to protect and enhance biodiversity.*
- e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.*
- 6.36 The application site is visible from Black Mountains (Brecon Beacons National Park) and as such mitigation and landscape is an important to address any effects that the proposal may have on the landscape. The landscape is also an important part of the heritage assessment and this aspect is discussed in more detail below.
- 6.37 Core Strategy Policy LD1 requires proposals to demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection of the development. The application has been supported by a Landscape and visual impact and landscape and character visual impact assessment and this has influenced the submitted layout and to assess long views to and from the site. These assessments and concluded by the landscape officers comments who has raised no objection and has confirmed in terms of landscape character and appearance and is satisfied that the development location is such, that visual harm is reasonably minimal when viewed from the public domain. The combination of existing vegetation, built environment and proposed landscaping contains the development.
- 6.38 There is visual impact from long distance views looking down onto Longtown from surrounding higher elevations, however with the correct colour, material and finish of the roofs and facades, and with the covering of tree foliage overtime, the visual impact can be reduced. A revised landscape plan has been submitted to ensure the proposed dwellings were relocated away from close proximity to the hedgerows. The proposed landscaping scheme now includes the SuDs features within the formalised boundaries that surround the site. .
- 6.39 There is no denying that the proposal for residential development on this site will alter its character. However, the reduction of dwellings to 6 is considerably lower than the proposed 8-12 (as suggested within the NDP) and the harm from the proposed development of six dwellings is limited and localised. The provision of landscape planting and biodiversity enhancements to help integrate the development into its surroundings has been proposed. This mitigation will also ensure the overall proposal will integrate into the surrounding landscape character. Appropriately worded conditions have been added to safeguard that the external finishes are appropriate to ensure they are locally appropriate.
- 6.40 Officers consider that the layout as submitted appears not too prominent or discordant and respects the rich landscape it sits within. The site is well proportioned for the provision of 6 properties, with sufficient space for parking and private amenity space. See landscape plan below for details.



**Figure 9: Proposed Landscape Plan**

- 6.41 Officers are satisfied that with appropriate landscape mitigation and enhancement, a residential development of the site would not impact upon the visual amenity of the site's surrounds, and would conserve the landscape character of its immediate and wider setting of the settlement. The Council Landscape Officer raises no objection to the proposals.
- 6.42 With the above in mind, the proposals are not considered to be such which would result in any undue impact on the otherwise open and attractive landscape character, according with the requirements of Core Strategy Policies RA2, LD1 and Section 15 of the NPPF and the proposal is considered to adhere to and have compliance with conditions b, c and e of LGPC 2.

## Heritage

- 6.43 As referenced within para 5.3.23 of the Core Strategy, the historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed building and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest.
- 6.44 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain

Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

6.45 The proposed development site does not lie within a Conservation Area but there are a number of listed buildings and a scheduled monument (Heritage Assets) that are a material consideration due to them being in close proximity.

- The Old Greyhound Grade 2 Listed Building
- Milestone on West Side of approximately 15 metres West of the Old Greyhound'
- SAM

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

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

It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.

6.47 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’

6.48 Paragraphs 194 to 198 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 190 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.49 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

6.50 A Heritage statement has been submitted to support the application, in line with Paragraph 194 of the NPPF and as required by NDP policy LGPC 2 condition which says:

*The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of “The Old Greyhound” Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, showing its historic form, from the Brecon Beacons National Park.*

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- 6.51 As discussed in Paragraph 130 of the NPPF, when looking to undertake development, one needs to look at a surrounding context, setting, its character and particularly how the works affect the character and appearance of the surrounding heritage assets and how the works reinforce local character and distinctiveness.
- 6.52 The site is sensitive to development, but remains suitable for a carefully designed scheme that can enhance the site, and positively contribute to the character and appearance of the wider area. Longtown village and including this site has both historic and archaeological value, and this has been recognised by the insertion of the specific condition attached to the NDP policy for this site requiring the heritage impact assessment.



Figure 10 Historic England Map:

- 6.53 Location of nearby listed buildings identified by blue triangular mark and scheduled monument by infilled red line.
- 6.54 Members will noted there is a listed building close to the entrance to Greyhound Close and another opposite its entrance. However, it is evident from the map above that Greyhound Close separates the site from these and the site's development does not affect their settings.
- 6.55 The Council's Historic buildings Officer has not objected to the development but members will note has also not supported the proposal. They have however raised observations in regards to the built form and the materials and requested stone for all elevations and raise concern that it is suburban in appearance.
- 6.56 The site is located sufficiently far away from Longtown Castle SAM that officers do not consider the proposal will have a significant adverse effect on its setting. Similarly unlikely to have a significant adverse effect on the setting of Pont Hendre Castle Mound.
- 6.57 In regards to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets. These reports have been reviewed and following the amended reduced scheme the archaeology officer have confirmed no objection to the proposal.
- 6.58 Historic England's Inspector of Ancient Monuments made very detailed comments on the proposal for 10 dwellings and raised concerns about the design and quantum of development, it is also noted that raised concerns at this site's inclusion with the NDP at its drafting stage. Again I remind members the NDP has the site allocated for 8-12 units. Members will also note Historic England have they have not commented on the revised scheme for 6 units

but members may note that they quantify harm as being less than substantial in respect of the 10 units and recommend consultation with the Councils own advisors. This was undertaken following receipt of the amended plans and supplementary information and both the Councils Building conservation Officer and County Archaeologist raise no objection.

- 6.59 Having considered the merits of this scheme, it is officer's opinion that the proposed reduced development of 6 units is unlikely to cause harm to any heritage assets or their setting. As such officers are able to confirm that the proposals would comply with the requirements of policy LD4 of the Herefordshire Local Plan – Core Strategy, NDP Policy LGPC 2, Policy LGPC 13 and with the guidance set out in the National Planning Policy Framework.

### **Highways and Access**

- 6.60 In respect of matters pertaining to highways safety, Core Strategy policy MT1 is applicable, and this requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. Policy LGPC8 from the NDP sets out similar requirement, with the former in particular stating that 'development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area, including capacity, and on the living conditions of residents particularly arising from noise generated by any traffic movement'.
- 6.61 There have been a number of letters of representation which have been received raising concerns regarding the transport impact of the proposed development. The proposed development would be served via an existing turning head on Greyhound Close. The access road will be 5.5m in width and designed to adoptable standards, with 1.8m footways provided along each side, where development exists on both sides. The Council's Transportation Manager has confirmed the proposal is acceptable with regards to the nature of the local network and are adequate to ensure that safe access can be achieved. Amended plans have been received during the application process to respond to original comments from the Highways Engineer in regards to the requirement of a pedestrian crossing point over the C1203 to improve connectivity to community facilities. A condition is recommended to secure its delivery. The internal layout makes adequate provision for the parking and manoeuvring of vehicles, and a condition is recommended to secure storage for cycles. Subject to this being imposed, the Transportation Manager has offered no objections to the scheme and there is no conflict with policies MT1 and LGPC8 found.

### **Climate change**

- 6.62 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.63 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for

development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

- 6.64 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to “accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles” as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.
- 6.65 The agent has submitted a completed ‘Climate Change’ checklist which states that electric vehicle charging points as well as consideration of the orientation of the plots and thermal has been considered. However, elements such as solar panels and air source heat pumps due to the setting of the proposals, and their historic / archaeological sensitivity, have not been considered suitable or appropriate. Officers concur with this approach due to the importance of maintaining a traditional aesthetic for the site.

#### **Foul and Surface Water Management Drainage**

- 6.66 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.67 During the application process a new site layout and a revised Surface Water and Foul Drainage scheme was submitted. The runoff from the impermeable areas on the site are directed into an attenuation pond located in the south-western corner of the development, upon the lowest elevated land within the site boundary. The main purpose of the pond will be to provide sufficient attenuation for all surface water runoff generated by the development however, the use of above ground SuDS will also provide ecological and amenity benefits.
- 6.68 It is proposed to discharge all foul effluent generated by the development to a main foul sewer run located 50m south west of the site. Welsh Water records indicate the presence of a main foul sewer some 50m south west of the site, flowing beneath private land adjacent to Penyrhwiau. Records indicate that this foul sewer drains into a treatment plant approximately 110m south west of the development.
- 6.69 The applicant has confirmed that they own land up to the sewer treatment plant therefore it is proposed to install a new pipe which will connect effluent from the development to the existing foul sewer network before it enters the treatment works. It is recommended that connection be made either into, or downstream of, the existing manhole 65m south west of the development boundary. Local concerns have been raised in regards to capacity of the existing treatment works, however Welsh Water have confirmed capacity exists within the public sewerage network in order to receive the domestic foul from the proposed development site.



- 6.70 As the proposed development site is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). It is noted that drainage colleagues have not objected to the proposal, although have sought further clarification during the application on the management of existing surface water flows and the proposed foul water drainage strategy which has been provided. The most recent comments of the Council's Drainage Engineer are noted. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site. As such, it is considered that the requirements of Policies SD3 and SD4 and Policy LGPC 14: would be satisfied subject to suitably worded conditions.

### **Water Supply**

- 6.71 Welsh Water have identified infrastructure capacity in regards to this proposed development and have advised that there are currently no improvements are planned in regards to upgrading water supply. However, the applicant can fund the provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991. As such your officers have added a suitable worded condition to ensure that the water supply can cope with an increased load. This will be secured through a planning condition to secure funding the provision of Welsh Water services via Sections 40-41 of the Welsh Water Act. The applicant has confirmed they are happy to engage with Welsh Water via this separate process at the appropriate time. The condition is to be 'pre-commencement' to ensure that a resolution to this issue before works are commenced.

### **Ecology**

- 6.72 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.73 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.74 The application is supported by a Preliminary Ecological Appraisal undertaken by Wildwood Ecology dated 6<sup>th</sup> May 2020. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. The Ecologist has stated there are no immediate ecology related concerns and that the PEA is relevant and suitable for the proposed development. The developer will be reminded of their own legal duty of care for wildlife.
- 6.75 Conditions have been recommended by the Ecologist to gain biodiversity net gain enhancements across the site, ensure that external lighting is strictly controlled and secure protection for the existing hedgerows on the site. All of these form part of Officer's recommendation. The proposal would therefore comply with the requirements of LD2 and LGPC 2 (c) policy.

### **Habitats Regulations Assessment**

- 6.76 At this current time it is considered and as advised by Natural England to Ecology that an HRA is not required for the Dore/Olchon/Monnow catchments. The Council Ecology considers the matter further in their comments above.

### **Housing mix and affordable housing**

6.77 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is only for 6 and therefore there is no requirement for its provision.

6.78 Policy RA2 (4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites, such as this will be expected to:

1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
2. *provide housing capable of being adapted for people in the community with additional needs; and*
3. *provide housing capable of meeting the specific needs of the elderly population by:*
  - *providing specialist accommodation for older people in suitable locations;*
  - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation. .*

6.79 Policy H3 of the Core Strategy states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Herefordshire Local Housing Market Assessment (available on the Council website) details the affordable and open housing market requirements across the County. The market housing required within the Golden Valley Housing Market Area (and more specifically for Golden Valley where the site lies) can be found below:

	1 Bed	2 Bed	3 Bed	4 Bed +
Open Market	5%	30%	50%	15%
Affordable Home Ownership	20%	35%	40%	5%
Affordable Rented	35%	35%	25%	5%

**Figure 11: Housing market area figures (Iceni report July 2021)**

6.80 The proposal is only for a 6 units and policy H3 does not restrict the development of 3, 4 and 5 bedroom dwellings and there is an identified need for such dwellings. Overall given the positively worded nature of these policies Officer’s do not identify conflict. It is also noted that the scheme has been amended to include 3 bedroom units.

6.81 It is acknowledged that NDP Policy LGPC 2: Land South East of Greyhound Close does states under condition

*e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.*

6.82 Officers acknowledge that single storey properties have not been secured within this proposal, however the wording of the policy means that there is no conflict with this policy as the landscape officer and supporting LVIA documents confer that the view of Hatterall Hill is protected.

**Other matters:**

**Open Space Provision**

6.83 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

accordance with all applicable set standards. In this instance, the small scale development that provides private garden areas and is in close proximity to access to open countryside would not be expected to provide on-site play / open space provision and officers are satisfied that the site is capable of being developed in accordance with the requirements of policy OS1 and OS2 of the Core Strategy.

### **Non material planning considerations**

- 6.84 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations.

### **Planning Balance and Conclusions**

- 6.85 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay.
- 6.86 The ability to demonstrate a five year housing land supply is such that the policies of the development plan can be afforded full weight for decision making. In this case, the adopted development plan comprises the Core Strategy and the Longtown Group NDP. The application must be determined in accordance with this, unless material considerations indicate otherwise.
- 6.87 Longtown is a settlement which has been identified as a sustainable location for new housing growth within the spatial strategy of the Development Plan. The site, albeit sensitive in nature and context lies within an identified settlement boundary and is allocated for residential development within the made Neighbourhood Development Plan.
- 6.88 Whilst the proposed development would deliver less units than the NDP suggests, the proposal, having regard to its design and layout, and with suitable mitigation and biodiversity enhancement would respect the character of this sensitive village location and would not have a detrimental impact on amenity, its surroundings and landscape setting.
- 6.89 Whilst it is noted that the Council's Building Conservation Officer has concerns with the proposal, they have not identified any harm in this regard, in any case the delivery of a 6 units on an allocated housing site within the settlement boundary within the NDP is a clear public benefit.
- 6.90 Drainage colleagues have raised no objection in regards to foul or surface water and a condition can be applied to address portable water supply in accordance with the recommendations of the statutory provider. The Council's Area Engineer raises no objection. There are no technical reasons for refusal that are advanced.
- 6.91 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development. The scheme benefits from the positive presumption and it is recommended that permission be granted, subject to the conditions set out below.

### **RECOMMENDATION**

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

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

**Reason: Required to be imposed by Section 91 of the Town and Country P**

- 2 The development hereby approved shall be carried out strictly in accordance with the approved plans:**
- **Revised Proposed Site Plan: Dwg 1102 Rev E**
  - **Revised Proposed Site Plan: Dwg 1103 Rev D**
  - **Revised House Type A Floor Plan: Dwg 1201 Rev A**
  - **Revised House Type B Floor Plan: Dwg 1202 Rev A**
  - **Revised House Type C Floor Plan: Dwg 1203 Rev**
  - **Revised House Type D Floor Plan: Dwg 1204 Rev A**
  - **Revised House Type A: Elevations: Dwg 1301 Rev A**
  - **Revised House Type B: Elevations: Dwg 1302 Rev A**
  - **Revised House Type C: Elevations: Dwg 1303 Rev A**
  - **Revised House Type D: Elevations: Dwg 1304**
  - **Detailed Soft Landscape Proposals (amended site layout): Dwg TDA 2579.02**
  - **Location Plan: Dwg 1001 Rev A**
  - **Garage Plan and elevations: Dwg 1205**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, LPG-2 of the Longtown Neighbourhood development Plan and the National Planning Policy Framework  
Pre - Commencement**

**Before any work approved under this permission commences works to improve and upgrade the existing public water supply system has been completed and written confirmation of this has been issued to the Local Planning Authority.**

**Reason: To prevent further hydraulic overloading of the public potable water supply network, to protect the health and safety**

- Pre-occupancy or other stage conditions**
- 3 With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**

- \*Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;**
- \*Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;**
- \*Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water**

**The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and thereafter maintained as such unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure satisfactory drainage arrangements, in accordance with policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031.**

**4 With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**

- **Roof materials to be used externally**
- **Wall materials to be used externally**
- **Details (i.e. location, design and appearance – including stain colour of any timber fencing) of all means of enclosure (i.e. gates, walls, fencing and other means of enclosure)**
- **Full details of all rainwater goods (i.e. design, profile, material & colour); The development shall be carried out in accordance with the approved details.**

**Reason: To ensure a satisfactory appearance to the development and to ensure a quality development, in accordance with policies SS6, LD1 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.**

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

- **A method for ensuring mud is not deposited onto the Public Highway**
- **Construction traffic access location**
- **Parking for site operatives**
- **Construction Traffic Management Plan**

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

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

**6 Prior to first residential occupation, a scheme demonstrating measures for the efficient use of water, as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

**7 With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

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

- 8** Prior to the first occupation of each dwelling, the related area for car parking shall be laid out within the curtilage of such dwelling, in accordance with the approved plans. These car parking areas shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not, thereafter, be used for any other purpose than the parking of vehicles.

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

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

- Surface finishes
- Drainage details
- Future maintenance arrangements

**The development shall be carried in accordance with the approved detail and out prior to the first occupation of the dwellings hereby permitted unless an alternative delivery / completion schedule is submitted to and approved in writing by the Local Planning Authority) and thereafter maintained in accordance with the approved details.**

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

- 10** Construction of highway works proposed for adoption shall not begin until details of such works have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority. The development shall not be occupied until the approved works have been constructed in accordance with the approved details.

**Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.**

- 11** Prior to first residential occupation, 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 provided in accordance with the approved details and made available for use upon the first occupation of each residential dwelling.

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

- 12 Development shall not begin in relation to any of the specified highways works until details the drop crossing point on the C1203 as shown on dwg 1102 Rev E have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.**

**Reason: To ensure pedestrian connectivity and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.**

#### **Compliance Conditions**

- 13 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.**

- 14 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.**

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

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

- 16 Prior to the first occupation of the first dwelling on the site hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.**

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

- 17 Prior to the first occupation of the dwellings hereby approved, provision shall be made for a single vehicular access onto the highway.**

**Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

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

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

- 19 The Landscaping and Open Space shall be implemented and maintained in accordance and specified within the submitted Landscape Specification and Management Plan (Author TDA dated February 2021).**

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

- 20 All foul water shall discharge through a connection to the local Mains Sewer network (Longtown Wastewater Treatment Works) and all surface water shall be managed through a Sustainable Drainage System (SuDS) within land under the applicant’s control; unless otherwise agreed in writing by the Local Planning Authority.**

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

#### **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 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 all Bat species, Great Crested Newts, 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 advised that advice from a local professional ecology consultant is obtained
- 3 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.
- 4 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 coordinate 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 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into
- 6 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway

Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement

7 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.

8 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'

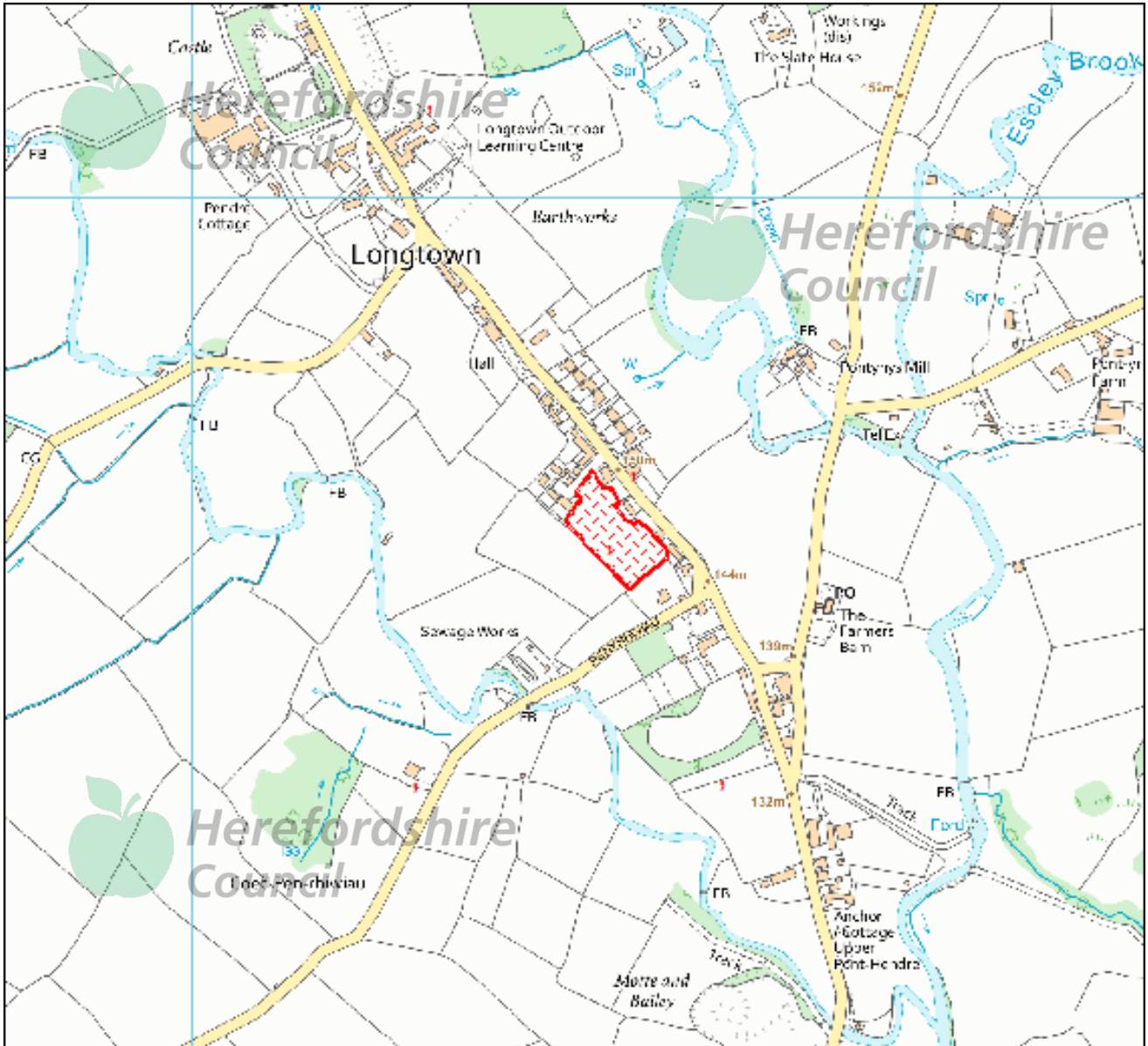
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 211678

**SITE ADDRESS :** LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>214046 - PROPOSED CHANGE OF USE OF LAND, AS AN AERODROME CONSISTING OF THE CONTINUED USE OF A GRASS AIRSTRIP, RE-USE OF AN EXISTING BARN AS HANGARAGE AND FOR MAINTENANCE AND ASSOCIATED LANDSCAPING AT LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE</b></p> <p><b>For: Mr Waring per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046&amp;search-term=214046">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046&amp;search-term=214046</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 2 November 2021      Ward: Queenswood      Grid Ref: 351960,243808**

**Expiry Date: 8 April 2022**

Local Members: Cllr Pauline Crockett,

## **1. SITE DESCRIPTION**

- 1.1 The application site lies to the southeast of Lyde Court, an established wedding venue within the Parish of Lyde, to the west of the A49(T) and approximately 3½ miles to the north of Hereford City. It comprises a field totalling 28 acres laid to grass in agricultural use. Sitting immediately beneath 'Patch Hill', the field slopes steeply to the southeast and forms a bowl to the immediate south of the redundant agricultural portal framed storage buildings. The site is however locally elevated with views north and west across the Lugg Valley and low-lying ground of central Herefordshire. The site together with the wedding venue is accessed by way of a private driveway which runs west from the minor road at Lyde Cross which leads from the crossroads at Munstone to the A49(T) at Lyde. Public Rights of Way PL1 & PL3 run along the private driveway, through Lyde Court just to the north of the application site itself and then eastwards towards Wergins Bridge on the Hereford – Sutton road.

## **2. PROPOSAL**

- 2.1 This application is made in full and seeks planning permission for the change of use of land and buildings at Lyde Court to form an unlicensed aerodrome. It would include the continued use of the grass air-strip which runs southwest to northeast, falling away steeply from the southwest. It is around 450 metres in length and 20 metres wide. This application also looks to regularise some engineering operations which have taken place to flatten out the topography of the site, making it suitable for facilitating aircraft movements. The proposal would also look to re-use an existing steel portal-framed building at Lyde Court as a hangar and for general maintenance of aircraft. It

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

is envisaged that the site would function as a commercial but small-scale aerodrome which would allow for visiting aircraft, as well as offering a unique selling point for weddings and functions associated with the existing use of Lyde Court. The proposal is also for provision of soft landscaping which would include a wildflower meadow and other tree planting.

### **3. POLICIES**

#### **3.1 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  
SS5 – Employment provision  
SS6 - Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
HD3 – Hereford movement  
RA5 – Re-use of rural buildings  
RA6 - Rural economy  
MT1 - Traffic management, highway safety and promoting active travel  
E1 – Employment provision  
E4 - Tourism  
LD1 - Landscape and townscape  
LD2 - Biodiversity and geodiversity  
LD3 - Green infrastructure  
LD4 - Historic environment and heritage assets  
SD1 - Sustainable design and energy efficiency  
SD3 - Sustainable water management and water resources  
SD4 - Wastewater treatment and river water quality

#### **3.2 National Planning Policy Framework 2021 (NPPF)**

1. Introduction  
2. Achieving sustainable development  
4. Decision-making  
5. Delivering a sufficient supply of homes  
6. Building a strong, competitive economy  
9. Promoting sustainable transport  
12. Achieving well-designed places  
15. Conserving and enhancing the natural environment  
16. Conserving and enhancing the historic environmen

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

## 4. PLANNING HISTORY

4.1 123042/F – Change of use from business use to a use for a venue for performing arts, charitable and social events, weddings and other functions. Approved – 21 January 2013

133247/F – Continued use as a venue for the performing arts, charitable and social events, weddings and other functions. Approved – 8 April 2014

141415/F – Proposed change of use from offices and storage to dormitory accommodation, toilets and showers. Pending.

## 5. CONSULTATION SUMMARY

### Statutory Consultations

#### 5.1 Ministry of Defence (MOD) Credenhill

We have now reviewed the proposals and I can confirm that we have no comments to make.

### Internal Council Consultations

#### 5.2 Transportation Manager

##### **13 April 2022 – No objection.**

The submitted information regarding the sites movements has been reviewed. The proposed movements for changes to the site would not be classed as severe in terms of the NPPF, however to prevent a significant increase in movements in the future please condition the number of flights allowed to use the site.

### Conditions

Number of flights.

##### **4 March 2022 – Further information required.**

Please supply information regarding the following: -

- Full details of the existing movements of the whole site and proposed trip generation for the application. Details how any implications of the proposals will be mitigated should also be provided.
- Provisions of parking areas for the servicing.

#### 5.3 Conservation Manager (Ecology)

I have read the above application and the supporting documents including the Phase 1 Ecology Survey by Heritage Environmental Contractors, the Design and Access Statement and the Landscape and Habitat Management Plan by Heritage Environmental Contractors.

The proposal is for the ongoing use of the site as an air strip with little physical works and no additional drainage infrastructure or requirements. Additional landscape planting is proposed. Habitats. The site comprises a large field with a mown strip used as an Informal occasional air strip, an open fronted agricultural building and areas of tall ruderal vegetation, scattered trees, hedgerows and two on site ponds.

## Bats

The building on site which is proposed to be used as a hanger is open fronted and made of sheet materials. The building presents negligible bat roosting potential. There is potential for bats to be present foraging and commuting locally but there is no tree loss or loss of linear features proposed and it is not proposed to light the air strip, though some lighting on the building may be required. I recommend that a lighting condition be on the decision notice to control any new lighting. I welcome the provision of 2 bat boxes as set out in the documents along with the habitat improvements which will provide additional foraging resources for bats.

## Nesting Birds

There was no evidence of barn owls in the existing building on the site but there is potential for a range of common bird species. The proposal does not involve the loss of any of the hedgerows or trees providing potential bird nesting habitat and the provision of 4 bird boxes along with the proposed habitat enhancements are welcome.

## Great Crested Newts

There are two ponds on site which have tested negative for great crested newt using the eDNA technique. The species is known to be present in a pond 300m from the site based on previous surveys. The proposal does not involve any physical development works which might impact upon this species and the habitat enhancement works, including the provision of an additional pond and additional terrestrial habitat have the potential to benefit this species. I welcome the proposal that the habitat works will be supervised by an ecological clerk of works to ensure no impact upon wildlife.

## Dormouse

The hedgerows and woodlands around the site have the potential to support dormouse but no works impacting upon these habitats are proposed and I am satisfied that no further consideration is required.

## Amphibians

Widespread amphibians are likely to be present but with no physical development works proposed and the enhancements which are likely to benefit these species I am satisfied that the supervision of works by the ecological clerk of works will ensure no impact.

## Reptile

There are small areas of potentially suitable habitat present but with no physical development works proposed and the enhancements which are likely to benefit this species I am satisfied that the supervision of works by the ecological clerk of works will ensure no impact.

## Otters

There is potential for otters to be present locally but no evidence was recorded on the site. The proposed works are unlikely to impact upon the species and no further consideration is required.

## Habitats Regulations Assessment

I have completed a Habitats Regulations Assessment which has been provided separately to the planning officer.



## Recommended Conditions and Informatives

I recommend that the following conditions are on the decision notice:

CC1 - lighting design to be provided prior to first use

CKP amended to read:

### **Ecological Protection & Protected Species**

The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement as recommended in the Phase 1 Ecological Survey by Heritage Environmental Contractors (2021) and the Landscape and Habitat Biodiversity Enhancement Scheme by Heritage Environmental Contractors (2021) shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.

#### **5.4 Public Rights of Way Manager**

No objection.

#### **5.5 Environmental Health (Noise and Nuisance) Manager**

My comments are from a noise and nuisance perspective. The proposal is for a grass airstrip and small hangarage. Together with the plans a Design and Access Statement is supplied dated November 2021 which sets out the applicant's intentions, together with a Safe Operating Practices and Management Plan and a Noise Impact Assessment. The topography of the land means that aircraft can only take-off and land in one direction.

The proposal has the potential to impact on neighbours by way of additional daytime noise. Our department undertook an advisory visit when the applicant supplied a pre-app enquiry and we witnessed a light aircraft taxiing, taking off, flying and landing at this site and at two locations in the vicinity. Officers requested a Noise Impact Assessment report be supplied which examined the impact of noise on neighbouring residential premises from the proposed light aircraft use.

##### Noise Impact Assessment

Background noise levels were measured in 3 separate locations around the existing grass airstrip and measurements of a light aircraft in use were also measured at these locations. The assessment found that in one location to the south aircraft noise was inaudible, to the east just audible and to the west audible but the report advises in keeping with other motorised noise sources in the vicinity (traffic, farming activity and so on). This assessment broadly concurred with local authority officers' initial findings at the pre-app stage when the impacts of light aircraft were witnessed at 2 different locations around the site.

The noise assessment found that at the three closest receptors aircraft noise measured between 44dB LAeq and 56dB LAeq. The noise assessment covered the context of the proposal in the context of the locality, national planning policy guidance and finds that at 2 of the 3 locations aircraft noise was audible and not intrusive and not audible at the third closest receptor. In all situations, noise from the aircraft was of very limited duration.

The noise impact assessment assesses the impact of the noise in the context and framework of the National Planning Practice Guidance: Noise (NPPG) and advises that the noise from aircraft movements is, at worst, 'noticeable but not intrusive'. The outcome of this perception is that noise can in some circumstances be heard but does not 'cause any change in behaviour or attitude. Any noise heard can 'slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life' and advises that the overall noise impact category will be unchanged, provided that the types of aircraft and number of flights are controlled as detailed in the Safe Operating Practices and Management Plan and Design and Access Statement submitted with the planning application.

#### Officer's observations

In addition to the witnessing of the aircraft at the pre-app stage 3 Environmental Health Officers witnessed the take-off, flying and landing of a Piper Super Cub twice as a means of assessing the noise impacts of the proposal. Officers witnessed the aircraft at the Lyde Court site as well as at the gateway to Hawthorn Cottages, New Cottages to the west, at Shelwick and Lower Lyde Court. On site, the aircraft noise was audible but of very limited duration 20-30 seconds. In all locations off site, any transport noise such as passing vehicles, trains and distant noise from the A49 was dominant and the aircraft noise just audible when transport noise dropped. In the vicinity of Hawthorn Cottages the aircraft could be heard faintly before and during take-off, noise could be heard when the relatively busy road traffic stopped and there was no railway noise, aircraft noise was detected as being audible but not intrusive. At New Cottages take off noise was audible but the dominant noise was road traffic from the A49. Similar findings were found at Shelwick where the aircraft noise was faintly detectable in the absence of train noise and background noise was dominated by the A49. At Lower Lyde Court the plane could not be heard landing and only faintly from afar.

On site and with regard to the representations made by some of those objecting, in particular the local Parish Councils the frequency of flights was queried and discussed with the applicant. Whilst Environmental Health Officers have taken the view that the noise was faintly audible, of limited duration and not intrusive we did have concerns regarding the frequency of flights proposed in addition to the other controls submitted by the applicant.

Our recommendation is that the frequency of flight movements be restricted from what has been requested. This would be more in keeping with the intention described in the applicant's Design and Access Statement. The applicant has supplied further information to the authority regarding instructions to be issued regarding take-off and landing routes with the aim of minimising any impacts on neighbours these are set out as follows:

#### Take off

Climb straight ahead over uninhabited land towards "Wergins Bridge". Maintain this track (040 degrees) until at least 500 feet above ground level (agl) is achieved. Throttle back as soon as practicable. Do not turn off this track until 500 feet agl is achieved and then use one of the 3 departure routes to ensure that no local housing is over-flown. Continue climb to ideally a minimum of 1200 feet agl.

#### Landing

Use the reciprocal routes for landing at Lyde Court. Ideally aim for 250 feet agl above Wergins Bridge for conditions of very light winds. Increase this height to 350 – 400 for conditions with a headwind for landing. Use the minimum heights shown on the chart for landing approaches only. All departures are to climb to 1200 feet agl asap.

The applicant further comments 'The departure routes have been chosen to avoid any overflying of local housing. The route to Wergins Bridge is entirely over unoccupied land which is almost entirely Duchy owned. It is always possible to achieve 500 – 700 feet agl by Wergins Bridge. The 3 onward departure routes then continue over unoccupied tracts of land. These routes when used as directed should never give rise to any noise nuisance issues with neighbours.

## Final response and recommendations for conditions

In short having witnessed 3 sets of aircraft movements to and from this site our department does not object to this proposal on noise and nuisance grounds providing that there are controls in place to restrict the amount of aircraft noise to be generated at this site so that it remains a grass airstrip and does not begin to function as an aerodrome. The following conditions are therefore recommended:

The use of aircraft will be restricted to fixed wing single engine piston aircraft of less than 3175kg in weight.

Use of helicopters be restricted to no more than 2 flights (inbound and outbound) per week.

There shall be no use of twin engine aircraft, jets, turbo-props nor flex-wing microlights.

No flights are to take place outside the hours of 08:00 and 21:00 and there shall be no night flying.

The site of the proposal shall not be used for flying training, gliders, aerobatics nor Touch and Go procedures.

Between 10:00am and 3:00pm a maximum no of 3 flights (flight = take-off and landing) in any one hour period.

Between 08:00am to 10:00am and 3:00pm and 9.00pm weekdays only maximum 10 flights per day

Cumulative weekend/bank holiday total 15 flights per day

Cumulative week (Sunday to Saturday) total: Maximum 35 flights per week

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

## 5.6 Environmental Health (Air Quality)

### 8 December 2021 – No objection

I note that the application is for the proposed change of use of land, as an aerodrome consisting of the continued use of a grass airstrip, re-use of an existing barn as hangarage and for maintenance and associated landscaping.

Technical Guidance (16) Local Air Quality Management (Section 7.16) provides a screening criteria for airports. In circumstances where the screening criteria is exceeded it is likely that further assessment will be required.

The relevant criteria is as follows:

- Determine relevant exposure within 1km of the airport boundary
- If exposure has been identified, determine whether the airport total equivalent passenger throughput is >10million passengers per annum
- Identify whether the background annual mean NOx concentration is above 25ug/m3 in these areas.

On reviewing the information submitted with the planning application, the proposal for a small airfield will not exceed the screening criteria. Based on the information supplied, I have no adverse comments to make in relation to air quality matters.

## 5.7 Archaeology

### 18 January 2022 – No objection

- I expect you will have picked up my original comments of 23 November 2021, and noted my then concerns. I made a socially - distanced site visit with the developer and agent just before Christmas, in order to clarify matters.
- It was apparent at that site visit that the airstrip had been created by a large earthmoving operation to 'flatten out' the local topography and make it smoother. It has since been re-grassed.
- However it was also clearly apparent that recorded archaeological feature 4046 ( a non-designated site alluded to in my original comments) had not been directly affected by the works, the southern part of it having already been lost some years previously.
- There were no other archaeological issues of substance evident during the course of this site visit.
- In the circumstances, I do not now think it is necessary for an archaeological assessment to be undertaken.

### 1 December 2021 – Further information required;

Firstly, the application form as submitted contains what appears to be a clear inaccuracy, in that Section 5 (1/11/2021) of the form claims "the work or change of use" [sic] hasn't started. In fact, there is good reason to believe that the site was stripped and extensive subsurface construction undertaken a year or so ago. Such work is intrinsic to the specific proposal now on the table, and would not have occurred otherwise. Irrespective of all other considerations therefore, the form should be corrected by amending Section 5 to "yes", making it clear that in effect the application is retrospective.

Secondly, in the process of the engineering operations referred to above, there is likely also to have been some impact on key archaeological features itemised on the county Historic Environment Record.

Monument 4046, a deserted medieval settlement, is mapped as being in the line of the airstrip. The full scope and nature of this impact and any other impacts are currently rather difficult to determine.

Additionally, it is my understanding that some hedgerow may have been removed here or nearby. To what extent any such removal affected hedgerow that was 'important' under the 1997 regulations is likewise unclear.

In the circumstances, it is essential that the applicants now commission a formal archaeological desk – based assessment under Para 189 of the NPPF. This assessment must include a full site visit and inter alia consider and describe any damage or landform alteration that has already occurred, and any that might further occur, as a result of the proposal. The assessment must also analyse the significance of the heritage assets involved, the level of harm occasioned, and the extent of any continuing risk to them.

## **6. REPRESENTATIONS**

### **6.1 Pipe and Lyde Parish Council**

#### **5 April 2022 – Object**

Pipe and Lyde Parish Council met on 4th April to discuss the application and concluded that they objected to the application on the following grounds:

1. The Parish Council thought that the number of flights documented in the application was far too many and they could not support that number of flights. - the applicant had verbally stated in the Parish Council meeting of 9th December that the number of flights were too many and would amend the numbers accordingly but no documentation has been received with number of flights amended.
2. The wildlife meadow that was in place has been removed and replaced with hardcore materials. No archaeology report was done and neither were any environmental consultations carried out before this work was completed.
3. The authority governing how many flights that do actually take place, (in case the flights taken exceed the amount on the application) are not routinely inspected and it was felt that more governance was needed to ensure there was no breach to the number of flights permitted - without this in place there is no governance. A local airfield in Herefordshire has recently been the subject of two incidents and we do not wish to see residents put in any danger associated with an increase in flying aircraft taking off and landing nearby.
4. There has been no input from Hereford and Worcester Fire and Rescue regarding a report on the hazardous nature of the business and associated materials.
5. The current transport network is not suitable for more traffic using the roads. The roads are narrow and there have been incidents of cars/buses running into difficulty accessing the venue as it presently is. The recent report submitted by Mr and Mrs Waring was not a true reflection.
6. The Parish Council noted the concerns and objections to the application of those residents who live near the venue both from the planning portal and those who turned up in person to the meeting. This has to be taken into account.
7. The application raises concerns with its impact on the environment.

The Parish Council note the noise pollution report but felt that the report could not be taken into account as it only accounted for a piper aircraft. To gain a true account of noise pollution the report would need to show the noise pollution from a variety of aircraft that will be using the proposed aerodrome.

#### **23 December 2021 – Object**

1. Pipe and Lyde Parish Council met on 9th December to discuss the application and concluded that they objected to the application on the following grounds:
2. The Parish Council thought that the number of flights documented in the application was far too many and they could not support that number of flights.

3. The wildlife meadow that was in place has been removed and replaced with hard-core materials. No archaeology report was done and neither were any environmental consultations carried out before this work was completed.
4. The authority governing how many flights that do actually take place, in case the flights taken exceed the amount on the application) are not routinely inspected and it was felt that more governance was needed to ensure there was no breach to the number of flights permitted.
5. There has been no health and safety report or risk assessment available regarding the storage of aircraft and its associated flammable materials being stored in a hanger.
6. The current transport network is not suitable for more traffic using the roads. The roads are narrow and there have been incidents of cars/buses running into difficulty accessing the venue as it presently is.
7. The Parish Council noted the concerns and objections to the application of those residents who live near the venue both from the planning portal and those who turned up in person to the meeting.

The application raises concerns with its impact on the environment. The Parish Council object to this application - 4 parish councillors were in attendance, 3 objected to the application and one parish councillor abstained from voting.

## 6.2 Holmer and Shelwick Parish Council

### 13 May 2022 – Object

The parish council's previous objection is reiterated, with a request that the application be considered by the Planning Committee.

### 14 December 2021 – Object

Holmer and Shelwick Parish Council considered this application at their meeting 09/12/21 and resolved to object to the proposals.

The Parish Council note, and are supportive of, the significant local concern that has been expressed regarding these proposals. In particular, the Parish Council would highlight the following:

- The proposals conflict with Core Strategy Policy SS4. Increased use of the airstrip would generate a significant number of additional vehicle movements along unsuitable, single track country roads.
- The proposals conflict with Core Strategy Policy SS6. The proposed increased use of the airstrip would severely negatively impact the tranquil rural amenity of the area. The excessive maximum number of flights would generate significant, regular noise pollution issues for nearby residents and visitors to the area.
- The proposals conflict with Core Strategy Policy SS7. Light aircraft are considerably more polluting than regular terrestrial forms of transport and an increase in the number of flights from this site is clearly at odds with sustainable transport objectives.
- Additionally the area is not serviced by bus or rail and so users of the facility will generate a number of additional vehicle movements (most likely private car or taxi) to get to the site.

- The proposals risk further damage to a scheduled ancient monument (SMR Number 4046 at grid reference SO 51 43).
- There is considerable concern at the high number of flights requested. It is reported that the difficult topography and orientation of the site does not lend itself to a high number of flights per day. A reduction in the number of flights permitted would also lessen the environmental impact of the proposed facilities.
- Full disclosure of Herefordshire Council's pre-application advice is requested as this would be helpful in assessing the application, especially in respect of advice regarding the proposed number of flights and time restrictions.
- There is concern that adequate provision has not been made for access for emergency services in the case of an incident at the proposed airfield. This needs to be considered in some details to ensure the safety of future users of the proposed facility, visitors to the area and nearby residents. Similarly clarification is sought on the proposed fuel storage requirements and safety arrangements.
- The design and access statement should be clarified in respect of the take-off / landing directions and proposed flight paths as the current statement is open to some interpretation on this point.
- The proposals would likely impact nearby designated sites and areas of high habitat value. The scope of the ecological survey should be widened to encompass a much wider area in line with Civil Aviation Authority recommendations.
- It has been reported that the proposed flight path may conflict with established flight paths used by the Ministry of Defence. This should be verified and, if necessary, the application should seek to address this issue.
- It has been reported that the current airstrip has been utilised for more than the permitted 28 days per year (or 56 days due to Covid recovery measures) as allowed under Schedule 2 of the General Permitted Development Order and therefore has been in breach of these regulations.

### 6.3 **Marden Parish Council**

#### **11 April 2022 – Object**

At its meeting on 11 April 2022, Marden Parish Council resolved to continue objecting to 214046, as it is against Herefordshire Council's Carbon Zero aims and policy.

#### **16 December 2021 – Object**

At its meeting on 15 December 2021, Marden Parish Council resolved to object to 214046 and comment as follows. This application is at the wrong time when Climate Change is on everyone's agenda, including Herefordshire Council. Emissions cause pollution, particularly from short flights. An environmental impact analysis of more flights is required.

### 6.4 **Burghill Parish Council**

#### **30 March 2022 – Object**

Burghill Parish Council agree with Pipe & Lyde Parish Councils objections.

#### **17 December 2021 – Object**

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

Please note Burghill Parish Council is commenting on this Planning Application, but we need to make it clear that the Parish Council has not had a chance to formally meet, the response has therefore, been delegated to our Clerk after consulting with all Parish Councillors in accordance with our Standing Orders.

Burghill Parish Council agreed with Pipe & Lyde Parish Councils objections.

#### 6.5 **Bodenham Parish Council**

##### **9 December 2021 – Object**

Bodenham Parish Council wishes to object to this application on various grounds, which have been covered by other objectors and do not need to be reiterated.

#### 6.6 **Wellington Parish Council**

##### **3 December 2021 – Object**

The PC strongly objects to the application as presently framed for the reasons set out above. The PC considers that the incompatibilities between statements within the application documents with regard to the number of flights for which approval is sought and the benefits and negative impacts related to this are so material that the application should be rejected in its entirety. Subject to satisfactory resolution of all the issues raised in this submission, the PC would not object to an application for the continued use of the airstrip for a limited number of flights on the 28 days per year basis now operated.

The full comments made by Wellington Parish Council are available to view on the Herefordshire Council website via the following link;-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=214046](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046)

#### 6.7 Numerous site notices posted around the site, including at Lower Lyde, Lyde Cross, Munstone, Shelwick, Shelwick Green and Hawthorn Farm.

86 parties have objected, including from CPRE (The Countryside Charity). The comments can be summarised as follows; -

- Major earthworks have been undertaken to facilitate the air-strip
- Highway network to Lyde Court not suitable
- Increase in traffic as a result of this additional use – especially along Munstone Road
- Local roads have no footways and are frequently used by pedestrians for dog walking
- No public transport available to Lyde Court
- Poorly accessible by emergency service vehicles
- Detrimental to peacefulness and tranquillity of the area/scale of the development is totally out-of-keeping for this rural area
- Impact on the amenity of public footpaths (PROW PL1 and PL30)
- Disturbance to livestock
- Impact on an Area of Outstanding Natural Beauty
- Negative impact on wildlife, especially birds as they are seen as a hazard to aircraft
- Impact on River Lugg SAC through further pollution
- Reed-bed has been removed
- Wildflower meadow scheme was not informed of proposed air-strip and therefore invalid
- Loss of Grade 2 agricultural land

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



- Hedgerows have been removed to allow for movement between hanger and airstrip
- Flood risk
- There are other suitable facilities in Herefordshire
- Negative impact on surrounding local businesses
- Proposal is 'thin edge of the wedge' and planning permission would likely give rise to expanding operations
- Impact on Historic Monument, a deserted mediaeval settlement
- Noise impact
- The use of the site as a wedding venue already creates noise problems (loud music and fireworks)
- The applicant has used the air-strip previously beyond the 28 and 56 day permitted allowance.
- Noise assessment does not consider the impact on the nearest residential properties and is inaccurate
- Planes have flown over and circled residential properties
- Flying routes specified by the applicant does not make any difference to the impact on local residents given the elevated take-off position.
- Impact on compliance with Article 8 (A8) of the Human Rights Convention (HRC)
- Negative impact on air quality through increased use of aircraft
- Does not support policy requirement and commitments to reduce climate change
- Herefordshire Council have declared a climate emergency
- Proposal would fail to reduce carbon emissions
- The applicant has already crashed one plane and the Council should investigate its safety record.
- Appears to be no Aerodrome license and therefore the site has not been subject to a Civil Aviation controls
- The submission should be assessed also on the qualifications of the pilot and how appropriate the airstrip surfacing is
- Conflict with MOD Credenhill
- Health and safety concerns given proximity of hangar with fuel storage and the wedding venue which has firepits etc.
- None of the residents in nearby villages are aware of the applications
- Those supporting the application mostly live away from the immediate area and therefore would not be directly affected.
- The site is owned by the Duchy – should they have made the application?
- Value of homes in the area will be lowered as a result of the use.

6.8 Additionally, 25 letters of support have been received. The comments can be summarised as follows; -

- The proposal would bring economic benefits to Herefordshire's rural economy
- Hereford needs better transport options
- Creation of employment in and around Lyde and the city.
- Would expand a very successful business
- Aircraft movements here would be very low – and full power is only used for take-off (a short period of time)
- There would be minimal impacts on road traffic
- Airstrip has a role to play in biodiversity – reference made to Bodmin airfield in Cornwall which has begun to harvest endangered wild meadow seeds and is home to rare species of insects
- Lovely to watch the planes
- The planes from Lyde Court are very quiet / aircraft from SAS camp is much louder and more bothersome
- Do not impact on livestock

- Use of the site will be limited given its topography and direction away from prevailing SW wind
- Light aircraft have very minimal impact on carbon emissions and storage and runway is not suitable for larger vehicles
- There would be no night flying

It is also noted that the comments have been received from the Civil Aviation Authority (CAA). They are a non-regulatory body and not a statutory consultee but provide the following supporting information and guidance with respect to this application;

As discussed, the CAA are not required to be statutory consultees for this application. However, the Airfield Advisory Team within the CAA are set up to provide impartial, non-regulatory advice and offer clarity on anything aviation related. We are particularly reassured by Mr Waring's application for an unlicensed airfield at Lyde Court.

I understand that you are preparing your report this week and so I wanted to emphasise a few points that we discussed for your consideration.

#### Unlicensed airfield

Mr Waring rightly explains that "CAP 793 practices are not mandatory" and so I wanted to provide some more clarity around this point. There are 122 licensed aerodromes in the UK and significantly more unlicensed airfields. The figure is not perfect as a number of farm strips operate under the '28 day rule' but there are at least 800 unlicensed airfields in the UK.

While an airfield may not be licensed, the aircraft in use must be airworthy, pilots must have a license and be appropriately qualified to fly the aircraft in question. The pilot-in-command takes full responsibility for a flight as highlighted in section 2 of the Air Navigation Order which regulates aspects of aviation safety and aircraft navigation:

"The pilot in command must only use aerodromes and operating sites that are adequate for the type of aircraft and operation concerned...  
The pilot in command must ensure that the aircraft is airworthy."

Ultimately, while an airfield may be unlicensed, it won't be used if it does not enable safe flights as the pilot-in-command is fully accountable in determining whether to land at or take off at an aerodrome. Furthermore a pilot-in-command is responsible for navigating to an alternate aerodrome if the planned aerodrome is not suitable.

It is therefore particularly assuring to see Mr Waring's "statement of intent to enable safe operating practices to be met operating as an unlicensed aerodrome".

#### Noise abatement

Mr Waring has emphasised throughout his submission that training will not be undertaken at the aerodrome. This should alleviate any concerns with potential loss of amenity for the community. Furthermore, noise abatement practices are proposed which ensures flights will not go above immediate neighbours.

#### Other

Mr Waring's submission of 'Safe Operating Practices and Management Plan' is a clear indication of his intent to provide a safe aerodrome. This document has followed CAA Publication 793: Safe Operating Practices at Unlicensed Aerodromes which offers best

practice for operators of unlicensed airfields and provides a sufficient amount of detail that could be fed into an Aerodrome Manual.

- 6.9 The full comments are available to view on the Herefordshire Council website via the following link;

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=214046](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214046)

## 7. OFFICER'S APPRAISAL

### Principle

- 7.1 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."*

- 7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework 2021 (NPPF) is also a significant material consideration. Pipe and Lyde Parish Council have not progressed a Neighbourhood Development Plan.
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case the relevant policies have been reviewed and are considered consistent with the NPPF and therefore can be attributed significant weight.
- 7.4 Unusually, there are no policies contained within the adopted development plan which relate directly to aviation. However, this should not lead the decision-taker to automatically reach a conclusion that the principle of such development is unacceptable. Noteworthy is paragraph 106 of the NPPF which explains that planning policies should recognise the importance of maintaining a national network of general aviation airfields and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy. In turn, the General Aviation Strategy supports the deregulation of light-aircraft flying and the encouragement of the planning system to support maintaining sufficient general aviation facilities in order for aviation to be viable.
- 7.5 Despite the above, the Council's Core Strategy explains that tourism plays an important role in Hereford City's economy and that opportunities which attract more tourists, who make an important contribution to the local economy. More widely for Herefordshire as a whole, policy E4 of the Core Strategy sets out that Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism. The policy supports, inter alia, proposals that retain and enhance existing and encourage new accommodation and attractions throughout the county, which will help to diversify the tourist provision, extend the tourist season and increasing the number of visitor stays overnight.
- 7.6 Furthermore, it is acknowledged that the site is located within the open-countryside and therefore policy RA6 of the Core Strategy is relevant. It states that employment generating proposals which help to diversify the rural economy will be supported. This would include sustainable tourism

proposals which are in accordance with policy E4 as set out above. There is a however a requirement that development in the open-countryside is of a scale which would be commensurate with its location and setting, would not cause unacceptable adverse impacts on the amenity of nearby residents by way of design, mass, noise, dust, lighting and smell and amongst others, would not generate traffic movement that cannot be safely accommodate within the local highway network.

- 7.7 The acceptability of the principle of this particular development is fundamentally dependant on establishing and assessing the impact of it on residential amenity and the general amenity of the site's countryside location. Therefore, these matters are assessed below given they go to the heart of the determining the acceptability in principle.
- 7.8 In this case, the change of use of the land would not be an intensive commercial use but equally, would extend and open-up the use of the site beyond the applicant's own personal use. Furthermore, the wider site at Lyde Court already operates as a popular and well-established wedding venue. It is also understood that the applicant previously exercised permitted development rights for the change of use of the land for aviation purposes. Given the nature by which the site is used by pilots purposefully arriving as a destination from all over the United Kingdom, it is considered that the principle of development can be partially assessed with reference to policies concerning tourism and the visitor economy (i.e RA6 & E4 of the Core Strategy – as set out above).
- 7.9 The proposal would represent the expansion and diversifying of the existing wedding venue enterprise at Lyde Court. Although the use of land as an aerodrome would not be fundamentally tied to the existing business, it would nevertheless provide an additional attraction for some guests and offer the business a unique selling point – as noted by some of the letters of support which are from previous/prospective wedding guests. Moreover, although small-scale, it would encourage further visitors to Hereford City and Herefordshire more widely. However, it would run counter to sustainable development principles to give significant weight to any situation where long distances are flown rather than travelled by public transport or non-motorised means. Although located close to Hereford City, it does not benefit from public transport provision and therefore onward travel from the site is more likely to be by way of private cars. With this in mind, it is acknowledged that this is a point of concern which is frequently identified in the received representations objecting to the application, mostly focussed on the environmental perspective and having regards to climate change.
- 7.10 Moving on from above, it is also accepted open-countryside location is generally required for such a development proposal, given the general space requirements, and likely for other safety reasons. The site is semi-rural but not remote, given surrounding medium to larger villages and indeed, its proximity to Hereford City and key arterial roads, namely the A49(T) and the A4103. However, access to the site is via generally narrow lanes with limited passing places. Officers also note the great extent to which the area immediately surrounding the site is valued by local residents (i.e those living in Lyde (Cross), Munstone and Shelwick and those using the area for amenity/exercise who live in the northern fringes of Hereford City, given its relative proximity. Letters of objection frequently cite the regular use of the minor roads and PROW running from Lyde Cross through Lyde Court east towards the Sutton Road, for walking, dog-walking and general amenity.
- 7.11 The applicant has submitted a Noise Assessment initially advised upon by officers. The assessment measured the background noise levels at six individual locations which can be grouped into three general locations to the north and west, south and the east. A noise assessment was undertaken of aircraft noise with an aircraft taking-off and landing at Lyde Court.
- 7.12 Some concerns have been raised with respect to the locations that have been identified as noise receptors, omitting particular locations for which there are known noise concerns. The Noise Assessment has been undertaken and completed by a professional and competent acoustician

and the methodology has been properly scrutinised by the Council's Environmental Health Team. It would clearly not be practical nor efficient to undertake readings at every single property within a specified distance of the site. Rather, snap-shot locations have been identified which present a broad but reliable picture of the varying acoustic climates surrounding the site, and the impact aircraft activity at Lyde Court has on this.

- 7.13 The first general location to the north and west of the site includes Lyde Barn, Stone Cottage and Lyde Cross which are located along the minor road running north from the Munstone crossroads to the A49(T) at Lyde. This location is considered fairly quiet with occasional vehicles on the lane. Here it was concluded that the aircraft noise was audible but either commensurate or less than other noise sources in the area. This would include vehicles travelling along the lane, farming activity, other unrelated traffic activity and other traffic noise further to the west along the A49(T).
- 7.14 The second location to the south of the site is Shelwick. Here, the aircraft was inaudible and other sounds were present which would be expected in a village setting (digger in garden etc).
- 7.15 The third and final location to the east of the site includes Hawthorn Farm and Sutton St Nicholas. In both locations traffic noise was assessed as dominating the noise climate with approx. 8 – 13 vehicles per minute passing along the road which leads north from the Aylestone Hill Roundabout to Sutton. Railway noise was also noted as forming the characteristics of the local noise climate, especially in Shelwick noting the close proximity of the Hereford Shrewsbury railway line which runs north/south to the west of the Sutton Road and the Hereford – Worcester railway line which runs east/west from its junction with the aforementioned line at Shelwick.
- 7.16 In both locations noise from the aircraft was audible when passing, but only in the absence of traffic noise and indeed, railway noise. Critically, aircraft noise was only present for a very limited time. At Sutton, the level of noise was considered similar to strimmer/lawnmower sounds which would be expected in a residential setting. It is at these locations where aircraft noise would be expected to be audible given that it is north/east of Lyde Court and the direction in which aircraft take off and land in.
- 7.17 The NPPG for Noise sets out a hierarchy with respect to establishing at what stage noise is likely to become a concern. At paragraph 5 it states the following;
- 'At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment'*
- 7.18 As discussed in the forgone paragraphs, for one of the assessed locations; Shelwick there is 'no observed effect'. This is because the subject aircraft activity was not audible and therefore had no effect. As such, aircraft activity from Lyde Court is judged to be such which would not result in a change in behaviour (i.e residents staying inside and/or keeping doors and windows closed) and have a negative impact on quality of life and overall amenity. Furthermore, when having regard to the guidance of the NPPG, no specific mitigation measures would be required on the basis of the assessment findings for this location.
- 7.19 For the other two locations, aircraft noise was concluded as being 'present but not intrusive'. The noise could be heard but does not cause any changes in behaviour, attitude or other physiological response. It would slightly impact on the acoustic character of the area but not such that there would be any change in the quality of life or overall amenity of residents. This would mean that it would be commensurate with other contributing noise such as farming, traffic (including railway), other aircraft noise – such as that from MOD Credenhill, and other general noise expected from residential properties (strimming, mowing, household DIY and building works etc.). Similarly, at

this low level where there is no observed adverse effect, the NPPG does not recommend the requirement of specific mitigation measures.

- 7.20 In addition to the submitted Noise Assessment which has been subject to the scrutiny of the Council's Environmental Health Team as discussed above, officers have visited the site on numerous occasions and witnessed take-off and landings of a Piper Super Club aircraft. Officers observed from the site itself, as well as from Hawthorn Cottages, New Cottages, and Lower Lyde. The observations of the exercise accord with the conclusions of the Noise Assessment; that is that whilst aircraft noise was present in some locations, it was not intrusive and only generally audible in the absence of road traffic and railway noise.
- 7.21 The Council's Environmental Health Team have taken the view that the noise is faintly audible. However, it is highly questionable as to whether the proposed development in an wholly unrestricted form, could be considered commensurate to the site's setting and location, when having regard to policy RA6 of the Core Strategy and having regard to some concern raised by local Parish Council's and local residents alike.
- 7.22 With the above in mind, regard is had to the details as set out within the submission including the Safe Operating Practices and specifically Pilot Instructions which avoid flying over nearby villages such as Shelwick and Sutton. Given that aircraft have to take off into the north-east and land in the same direction, there is no need for aircraft to fly over these villages. Rather they head northeast over Wergins Bridge on the Sutton Road where they reach 500 – 700 feet altitude. However, whilst clearly material to the application, there are concerns with regards to the enforceability of such guidance and it is noted through the received representations that aircraft have allegedly flown in directions contrary to this guidance, although this is not verified. Needless to say, it would be difficult to precisely monitor and evidence unauthorised actions taking place above land and, in the event that an enforcement notice needed to be served, it would have to indicate an area of land and not air, where a breach had occurred.
- 7.23 However, in addressing the forgone matter, the Council's Environmental Health Team recommend a comprehensive suite of six planning conditions which would control the nature and use of the airstrip in the interest of minimising any proliferation its use which could result in harm breaching the next level and causing an adverse effect. In summary, these would restrict the use of aircraft to those which are a fixed wing with a single engine piston and only 2 helicopters would be allowed to fly to/from the site each week. The site would not be able to operate training exercises, including the use of gliders, aerobatics, nor would touch and go procedures be permissible, although it is acknowledged as previously discussed that given the topography, the site is not conducive for such. No night flying would be allowed (between the hours of 08:00 and 21:00) and between 10:00 and 15:00 there would be no more than three flights (take-off and landing) in any one hour period. Between 08:00 and 10:00 and 15:00 and 21:00 on weekdays there should be no more than ten flights per day within these hours. Cumulatively and more restrictive, there would be no more than 15 flights per day on weekends and bank holidays and over a Sunday – Saturday seven day period there should be no more than a maximum of 25 flights (inclusive of take-off and landing).
- 7.24 It is acknowledged that some of the representations which raise objection to the application concern noise and nuisance caused by the existing activities at Lyde Court through its use as a wedding venue. Whilst linked to an extent insofar the proposal would enhance the offering to guests, it would not in its own right intensify the level of activity and operations which take place at Lyde Court which are otherwise regulated by separate planning permissions and other regimes, i.e licensing. Although at this juncture it is noted that the wedding venue operated on a largely unrestricted basis in terms of numbers of weddings, guests etc. (from a development management regime perspective). However, it is understood that concerns about existing noise from Lyde Court relate to loud music/fireworks in the evening. The proposed use of the airstrip would be limited between 15:00 and 21:00 with no night-flying permitted. Because of this, for much of the year, flying will curtail at the end of the working-day because of the time of sunset

and activity through the evening will be extremely limited. As such, when having regard to the finding of the noise assessment and the observations of officers, it is not judged that the proposed use would give rise to any cumulative adverse impact on amenity.

- 7.25 It is with the above considerations in mind and recommended restrictive conditions in place (to which the applicant is agreeable) that the noise impact of the proposal would remain at the current level of having no adverse effect on the enjoyment, quality of life and overall amenity of surrounding residential properties and the countryside environment. Likewise, although concerns have been raised with respect to the impact on livestock, given the low level impact identified, it is difficult to substantiate this argument further when there are other background noises (traffic and trains etc) contributing a similar level of noise.
- 7.26 A further fundamental consideration affecting the principle of development is the extent to which the use could be carried out using permitted development rights. Class B of Part 4 of the General Permitted Development Order allows up to 28 days use of land for any purpose (with certain exceptions and restrictions, none of which apply in this instance). In addition, Class BA of Part 4 allowed a further 28 days of temporary use throughout 2021 in response to the coronavirus pandemic. Therefore throughout 2021 the airstrip may have been lawfully used for up to 56 days of the year and although the representations objecting to the application assert that the applicant exceeded this, the Local Planning Authority cannot verify such and nevertheless this application would seek to regularise this. In any event, Class BA has now expired and therefore in 2022 and beyond, without the planning permission, the airstrip may only lawfully be used for 28 days per year. This is henceforth referred to as 'the 28 day rule'.
- 7.27 Generally, the 28-day rule would apply to each calendar year with the annual 'allowance' deducted by a single day on each day that the use occurred (regardless as to the level and intensity of the use that day), i.e. two aircraft using the airstrip on a Monday would count as one day in the same way that seventy-five aircraft using it on a Saturday would count as one day. There is no distinction in planning terms between the types of aircraft that count towards the 28 days of use. Therefore, none of the restrictive conditions as set out in Paragraph 7.22 of this report would apply and accordingly, for 28-days of any calendar year the site could be used on an unfettered basis (i.e as many flights, types of aircraft, activities as the applicant so wishes).
- 7.28 In this case, representations have brought to the Local Planning Authority's attention regarding engineering operations which have taken place in order to 'level-out' the field, making it conducive to use as a run-way. Whilst photographic evidence are supportive of this re-profiling work, it is not necessarily intrinsically linked to the use of the land as an aerodrome. Such works could be argued as reasonably necessary for the purposes of agriculture. Needless to say, this application would look to regularise this, should it be successful. Whilst the operations to the land does not inherently mean the land is being used as an aerodrome, the presence of other paraphernalia such as the pole mounted windsock which is left permanently in place, the view could be taken that the 28 day allowance is depleted each day, regardless as to whether any flying takes place because of the physical presence that makes the development as a whole permanent, rather than temporary. However, the applicant could remove such physical additions from the land when flying is not taking place, allowing for 28 days of flying each year. Significant weight can be given by officers to the above permitted use of the site as a legitimate fall-back position and established in part, the principle of the development. It is therefore for the Council as the decision-taker to undertake an assessment to establish the extent to which an increased level of use would remain acceptable.
- 7.29 Consideration should also be given to the fact that the site is of a unique topography, steeply sloping from the southwest (Patch Hill) down to the northeast. This means that, as already discussed, aircraft must take-off in a north-easterly direction and land from the north-east, decelerating up the steep-hill on landing. Unlike most level airstrips, it is therefore not possible for aircraft to undertake 'loops' or perform 'touch-and-go' exercises, naturally limiting the scope of the site. Similarly, the airstrip is (would be) formed from grass and in this case features a dip given

the undulating topography. Therefore, during wet periods of weather, the waterlogging of the strip would make it unsuitable and unsafe for aircraft taking-off and landing. Similarly, the mono-directional take-off and landing practice is restricted by the prevailing wind (which is in fact from the southwest). However, it is equally true that clear, warm, dry days are likely to be the occasions that the development presents the greatest potential for conflict with the vitality and amenity of surrounding residential development, as residents would be more likely to be outside in such conditions and nearby rights of way are likely to be in more intensive use at such times. Here, consideration should be given to the conclusions of the assessment relating to noise and amenity impact as set out in the forgone paragraphs of this section of the report.

- 7.30 The application has attracted significant competing interests, as evidenced through the magnitude and breadth of the received representations. The facility would clearly present as an asset to the aviation community and indeed complement and serve as an addition to the existing provision at nearby Shobdon albeit on a demonstrably smaller and limited scale in comparison. It is noted that some representations raising objection to the application identify concerns with respect to safety, following an alleged by unverified accident at the airstrip. The Civil Aviation Authority (CAA) are a non-regulatory body and non-statutory consultee. They have advised that there are 122 licenses aerodromes in the United Kingdom but over 800 non-licensed aerodromes. The CAA do not manage, control or regulate unlicensed aerodromes and therefore are not responsible for their safety, in the same way in which the Local Planning Authority are not. There is no requirement for an airstrip to be licensed but the aircraft in use must be airworthy, pilots must have a license and be appropriately qualified to fly the aircraft in question. Therefore, as a pilot is responsible for taking-off and landing at an aerodrome, such a site would not be used if it does not enable safe flights, which in turn is the responsibility of its owner. In this case, the CAA note that the applicant has completed and submitted a 'Safe Operating Practices and Management Plan' which provides reassurances of an intention to provide a safe aerodrome, even though this is not required for unlicensed sites.
- 7.31 The acceptability in principle must be established through carefully considering the findings of the objective noise assessment submitted by a competent and professional acoustician, along with more subject observations undertaken by officers. As set out, the principle of the development is inextricably linked to its impact on both residential amenity, along with the general enjoyment of this open-countryside location. In this case, the conclusions of such are that aircraft noise is either noticeable but not intrusive or in certain circumstances and locations, inaudible. The proposal would provide some minor economic benefits through enhancing an existing wedding venue business, along with providing another means of visiting Hereford which would in turn, serve as a unique and additional local attraction. It is felt however that on an unrestricted basis, the use could proliferate, thereafter giving rise to harm to amenity, tranquillity and overall enjoyment of this area of open-countryside. Therefore, subject to the suite of comprehensive and restrictive safeguarding conditions, the proposed development is considered to be acceptable in principle.
- 7.32 It should be noted that any change in operations which would go beyond the existing restrictions (i.e increased flight numbers) would require express permission from the Local Planning Authority through an application to vary this permission, by way of Section 73 of the Town and Country Planning Act 1990. It would at that stage be for the Local Planning Authority to require the applicant to demonstrate, in the same manner as for this application, that there would be no adverse impact on amenity in order to establish whether the principle of such would be acceptable. Therefore, approval of this application would by no means represent the 'thin-end of the edge'.

#### Access and highways safety

- 7.33 Policy MT1 of the Core Strategy sets out that proposals should demonstrate that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.



- 7.34 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.35 Lyde Court is served via a private no-through road which at Lyde Cross is taken from the minor road leading from Munstone northwards to the A49(T) at Lyde. Therefore, the only way to/from the site by car is from the west via this minor road; there is no vehicle access from the east of the Hereford – Sutton – Bodenham road. Access and traffic generation are not considered to be major constraints of the proposal because the principle is that aircraft will fly to the site and the airstrip be used as a destination for incoming pilots as opposed to a facility in which aircraft are taken on trailers to and from the site.
- 7.36 Although the Council would be able to ensure this manner of use continues in perpetuity, it is understood that it is largely self-controlling as most light aircraft are stored in hangars at dedicated airfield facilities, from where they also take off. Although it is understood trailers do visit the site, this is a relatively low proportion of its use as it is relatively cumbersome for pilots to transport their aircraft by road to the application site rather than fly-in from where they are stored. As set out in the supporting documentation submitted by the applicant with respect to traffic movements, in this case the proposal would include the use of an existing barn as hangarage facility but this would only have capacity for three planes, which would presumably include the applicants. The building would also offer the servicing of planes; with aircraft flying in and it being serviced for example whilst the pilot visits Herefordshire or wait on-site or get picked-up, depending on the length of time needed to complete the works. Therefore, although the proposal would employ up to 2FTE, it is not considered that the use of the hangarage and the provision of some small-scale employment would increase traffic volumes demonstrably.
- 7.37 Due consideration must be given to the extent of traffic movements which are generated by the existing wedding venue enterprise at Lyde Court. Although traffic impact is an area which is locally contentious as raised through the received letters of objection, for the reasons as set out above it is not considered the cumulative impact of the proposal would be severe. As per the final comments made by the Council's Transportation Manager, this is subject to a restriction on the number of flights, as recommended by the Environmental Health Team.
- 7.38 The impact of the proposed development on the safety of public rights of way and any bridleways can be assessed similarly to how the principle of development and residential amenity are in the above section of this report. Flying may take place for up to 28 days a year without express permission from the Local Planning Authority and in 2021 this was 46 days. As set out the CAA are content that best practice and individual responsibility are sufficient to mitigate conflict with other users. A condition is also included in the recommendation to ensure signage is in place on all nearby rights of way to account for the potential increase in aircraft movements from the site in the event permission is granted.
- 7.39 Concerns have also been raised with respect to the risk of fire at the site and the ability for emergency services to access the site in the case of an emergency. Whilst it is the applicants responsibility to ensure fire risk is adequately addressed (in conjunction with H&W Fire and Rescue), the proposed means of access would be the same as per Lyde Court. The airstrip is easily accessible through Lyde Court and there is no reason to suggest that the proposal is not laid out to achieve safe entrance for emergency services.
- 7.40 The proposal is therefore considered to accord with policy MT1 of the Core Strategy along with the principles as set out within Chapter 9 of the NPPF, as set out.

#### Air quality

- 7.41 Concerns have been raised with respect to the proposals impact on air quality, given it has the potential to increase the number of aircraft using the site and the surrounding air-space.

Furthermore, the site is located within close proximity to Hereford City where there are known exceedances beyond national standards of nitrogen dioxide levels because of traffic emissions, mostly along the A49(T) corridor.

- 7.42 Policies SS6 and SD1 of the Core Strategy are relevant in this regard. The former supports the strategic objectives of the plan and directs that developments should be designed with amenity and air quality as considerations from the outset. SD1 supports this in so far as it seeks to ensure that good standards of living are secured through, amongst other things, ensuring that new development does not suffer from adverse impacts arising from air contamination.
- 7.43 The Council's Environmental Health Team refer to the Technical Guidance (16) Local Air Quality Management (Section 7.16) in order to establish whether or not any further assessment would be required for the proposal.
- 7.44 In this case, given the small scale nature of the proposal the screening criteria is not exceeded and as such, no further assessment is required. The proposal is judged to be of a scale and nature which would not give rise to any air quality issues, in accordance with Core Strategy policy SS6, RA6 and LD1.

#### Flood risk

- 7.45 Some concern has been raised with respect to the suitability of the site for the proposed use because of the risk of flooding. In this case, there is no risk of fluvial flooding (that from rivers) and the site lies within Flood Zone 1. Although surface water can present as an issue locally, the proposal would not result in a worsening of this situation given that it does not introduce any additional buildings or impermeable surfaces. The risk also highlights the self-limiting nature of this particular site insofar during periods of rainfall the site has the potential to become waterlogged, preventative from its use by aircraft. However, the proposal would not present any conflict with respect to the requirements relating to flood risk as set out by policy SD3 of the Core Strategy or the principles found within the NPPF at Chapter 15.

#### Landscape and visual impact

- 7.46 Policy SD1 of the Core Strategy requires that development proposals create safe, sustainable and well-integrated environments and take into account the local context and site characteristics. Policy LD1 expects proposals to be positively influenced by the surrounding landscape.
- 7.47 The site is not set within an area of any notable landscape quality, nor is it subject to any formal designations such as an 'Area of Outstanding Natural Beauty' (AONB). Whilst elevated, it lies adjacent to Lyde Court and because of the undulating topography, longer-distance inter and co-visibility is restricted. The airstrip itself, comprising just mown grass is also not overtly apparent within the wider landscape. The proposed use of the existing portal frame building would not involve any works which would materially alter its appearance and if it were to, this would require planning permission. The existing windsock and small shed on site which houses the flight log-book and fire extinguisher are minimal and justified and would not have any discernible impact on the wider landscape. Although a Parish Council make note to the removal of a wildflower meadow which was replaced with hardstanding, this area has now been removed and re-seeded with grass. The proposal does look to introduce some biodiversity enhancements including wildflower planting which forms part of the biodiversity enhancement scheme, but these matters are discussed in a more fulsome manner in the following relevant section of this report.
- 7.48 Subject to conditions that restrict lighting on the site and hard surfacing, it is considered that the proposed development would have an acceptable visual impact on the immediate area. The flying of aircraft is not considered to have a visual impact in its own right as it is relatively common to observe such activity within the sky throughout rural England, which are passing objects rather

than permanent features. The proposal is therefore considered to accord with policy SD1 and LD1 of the Core Strategy.

### Archaeology

- 7.49 Monument 4046, a deserted medieval settlement, is mapped as being in the line of the airstrip.
- 7.50 Policy LD4 of the Core Strategy requires that proposals affecting any form of heritage asset protect, conserve and where possible enhance heritage assets in a manner appropriate to their significance through appropriate management and uses. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.51 However, in this case, the proposal (including the re-profiling works undertaken to the grass airstrip) has and would not affect the archaeological feature, of which the southern part was lost previously. The Council's Archaeological Officer during their site visit concluded that there were no other archaeological issues of substantive evidence which would warrant it necessary for the applicant to progress in completing an archaeological assessment.
- 7.52 Therefore based on the above, given the nature of the proposal it is not considered there would be any impact on or harm to the non-designated site or any other heritage assets, in accordance with Core Strategy policy LD4 and the principles as set out within the NPPF at Chapter 16.

### Ecology

- 7.53 The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 7.54 Paragraph 170 of the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 goes on to state that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 7.55 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 7.56 National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity

- 7.57 Policy LD2 of the Core Strategy is most applicable in considering matters of ecology and this broadly requires that all developments should conserve, restore and enhance the biodiversity assets of the county through a range of measures.
- 7.58 The site comprise the large grass field, agricultural buildings that are disused and scattered trees, hedgerows and two ponds. The received representations objecting to the application raise concern with respect to impact on wildlife, specifically birds. The application is supported through the submission of a Phase 1 Ecology Survey which has reviewed and scrutinised by the Council's Planning Ecology Team.
- 7.59 With respect to bats, the building proposed for hangarage has limited roosting potential. The provision of bat boxes is welcomed and this would be secured by way of condition. A condition controlling lighting would ensure that there would be no cumulative harm to nocturnal species, when having regard to the existing use of Lyde Court as a wedding venue.
- 7.60 Similarly with respect to wild birds, the proposal would not result in the loss of any trees or hedgerows. The proposal actually includes new planting which would be representative of habitat enhancement.
- 7.61 The proposal would not give rise to any harm to other species subject to conditions securing ecological protection as advised by the Planning Ecology Team. The proposal is therefore considered to accord with policy LD2 of the Core Strategy.

#### Habitat Regulations

- 7.62 The application site lies within the catchment for the River Lugg, which comprises part of the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017. The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value.
- 7.63 Under the Habitats Directive, Herefordshire Council as the 'competent authority' has a statutory duty to assess if a proposal is likely to have 'a significant effect' on the SAC. This initial assessment is known as the 'screening stage' and is to consider if there is a possibility of a likely significant effect on the integrity of the SAC. Once an 'Appropriate Assessment' (AA) has been triggered by the screening stage, the competent authority may only grant consent if it can be demonstrated 'beyond reasonable scientific doubt' that the proposal would not adversely affect the integrity of the SAC.
- 7.64 The AA must consider the implications on the European site in view of the site's conservation objectives; in cases where there is considered to be an effect on a site but it will not undermine the conservation objectives, the proposal cannot be considered to have a LSE on the European site; as the procedures are designed to maintain designated habitats and species 'at a favourable conservation status'. However if the European site's conservation status is not considered to be favourable, then the proposal must 'maintain' / 'restore' the condition and not worsen it.
- 7.65 The River Lugg as part of the SAC, is currently failing its conservation objectives as the present levels of phosphates in the River Lugg exceed the SAC's ecology objectives for water quality, it is therefore considered to be in an unfavourable ecological condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects.
- 7.66 The proposed change of use of land would not generate any discernible increase in surface water or foul flows from the site. The storage of small amounts of oils would occur within the building but spill trays would be provided in line within the DEFRA – The Control of Pollution (Oil Storage)

(England) Regulations 2001. The proposal does not include the provision of fuel tanks and this means that planes would refuel at other sites.

- 7.67 With the above in mind, the Planning Ecology Team have concluded that there would be no potential effect pathways to impact the River Wye SAC and therefore there is no likely significant effect and the application can be screened out, meaning an AA is not required in this instance.

#### Impact on climate change

- 7.68 Policy SS7 of the Core Strategy requires a focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change. Policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030.
- 7.69 It is acknowledged that the application lies in a generally unsustainable location and is reliant on the use of the private car for access, despite its relative proximity to Hereford City. Furthermore, as previously alluded to, the promotion of private and polluting modes of travel would run contrary to the provisions of policy SS7 of the Core Strategy. However, the site attaches to an existing and well-established wedding venue which inevitably is reliant on inherently unsustainable transport patterns and to a relatively large scale during events i.e weddings. This venue operates on an unrestricted basis and therefore, the number of aircraft movements is judged as being negligible relative to the potential number of vehicle movements associated with the existing use of Lyde Court.
- 7.70 Furthermore, the site already benefits from permitted development rights for use as an unlicensed aerodrome for up to 28-days in any calendar year and on an unrestricted basis, meaning on a purely hypothetical basis, 65 aircraft movements could take place on each of the 28 days within one year; equivalent to the maximum number of aircraft movements permissible should this planning application be approved with the recommended safeguarding conditions. This proposal would be of a small-scale nature, utilising small, light-aircraft that can already be used by pilots/landowners on agricultural land through permitted development rights as discussed.
- 7.71 The proposal looks to provide orchard planting, a small benefit in terms of carbon consumption. Furthermore, the applicant looks to introduce pioneering electric aircraft although it is not at this stage reasonable to be able to secure this by way of planning conditions.
- 7.72 Overall, officers do not consider that this application runs contrary to the policies within the development plan relating to climate change as to warrant the refusal of the application on these grounds.

#### Loss of agricultural land

- 7.73 Comments received have raised concern over the loss of prime agricultural land. Whilst there is no policy per se which directs decision-takers to withhold planning permission which would lead to a reduction in prime agricultural land, the proceeding text to policy SS6 of the Core Strategy states that the approach should generally be to avoid land of high sensitivity, including that which is of high agricultural value. Further text then goes onto set out that 'areas of lower quality agricultural land will be utilised in preference to the best and most versatile agricultural land'. Material here is also paragraph 174 of the NPPF which sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital including the economic benefits of the best and most versatile agricultural land.

7.74 It is accepted that the parcel of land does lie contiguous to other open agricultural land and is considered to be somewhat conducive to modern farming practices, although its undulations potentially devaluing it somewhat. According to Natural England's Agricultural Land Classification Map for the West Midlands Region, the site is classified as Grade 3, the middle grading where land is described to be good to moderate. Given the abundance of land of a higher grading with close proximity to the site and noting the very small amount of land which would be taken out of agricultural use, the proposal is not considered to raise any material conflict with Policy SS6 of the Core Strategy. Furthermore, as no operational development is proposed for the site, the proposed change of use is reversible, as secured by Condition 13, should the use proposed cease.

#### Planning Balance and Conclusion

- 7.75 The application seeks planning permission for the use of the land as an airstrip with the associated use of a portal framed building at Lyde Court for small-scale hangarage which would also allow for servicing. It would operate on a low-key commercial basis in addition to the applicant's own personal use and would provide an enhanced and unique offering to the existing and well-established wedding venue enterprise at Lyde Court. The site lies within the open-countryside to the north of Hereford City but lies within close proximity to residential properties which are found at Lyde Cross, Munstone, Shelwick and along the Hereford – Sutton road to the east.
- 7.76 Although already well-established, the proposed use could further support the existing wedding venue enterprise at Lyde Court, as well as potentially providing some limited benefits to the local economy through increased tourism, especially given the sites close proximity to Hereford City. The hangarage element of the proposal would also support some small-scale local employment.
- 7.77 The proposed use may take place for up to 28 days per year (56 days in 2021 in response to the Coronavirus pandemic) on an unrestricted basis, regardless as to whether planning permission is granted. This is given significant weight as a fall-back position and it established the principle of development on the site.
- 7.78 The principle is further considered acceptable on the basis that there is judged to be minimal impact on general amenity, including on residential properties nearby and the overall enjoyment of the countryside surrounding Lyde Court. This is supported by a Noise Assessment which is given significant weight and responds in an objective, evidence-based manner to the concerns raised locally with respect to noise impacts. Despite many of the mitigation measures identified by the application being 'best practice' and unenforceable in planning terms, the safeguarding conditions proposed are comprehensive and would significantly control the nature and frequency of its use, preventing any unwanted activity or proliferation in use which may have the potential to cause adverse effects on amenity.
- 7.79 Related to the above, the site is naturally restrictive insofar of its topography and make-up (grass airstrip). This limits the type of flying activity that can take place and the direction of travel, it also prevents common activities such as looping and 'touch and go'.
- 7.80 Furthermore, it is understood that the wedding venue can operate on a largely unrestricted basis (from a development management regime perspective) and therefore this proposal is not judged to result in adverse cumulative impacts given the potential for noise and traffic generated here.
- 7.81 The Civil Aviation Authority and Government's General Aviation Strategy support the retention of small unlicensed aerodromes to offer appropriate facilities for the aviation community. This is given moderate weight as paragraph 106 of the NPPF requires only that the General Aviation Strategy is 'taken into account', whereas paragraph 12 states the development plan remains the starting point for decision-making.

7.82 In conclusion, officers consider that the planning balance lies demonstrably in favour of granting permission subject to a strict set of conditions to mitigate those matters identified above that could weigh against the proposal. As such, the proposal in the round is representative of a sustainable form of development and it is recommended that planning permission is granted subject to the conditions as set out below.

## **8. RECOMMENDATION**

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

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

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

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

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

- 3. Details of any floodlighting, external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is brought into use. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

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

- 4. The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement as recommended in the Phase 1 Ecological Survey by Heritage Environmental Contractors (2021) and the Landscape and Habitat Biodiversity Enhancement Scheme by Heritage Environmental Contractors (2021) shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.**

**Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.**

- 5. The airstrip hereby approved shall remain unsurfaced at all times and no aircraft or aviation paraphernalia shall be permanently sited in the open at the site other than the existing pole-mounted windsock and small 6ft x 4ft wooden shed housing the flight log-book and fire extinguisher.**

**Reason:** In order to safeguard the visual amenities of the area and the wider landscape in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. Within 3 months of the date of the permission hereby granted, details shall be submitted to and approved in writing by the Local Planning Authority of the type and location of signage in place to warn users of rights of way about aviation from the site. Signage shall be installed on public right of way PL3 within 3 months of the date of this permission and retained in accordance with the details so approved at all times.

**Reason :** In the interests of the safety and amenity of nearby rights of way users in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy.

7. The use of aircraft will be restricted to fixed wing single engine piston aircraft of less than 3175kg in weight.

**Reasons:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

8. Use of helicopters be restricted to no more than 2 flights (inbound and outbound) per week.

**Reasons:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

9. There shall be no use of twin engine aircraft, jets, turbo-props nor flex-wing microlights.

**Reasons:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. No flights are to take place outside the hours of 08:00 and 21:00 and there shall be no night flying.

**Reasons:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

11. The site of the proposal shall not be used for flying training, gliders, aerobatics nor Touch and Go procedures.

**Reasons:** In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

12. Between 10:00am and 3:00pm a maximum no of 3 flights (inclusive of take-off and landing) in any one hour period.

Between 08:00am to 10:00am and 3:00pm and 9.00pm weekdays only maximum 10 flights per day.



On weekends and bank-holidays there shall not be in excess of 15 flights per day. The cumulative week (Sunday to Saturday) shall not be in excess of 35 flights per week

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

13. All aviation paraphernalia and the structures hereby granted permission shall be removed from the land and the site restored to its original agricultural condition should the use of the site for aviation cease for longer than 12 months.

Reason: In order to safeguard the visual amenities of the area in accordance and surrounding landscape in accordance with Policy SD1 and LD1 of the 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. 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.

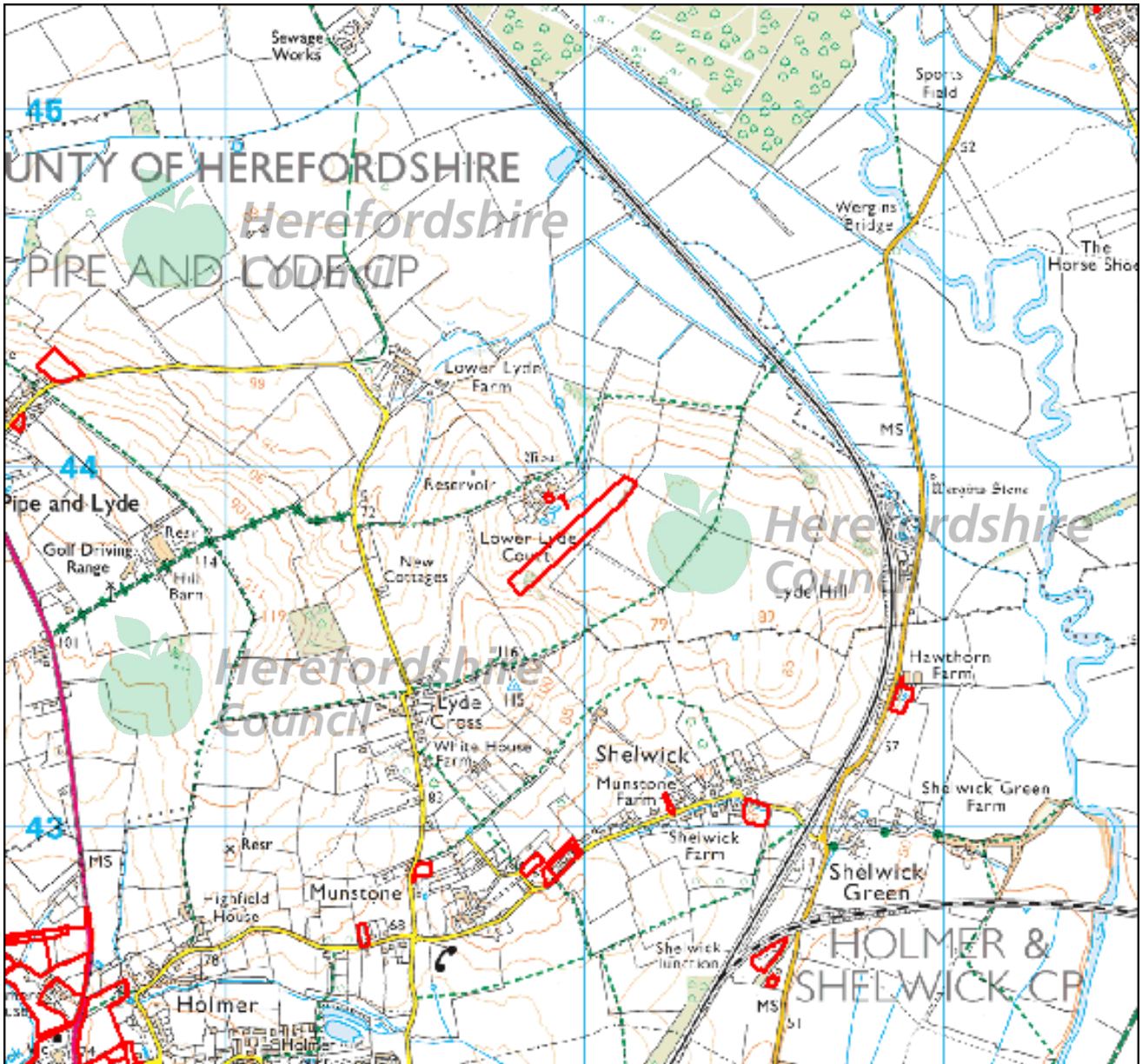
Decision: .....

Notes: .....

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**Background Papers**

None.



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**APPLICATION NO:** 214046

**SITE ADDRESS :** LAND AT LYDE COURT, LYDE CROSS, HEREFORD, HEREFORDSHIRE, HR1 3AE

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

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>212673/FH and 212674/L - PROPOSED REPAIR AND RENOVATION OF LADYGROVE COTTAGE AND ATTACHED OUTBUILDING TO FORM AN EXTENDED RESIDENTIAL DWELLING AT LADYGROVE COTTAGE, MORDIFORD, HEREFORD, HR1 4LT</b></p> <p><b>For: Mr Tucker per Mr Colin Richards, Fairfield, Eyton, Leominster, Herefordshire HR6 0BZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212673&amp;search-term=212673">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212673&amp;search-term=212673</a>
<b>Reason Application submitted to Committee – Redirection at the request of the Ward Member</b>	

Date Received: 6 July 2021

Ward: Backbury

Grid Ref: 357312,236990

Expiry Date: 26 October 2021

Local Members: Cllr John Hardwick

## 1. Site Description and Proposal

- 1.1 These applications for planning permission and listed building consent propose the repair and renovation of Ladygrove Cottage and its attached outbuilding to form an extended dwelling. The submitted scheme seeks to achieve an uplift in usability and thermal performance to make it a sustainable and more practicable dwelling for modern living standards.
- 1.2 The site lies in a secluded position within woodland that is accessed via an unmade track. It is within the open countryside, with the main built-up area of Mordiford lying around 380 metres to the north-east.
- 1.3 The cottage is in a poor state of repair, having been abandoned for many years. The schedule of works represents the culmination of previous submissions and liaison with consultants. The renovation includes alterations to the rear of the building to incorporate a larger kitchen/dining space and integration with the adjacent cider house extension.
- 1.4 There is one immediate neighbour, at Westwood House, situated to the north-west. The site lies within the River Wye Special Area of Conservation (SAC) (Lower Lugg sub-catchment) and the River Wye Site of Special Scientific Interest (SSSI) Impact Risk Zone. It also forms part of the Wye Valley Area of Outstanding Natural Beauty (AONB) and adjacent to a Plantation on an Ancient Woodland Site (Fownhope Park and West Wood).

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

SS1 – Presumption in favour of sustainable development  
SS6 – Environmental quality and local distinctiveness  
SS7 – Addressing climate change  
RA5 – Re-use of rural buildings  
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  
MT1 – Traffic management, highway safety and promoting active travel

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/local-plan-1/local-plan-core-strategy>

### 2.2 National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 12 – Achieving well-designed places  
Section 16 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

### 2.3 Fownhope Neighbourhood Development Plan (NDP)

FW1 – Sustainable development  
FW2 – Safeguarding the Wye Valley AONB  
FW3 – Flooding  
FW4 – Sewage treatment works  
FW5 – Biodiversity  
FW7 – Conservation of Fownhope's historic character  
FW11 – Housing in the countryside  
FW12 – Extensions to dwellings  
FW16 – Design criteria  
FW17 – Settlement boundary  
FW20 – Redundant rural buildings  
FW27 – Highways and infrastructure

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

have been reviewed, are considered to be consistent with the NPPF and can therefore be attributed significant weight.

### **3. Planning History**

3.1 The following planning and listed building applications are relevant to the proposal.

201353/F – Proposed conservation, extension and restoration – Withdrawn on 28/06/21

201354/L – Proposed conservation, extension and restoration – Withdrawn on 29/06/21

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Forestry Commission – No response  
Historic England – No response  
National Amenity Societies – No response

#### Internal Council Consultations

4.2 Minerals and Waste – No response  
Ecologist – No response

4.3 Historic Buildings Officer –

#### *Original comments*

Revised plans which reflect a supportable scheme are awaited. As proposed, the scheme would attract a heritage objection as the demolition and extension of the stone lean-to would fail to preserve the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; and would result in 'less than substantial' harm to its significance. The degree of harm identified represents a substantial objection in planning terms, and as a reasonable level of accommodation is achievable within the existing footprint there is no clear and convincing justification for the harm, as per requirements detailed in paragraph 200 of the NPPF. Amendments which contained the conversion within the historic footprint of the structure could satisfy heritage concerns. It has been demonstrated that realising a functional arrangement which provides for evolving accommodation needs across one floor is possible, and that the lean-to is of sufficient dimension to enable communication between living spaces and the creation of additional rooms.

#### *Additional comments dated 29/04/22*

I can confirm that there is heritage objection to the scheme as proposed as it is felt that the degree of excavation, demolition and alteration to the cottage would cause harm to its significance, and that there is a very real threat to its continued survival as a result of the invasive nature of those works, and the structural fragility of several building components.

An aspect of the cottage's architectural and archaeological significance relates to how it and its attached elements (lean-to and cider house) were constructed, and how the topography and geology of the site informed the approach chosen by those who commissioned/constructed it. It appears that a levelled shelf was created in the slope of the site, and that the bedrock functioned as both foundation below it, and structural support along its sides and back, but this latter point is more likely the result of doing the absolute minimum necessary to provide the desired footprint – given the difficulty with excavating bedrock during this period. In terms of significance, altering this arrangement by excavating around the sides and rear of the property would impact negatively

on how the asset is experienced, and on interpretation of how it was intended to be experienced, and to function, as a worker's cottage in a remote estate forest location.

From a fabric perspective, the external chimney stack and cider barn plinth wall are in a very fragile state, and whilst they should be conservable without the need for complete dismantling as part of a supportable scheme, it is considered that the excavation of the bedrock could compromise them, and at the very best require considerable intervention to preserve. Those excavation works would also introduce significant vibration, movement and an increased risk of damage, which could result in further structural deterioration of other parts of the cottage currently in a good structural state.

The structural appraisals provided by the applicant are below the standard expected for a listed building in terms of their scope, and detail, and only relate to a section of lean-to walling situated above bedrock, which has suffered from some fabric loss along its length; they also don't include any structural drawings, nor present an appraisal of repair options, which would enable appraisal of the least impactful solutions for areas of structural failure.

Whilst no proper site plan has been provided, the extent of excavation proposed is indicated on the proposed elevation drawings. It would appear that about 8.3m of excavation is envisaged for the south-eastern side, with a further 1.5m of graded slope to the west, and 7.4m for the north-western side, with 2m graded slope; and the depth of excavation appears to be up to 1.2m of bedrock in places. At the rear – running the length of the lean-to and cider barn - the passage between the cottage and the graded bank will be approximately 1.5m wide. All of this is substantial alteration when the cottage is capable of being conserved and converted without any such intervention.

These comments should also be read in conjunction with my previous objection to the revised floor plan of the lean-to which increased its depth to the detriment of the original plan form which was capable of providing fully-functioning accommodation.

Overall, the proposed scheme is contrary to Section 16/66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and causes 'less than substantial' harm which represents a substantial objection in planning terms, and should be afforded great weight in the planning balance, as per paragraph 199 of the NPPF. In addition, the scheme is contrary to the requirements of Policies LD4 and RA5 of the Core Strategy, which require protection and conservation of heritage assets.

#### 4.4 Ecologist

##### *HRA (Appropriate Assessment screening)*

At this time due to legal and scientific uncertainty and phosphate neutrality not secured, and potential effects on protected species within the SAC designation there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); the Conservation of Habitats and Species Regulations 2017 (as amended); the NPPF; and NERC Act 2006 obligations.

##### *Additional ecology comments*

At this time due to legal and scientific uncertainty of effects of the development on higher status (European) Protected Species – and other species and wildlife there is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SS1, SS6 and LD2, the Conservation of Habitats and Species Regulations 2017 (as amended); the NPPF;

NERC Act 2006 obligations; and the Council's declared climate change and ecological emergency.

## 5. Representations

- 5.1 Dormington and Mordiford Parish Council – Supports this application.
- 5.2 Fownhope Parish Council – No objections were raised and the Council supports the application.
- 5.3 Herefordshire Wildlife Trust – No response
- 5.4 A significant level of public support has been expressed for the proposal, as summarised below.
- The cottage needs to be restored before it deteriorates further.
  - Mr Tucker has vast experience in restoring listed buildings.
  - There is no alternative but to extend in the manner proposed.
  - The structural engineer has provided evidence that the rear wall is not restorable given the use of local quarried limestone and its unsatisfactory construction.
  - There have been unsympathetic brickwork repairs to maintain the failing structure.
  - Left unrestored, the building will decay further and is at risk of collapse.
  - Mr Tucker has spent years collecting materials suitable for this project.
  - This is an old and historic property and should be preserved.
- 5.5 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=212673&search-term=212673](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212673&search-term=212673)

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

### *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 and the made Fownhope Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The site lies in an open countryside location, outside of any defined settlement boundary. Policy RA5 of the Core Strategy and FW20 of the NDP, concerning the re-use of rural buildings, appear most relevant insofar as the application explains that the cottage has been abandoned for many years. The exception for new residential uses within the open countryside is derived from Policy RA3 of the Core Strategy and Policy FW11 of the NDP; in circumstances where the proposal would result in the sustainable re-use of a redundant or disused building and leads to an enhancement of its immediate setting. In principle, the restoration of the former residential use is considered to be compliant with the relevant policy criteria; for instance, the building is capable of accommodating the use without the need for substantial alteration or extension and its restoration could serve to enhance its setting.

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238

- 6.4 Notwithstanding the above, a much finer level of assessment is required in relation to the significance of the building. In this respect it is observed that RA5 (1) requires that “*design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting*”.

*Impact on the significance of the listed building*

- 6.5 This application relates to a Grade II listed building, first listed on 11<sup>th</sup> October 1985. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities, in considering whether to grant listed building consent or planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it unchanged.
- 6.6 The heritage policies relevant to the proposal are contained within Section 16 of the NPPF. Policy LD4 of the Core Strategy states that development proposals affecting heritage assets and the wider historic environment should, inter alia, protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Policies SD1 and SS6 concern the design of the built environment more generally.
- 6.7 Ladycroft Cottage is a Grade II listed, circa 18<sup>th</sup> century, timber-framed cottage, with stone lean-to and attached cider barn. Its significance relates to its architectural, historical and aesthetic merits, which are primarily evidenced in its construction characteristics and materiality; all of which enable understanding of the prevailing vernacular craftsmanship in this area during this period. Stonework elements such as the external stack, lean-to wall and cider barn plinth wall have some additional significance as the stone utilised was sourced locally by quarrymen tenants who occupied the cottage, and is a type very particular to the Woolhope region. It is not currently clear whether the stone lean-to was part of an earlier structure on the site which was partially retained when the timber-framed cottage was constructed, or whether it was a contemporary or later addition. It is set into the bedrock, lined with stone and some brickwork internally, and extends to a height of approximately half a metre above the ground.
- 6.8 Taking into account the Historic Building Officer’s comments, it is considered that the degree of excavation, demolition and alteration to the cottage would cause harm to its significance. There is a very real threat to its continued survival as a result of the invasive nature of those works and the structural fragility of several building components.
- 6.9 An aspect of the cottage’s architectural and archaeological significance is how it and the lean-to and cider house were constructed, as well as how the topography and geology of the site informed the approach chosen by its creators. It would appear that a levelled shelf was created in the slope of the site, and that the bedrock functioned as both foundation below it, and structural support along its sides and back, but this latter point is more likely the result of doing the absolute minimum necessary to provide the desired footprint – given the difficulty with excavating bedrock during this period.
- 6.10 In terms of significance, altering this arrangement by excavating around the sides and rear of the property would impact negatively on how the asset is experienced, and on interpretation of how it was intended to be experienced, and to function, as a worker’s cottage in a remote estate forest location. From a fabric perspective, the external chimney stack and cider barn plinth wall are in a fragile state, and whilst they should be conservable without the need for dismantling, the excavation of the bedrock could compromise them; and at the very best, require considerable intervention to preserve. Those excavation works would also introduce significant vibration, movement and an increased risk of damage, which could result in further structural deterioration of other parts of the cottage currently in a good structural state.



- 6.11 The structural appraisals provided by the applicant are considered inadequate in terms of their scope and detail; and only relate to a section of lean-to wall situated above bedrock, which has suffered from some fabric loss along its length. Moreover, the appraisals do not include any structural drawings, nor present an assessment of repair options, which would enable appraisal of less impactful solutions for areas of structural failure.
- 6.12 On the basis of the site/block plan and the elevation drawings, the extent of excavation proposed at the rear is significant; with an area to be cleared within up to 1.2m of bedrock and then subject to a graded slope beyond. At the rear, the passage between the cottage and the graded bank would run the length of the lean-to and cider barn. This amounts to substantial alteration when the cottage is capable of being conserved and converted without any intervention of this nature. This issue adds to the concerns in relation to the revised floor plan of the lean-to, which would be of increased depth, to the detriment of the original plan form. As such, the proposed demolition and extension of the stone lean-to would fail to preserve the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and would result in 'less than substantial' harm to its significance.
- 6.13 The degree of harm identified represents a substantial objection in planning terms, and as a reasonable level of accommodation is achievable within the existing footprint there is no "*clear and convincing justification*" for the harm, as required under national policy. Accordingly, the proposal runs contrary to Policies SD1, SS6 and LD4 of the Core Strategy, Policy FW7 of the Fownhope NDP and paragraphs 130, 199 and 200 of the NPPF.

*Drainage and the HRA process*

- 6.14 The application site lies within the Lower Lugg sub-catchment of the River Lugg SAC, which comprises part of the River Wye SAC; a habitat recognised under the Habitats Regulations as being of international importance for its aquatic flora and fauna. At present, the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority, in this case Herefordshire Council, is required to consider all potential effects of the proposal upon the site through the Habitat Regulations Assessment process. The process must be based on demonstration of legal and scientific certainty and be undertaken with a 'precautionary' approach.
- 6.15 The existing buildings are indicated as being vacant for several years and the proposed restoration will result in a functioning residential dwelling with associated creation of foul water flows from the domestic occupation and usage. Full details of how all foul water created by the proposed residential dwelling will be managed were therefore requested to ensure scientific and legal certainty that this domestic occupation will not create additional nutrient pathways in to the catchment of the River Lugg.
- 6.16 In response, the applicant has advised that connection to an existing septic tank system with drainage outfield is proposed but there is no professional drainage report to confirm the type, location, size, capacity and current good operation of the existing system. It is also unclear if this system is shared with another property and, if so, details of how the legally secured management and maintenance of the shared feature will be achieved for the lifetime of the development must be supplied.
- 6.17 On the basis of the limited information submitted, the foul water arrangements fail to provide legal and scientific uncertainty as to phosphate neutrality, and potential effects on protected species within the SAC designation, there is an identified 'Adverse Effect' on the integrity of the River Lugg (Wye) SAC. The application therefore fails to demonstrate compliance with Policies SD4 and LD2 of the Core Strategy and Policy FW5 of the Fownhope NDP.

## *Ecology*

- 6.18 On the basis of the supplied informal ecology information and other available information, it is clear that the existing buildings subject to this application may support populations of protected species, including bat roosting and core sustenance areas; and support bat roosting and maternity colony identified as being present in the adjacent property Westwood House. The LPA is required to ensure bats, other protected species and wider biodiversity are considered within the planning process and this must be completed based on current and accurate, scientific information prior to any grant of planning permission.
- 6.19 A complete ecology report with relevant 'optimal period' bat activity surveys was therefore requested, to inform assessment, and potentially, changes to the proposed plans, such as the design of replacement roof areas. The ecology report should include full specifications for any mitigation or risk avoidance measures, compensation features and the wider Biodiversity Net Gain that is to be delivered.
- 6.20 The ecology report and associated plans and specifications submitted should clearly detail and specify all external lighting features/luminaires that are proposed as part of the development. The site lies in the Wye Valley AONB, adjacent to Ancient Woodland (PAWS), and in an area noted for its intrinsically dark landscape that supports local amenity and nature conservation interests. Thus, any development must clearly demonstrate it will have no adverse impact on this dark landscape.
- 6.21 In the absence of a report of sufficient scope and detail, prepared by a suitably qualified professional, the application fails to demonstrate the avoidance of harm to protected species or wider biodiversity interests; or compliance with Policy LD2 of the Core Strategy and Policy FW5 of the Fownhope NDP.

## *Other matters*

- 6.22 Vehicular access can be achieved via the existing unmade track and, given the modest scale of the development, no material intensification of these arrangements would result that might otherwise lead to issues with the visibility afforded onto the B4224. Sufficient parking and turning space exists within the site to satisfy the scale of habitable accommodation proposed.
- 6.23 It is considered that a satisfactory level of amenity would be provided to future occupiers and that the privacy of, and outlook from, the neighbouring property would be maintained. Limited information has been submitted in relation to sustainability measures, such as potable water usage reduction and renewable energy generation, but this could be addressed by conditions.

## *Conclusion*

- 6.24 Drawing all of this together, the proposal fails to accord with the development plan when read as a whole, which is not outweighed by any other material considerations in this case.
- 6.25 The identified harm to the significance of the Grade II listed building is not subject to clear and convincing justification and runs contrary to both local and national planning policy. In line with paragraph 202 of the NPPF, the harm has been weighed against public benefits. However, no matters arise that would justify permission being granted, including the re-use of a vacant building. The harm to built heritage is exacerbated by the lack of information regarding foul drainage and ecological impacts, which gives rise to additional substantive reasons for withholding planning permission and Listed Building Consent. To grant permission in these circumstances would result in the Council failing to observe its statutory duties under relevant legislation.

- 6.26 For the purposes of informing any potential resubmission, the applicant has been advised that amendments which contained the conversion within the historic footprint of the structure could satisfy heritage concerns. It has been demonstrated that realising a functional arrangement which provides for evolving accommodation needs is possible; and that the lean-to is of sufficient size to enable communication between living spaces and the creation of additional rooms.

## RECOMMENDATION

a) That planning permission (P212673/FH) be REFUSED for the following reasons.

1. The proposed demolition and extension of the stone lean-to would fail to conserve the grade II listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and would result in 'less than substantial' harm to its significance as a worker's cottage built into the slope using locally prevalent materials in a remote estate forest location. The excavation works required would also introduce significant vibration, movement and an increased risk of damage, which could result in further deterioration of other parts of the cottage currently in a good structural state.

The harm arising is at the upper end of the spectrum and is attributed great weight on the basis of the advice at paragraph 199 of the National Planning Policy Framework. As a reasonable level of accommodation is achievable within the existing footprint there is no clear and convincing justification for the harm. This harm adds to concerns in relation to the revised floor plan of the lean-to, which would be of increased depth, to the detriment of the original plan form.

Accordingly, the proposal runs contrary to Policies SD1, SS6, RA5 (1) and LD4 of the Herefordshire Local Plan - Core Strategy, Policy FW7 of the Fownhope Neighbourhood Development Plan and paragraphs 130, 199 and 200 of the National Planning Policy Framework. In line with paragraph 202 of the NPPF, the harm has been weighed against public benefits. No matters arise that would justify permission being granted, including the re-use of a vacant building.

2. The proposed drainage strategy fails to demonstrate with the required certainty that the proposed development would not, alone or in combination, lead to significant adverse impacts on the integrity of the River Lugg (Wye) SAC through the transmission of phosphates generated from foul waste. As such, the application has not undergone the Appropriate Assessment required by the Habitat Regulations due to the site location within the catchment of the River Lugg (Wye) SAC. The proposal therefore conflicts with the Conservation of Species and Habitats Regulations 2017 (as amended), Policies SD4 and LD2 of the Herefordshire Local Plan - Core Strategy, Policy FW5 of the Fownhope Neighbourhood Development Plan, the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out at paragraphs 179-182 of the National Planning Policy Framework.
3. In the absence of an ecological report, prepared by a suitably qualified person and including appropriate surveys as necessary, to assess the ecological value of the application site and its environs and the associated potential for impacts, the application fails to demonstrate the avoidance of harm to protected species and habitats or wider biodiversity interests. The application also fails to make appropriate provision for Biodiversity Net Gain. Accordingly, the proposed development runs contrary to Policy LD2 of the Herefordshire Local Plan - Core Strategy, Policy FW5 of the Fownhope Neighbourhood Development Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

**INFORMATIVES:**

**1. Refusal with a way forward**

**b) That listed building consent (P212674/L) be REFUSED for the following reasons:**

**The proposed demolition and extension of the stone lean-to would fail to conserve the grade II listed building, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and would result in 'less than substantial' harm to its significance as a worker's cottage built into the slope using locally prevalent materials in a remote estate forest location. The excavation works required would also introduce significant vibration, movement and an increased risk of damage, which could result in further deterioration of other parts of the cottage currently in a good structural state.**

**The harm arising is at the upper end of the spectrum and is attributed great weight on the basis of the advice at paragraph 199 of the National Planning Policy Framework. As a reasonable level of accommodation is achievable within the existing footprint there is no clear and convincing justification for the harm. This harm adds to concerns in relation to the revised floor plan of the lean-to, which would be of increased depth, to the detriment of the original plan form.**

**Accordingly, the proposal runs contrary to Policies SD1, SS6 and LD4 of the Herefordshire Local Plan - Core Strategy, Policy FW7 of the Fownhope Neighbourhood Development Plan and paragraphs 130, 199 and 200 of the National Planning Policy Framework. In line with paragraph 202 of the NPPF, the harm has been weighed against public benefits. No matters arise that would justify consent being granted, including the re-use of a vacant building.**

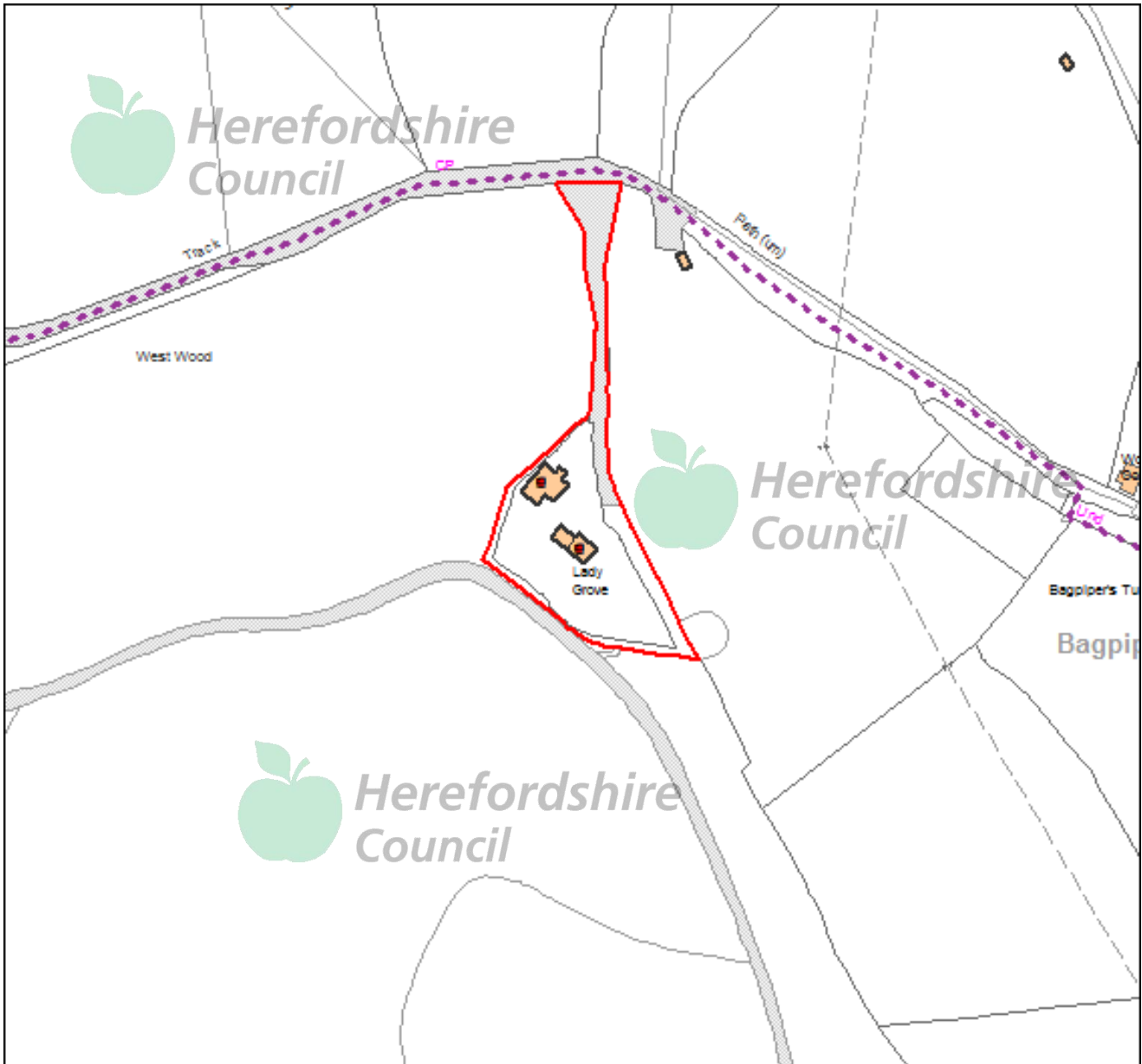
Decision: .....

Notes: .....

.....

**Background Papers**

None



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 212673 & 212674

**SITE ADDRESS :** LADYGROVE COTTAGE, MORDIFORD, HEREFORD, HEREFORDSHIRE, HR1 4LT

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Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<p><b>220366 - PROPOSED VARIATION OF CONDITION 2 AND 4 FOLLOWING GRANT OF PLANNING PERMISSION. 183083/F (CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO RESIDENTIAL DEVELOPMENT (USE CLASS C3). INCLUDING DEMOLITION, CONVERSION AND EXTENSIONS OF AGRICULTURAL BUILDINGS TO FORM 3 NO. DWELLINGS) AT MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF</b></p> <p><b>For: Mr Kirk per Mr Jethro Kirk, The Cart House, Canon Bridge Madley, Hereford, Herefordshire HR2 9JF</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&amp;search-term=220366">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&amp;search-term=220366</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 4 February 2022**

**Ward: Stoney Street**

**Grid Ref: 343156,241198**

**Expiry Date: 1 April 2022**

Local Member: Cllr David Hitchiner

## **1. Site Description and Proposal**

- 1.1 Magnolia Farm is located to the North of the village of Madley (approximately 1.9 miles away) and to the South-West of the River Wye, although noted on significantly higher ground level.
- 1.2 The application seeks a variation of condition 2 and 4 following grant of full planning permission (P183083/F) (Change of use of agricultural buildings and land to residential development. Including the demolition, conversion and extensions of agricultural buildings to form 3 no dwellings.
- 1.3 The variation includes changes to the window and doors to unit 1 and 2 and the extension of unit 2 within the existing footprint of a roofed open sided steel structure. Work has started on site namely in relation to the clearing of the site and works predominately to units 1 and 2. Unit 3 currently not altered and is being used for storage purposes only as the other works progress.

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244







1.6

Proposed Floor Plan Unit 2



1.7

Previously approved plans

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

## 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** - Addressing Climate Change
- RA2** - Housing in Settlements Outside of the Hereford and the Market Towns
- RA3** - Herefordshire's Countryside
- RA5** - Re-use of Rural buildings
- H3** - Ensuring an Appropriate Range and Mix of Housing
- MT1** - Traffic Management, Highway Safety and Promoting Active Travel
- LD1** - Landscape and Townscape
- LD2** - Biodiversity and Geodiversity
- LD3** - Green Infrastructure
- LD4** - Historic Environment and Heritage Assets
- SD1** - Sustainable Design and Energy Efficiency
- SD3** - Sustainable Water Management and Water Resources
- SD4** - Wastewater Treatment and River Water Quality

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

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

### 2.3 Madley Neighbourhood Development Plan

Madley Neighbourhood Development plan was made on 7 June 2021 therefore it now forms part of the development plan for Herefordshire and carries full weight.

- Policy M1** – Sustainable Development
- Policy MH1** – Housing delivery
- Policy MH4** – Type and Size of Housing
- Policy ME1** – Landscape character and wildlife
- Policy ME2** – Building design
- Policy ME3** – Historic Environment
- Policy MB3** – Re-use of redundant agricultural buildings

### 2.4 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 15** – Conserving and Enhancing the Natural Environment
- Chapter 16** – Conserving and Enhancing the Historic Environment

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review

the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

### **3. Planning History**

3.1 183083/F - Change of use of agricultural buildings and land to residential development (Use Class C3). Including demolition, conversion and extensions of agricultural buildings to form 3 No. dwellings. – Approved with conditions

153633/CD3 (on land across Magnolia Farm Road to the south east of the site) – Proposed change of use of traditional agricultural buildings to five dwelling houses, associated works and new vehicle entrance. Approved

SW101189/CD – Replacement barn. Council approved application

SH961400PF – Erection of a steel portal frame extension to existing farm building for general purpose agricultural use. Approved

### **4. Consultation Summary**

4.1 Statutory Consultations

Welsh Water (Hyder) – No Objection

Hereford and Worcester Garden Trust – No response

4.2 Internal Council Consultations (Initial comments)

Landscape – ‘From what I can ascertain, condition 4, is in relation to external finishes (i.e. joinery, timber, plaster and masonry surfaces); minor changes to window and door fenestrations, solar panels to roof; and other minor changes to the garden curtilage (unit 1 and 2).

In terms of landscape related matters I have compared Dwg 339.21LD01, with the revised scheme, Dwg 339.21LD01, Rev A. The changes have no adverse impact. I have no objection.’

Ecology – No response

Highways Engineer - There are no highways objections to the proposed plan variations.

4.3 Internal Council Consultation (Following amended plans)

Landscape – ‘I have no further comments.’

Highways Engineer – ‘The updated drawings do not alter the previous highways comments on the proposed plan variation.’

## 5. Representations

- 5.1 Madley Parish Council March 22 – ‘Following last night’s Parish Council meeting the councillors have asked me to respond on the above application in support with no comments to make.’

Madley Parish Council following amendments – ‘The Parish Council discussed the planning application and have no grounds not to support the application. The Parish Council have noted the residents’ concerns and understand a request for a meeting between the residents and the planning department has been requested, The Parish Council urge this meeting to take place to ensure lines of communication remain open between all parties.’

- 5.2 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=220366&search-term=magnolia%20farm](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220366&search-term=magnolia%20farm)

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 Madley Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 7 June 2021.
- 6.3 Given the nature of this application the principle of the development has clearly been established through the granting of the previous permission therefore it is not necessary to re-assess this. Rather it is the alteration between the two schemes which need to be assessed here. The application seeks to vary condition 2 and condition 4, which incorporates changes to the windows and doors with the addition of solar panels in units 1 & 2 and an extension to unit 2.
- 6.4 Given the nature of the proposal policies SD1, LD1 and SS6 of the CS are relevant. I am satisfied that the amended alterations to the buildings does not change the overall nature of the approved scheme.
- 6.5 The changes involve amendments to some window and door positions, these are due to an internal reconfiguration of the previously approved scheme. These changes are clearly shown in the amended plans submitted with this application and shown in comparison to the previous scheme as shown above in section 1 of this report.
- 6.6 Policy SS7 states that development proposals will be required to include measures which will mitigate their impact on climate change. The utilisation of Solar panels on the the roof would not change the overall nature of the approved scheme. The alterations are considered to be an acceptable scale and would not impact upon the character of the wider area, or provided an adverse impact upon residential amenity of adjacent dwellings. Furthermore they will provide a renewable form of energy for these two units, a relevant condition is attached to ensure that in the event that the panels become disused for a period of more than 6 months those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

- 6.7 With reference to the extension to Unit 2 this was discussed under previous pre application advice to which the conversion of this element into habitable accommodation for unit 2 was considered supportable in the context of the whole proposal and noting the visual benefits that would derive from its retention. The enclosed method and fenestration will be reflective of the wider scheme and historic character of the group of buildings. The Historic Buildings Officer gave comments in relation to the pre app and advised of the design approach that would be acceptable from a heritage perspective. This has been fully incorporated into the design approach submitted with this application.
- 6.8 It is noted that no response from the ecologist has been received however as the scheme would not amend the foul and surface water management as approved under the previous scheme, as such there are no drainage concerns or the need to re-visit this element.

## **RECOMMENDATION**

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

- 1. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 113765-001B, 11375-013B, 113765-14B and 113765-015C), except where otherwise stipulated by conditions attached to this permission.**

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

- 2. The samples of materials to be used externally on walls and roofs that were submitted to the LPA on \*\* shall be carried out in accordance with the approved details submitted and discharged by the LPA on \*\* under reference no 212020.**

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

- 3. Before work commences on the features identified in this condition, details of the finishes to be used for all external joinery, timber, plaster and masonry surfaces shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority**

**Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

- 4. Before work commences in relation to their installation, details of the guttering, down pipes and all associated fittings shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority.**

**Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

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

6. **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 conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.**

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

8. **The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

9. **Parking for site operatives and visitors shall be retained as discharged under reference no 212020/XA2 and kept available during the remaining construction of the development.**

**Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

10. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details discharged under reference no 212020/XA2 and available for use prior to the occupation of any of the dwellinghouses hereby permitted. Thereafter these facilities shall be maintained.

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

11. The approved CEMP discharged under reference no 212020/XA2 shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

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

12. All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. In compliance with Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

13. All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form and drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.

14. At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the

15. The soft and hard landscaping details submitted and discharged under 212020/XA2 should be carried out as per these details.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. The soft landscaping scheme approved under condition 15 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Within six months of any of the solar photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

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

**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.

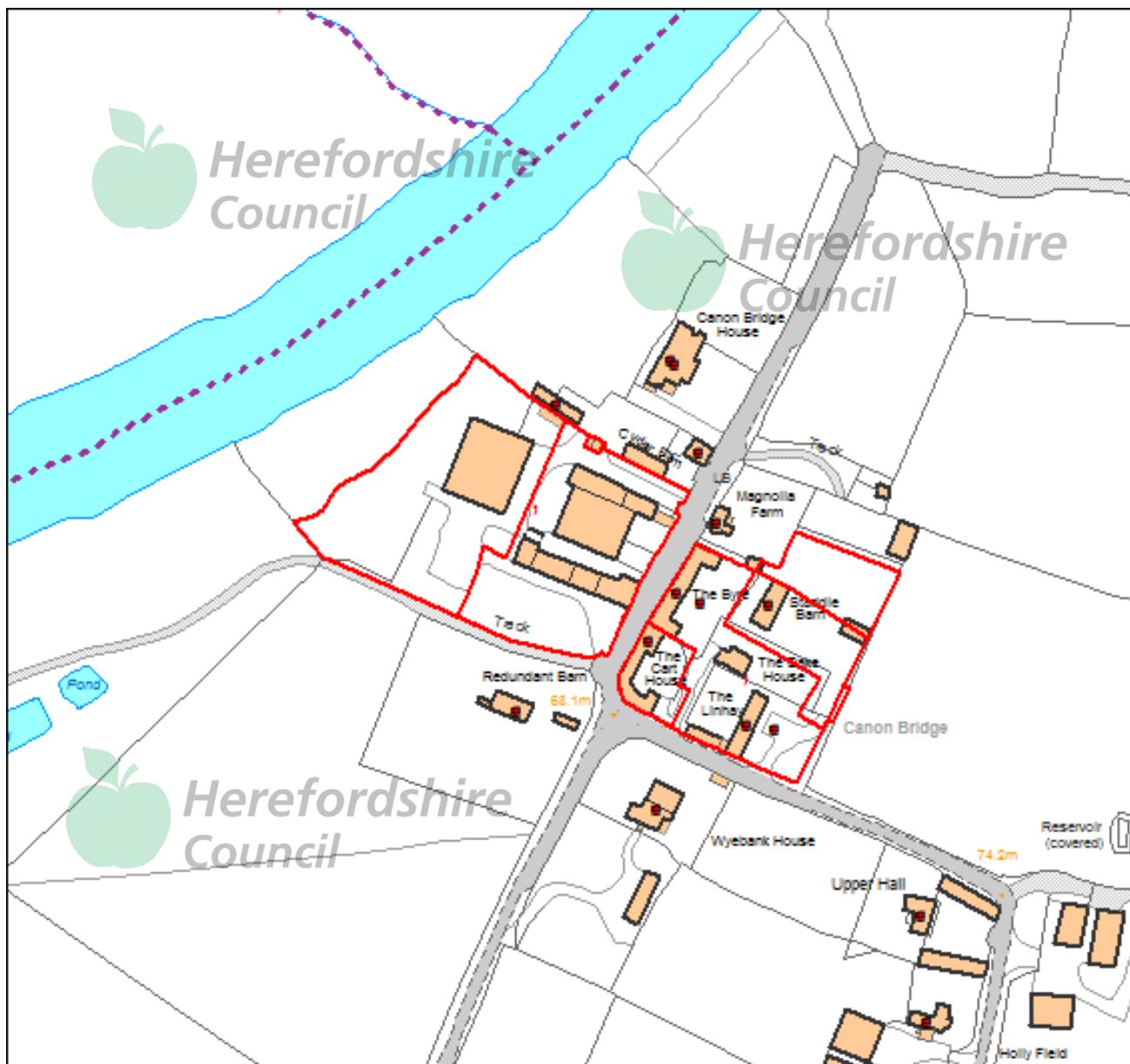
Decision: .....

Notes: .....



Background Papers

None.



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**APPLICATION NO:** 220366

**SITE ADDRESS :** MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

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Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>29 June 2022</b>
<b>TITLE OF REPORT:</b>	<b>214297 - PROPOSED AGRICULTURAL ACCESS OFF A4112 AT BROOK HOUSE BUNGALOW, KIMBOLTON, LEOMINSTER, HR6 0EJ</b>  <b>For: Mr Duggan per Mr Richard Franklin, 52 Teme Street, Tenbury Wells, WR15 8AA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214297&amp;search-term=214297">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214297&amp;search-term=214297</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 23 November 2021**      **Ward: Leominster**      **Grid Ref: 352073,261233**  
**North & Rural**

**Expiry Date: 1 July 2022**

Local Members: Cllr John Stone

## **1. Site Description and Proposal**

- 1.1 The application site adjoins the southern side of the A4112 road at Kimbolton. The proposal entails the creation of a new splayed access at a point approx.100 metres east of the junction with an unclassified road that leads southwards past a line of dwellinghouses before leading eastwards into the field across a former haulage yard.
- 1.2 The new access would provide a separate access to the field (pasture) avoiding any potential conflict with the current arrangement. The proposed field access would include visibility splays, concrete kerbs, hard core with compacted stone finish, and an inward opening agricultural five bar steel gate. The visibility splays would require the removal of approx. 40 metres of hedgerow either side of the access. A new boundary would be provided with post and rail fencing and sheep netting, planted with a replacement hedgerow using native species.

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

SS1 - Presumption on favour of Sustainable Development  
SS4 - Movement and Transportation  
RA6 - Rural Economy  
MT1 - Traffic Management, highway safety and promoting active travel  
LD1 - Landscape and Townscape

### **2.2 Kimbolton Neighbourhood Development Plan**

K10 - Protecting and enhancing local character  
K15 - Transport and Connectivity  
K18 - Agriculture and forestry enterprisesNPPF

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Further information on the subject of this report is available from Mr Andrew Banks on 01432 383085

## 2.3 National Planning Policy Framework

Chapter 6 - Building a strong, competitive economy

Chapter 15 - Conserving and enhancing the natural environment

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

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

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

## 3. **Planning History**

- 3.1 132953 - Creation of new agricultural access to land at Brook House Bungalow off A4112 - Approved 19th May 2014.

## 4. **Consultation Summary**

### Internal Council Consultations

#### 4.1 Transportation Manager

It is noted that this application is a resubmission of a lapsed permission number 132953. The proposal is to create a new agricultural access to assist in managing the vehicle movements along the existing access. When considering this application, the arrangement of the access proposed is a key detail. The proposal includes a 10m set back on the gates as set out on the access detail drawing. This creates an off-road waiting area while the inward opening gates are operated.

The access specification is considered acceptable and in the event that permission is granted separate permission from the local highway authority will be required to connect the access to the public highway.

The proposed access visibility has been previously assessed as appropriate by the local highway authority and is considered acceptable in the environment that the site is located within. The details of the visibility splay should be secured by condition CAB at dimensions of 2.4m x 80m in each direction.

- 4.2 No highways objections to the proposal, subject to the recommended condition being applied  
Land Drainage Engineer

The proposed access does not feature any measures to intercept surface water runoff that would drain onto the highway.

## 5. Representations

### 5.1 Kimbolton and Hamnish Parish Council:

The parish council has concerns that the application for a new agricultural access off the A4112 will increase the risk to traffic, pedestrians and flooding in the vicinity. The section of the A4112 that the proposed access is on, is a narrow section in Kimbolton village with a footpath running on the opposite side of the road. When a HGV or tractor pass this narrow section of the A4112, they usually have to straddle the white lines in the middle of the road and it does cause issues for oncoming traffic. The addition of a new access would increase the risks at this point of the road and the potential risk to any pedestrians on the footpath opposite as well.

Below the proposed access the houses are at risk of flooding. A new access without proper mitigation could increase the risk to these properties. The applicant has not provided any mitigation to alleviate the increased risk. Any potential surface water run off should be assessed, and sufficient measures taken to prevent further pressure on the lowest lying neighbouring properties during heavy rain fall periods. It may be an opportunity to look at diverting some of the existing drainage across the field south of Old Chapel House, Chapel Brook Cottage, 1&2 New Road.

The applicant has stated that the need for a new access to the field is due to the existing field access being shared with residential properties and a now unused haulage yard and these uses being in conflict with each other. In the view of Kimbolton and Hamnish Parish Council this is not a unique issue for an agricultural access and does not warrant the need for a new access that creates greater risks on the main road than those the applicant states will be mitigated at the existing access.

### 5.2 14 letters of objections have been received, some residents having written twice and one letter having 29 signatories has been submitted, that raise the following concerns: -

- the existing access to the field is adequate, safer, and more suitable
- will be dangerous being onto a busy A road
- the previous haulage yard has now closed, so there is no conflict between vehicles and livestock
- no drainage detail is provided and run off onto the road could cause flooding to existing properties
- the traffic surveys submitted was carried out at inappropriate time and location
- the required visibility splays will result in the loss of the existing hedgerow with damage to nature and biodiversity
- the new access could result in potential for housing development
- potential damage to the existing water main
- the field has not been used for agriculture for a long time
- the change to the character of the village would be contrary to the neighbourhood development plan which seeks to retain rural character landscape and tranquillity

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=214297&search-term=214297](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214297&search-term=214297)

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) and the 'made' Kimbolton Neighbourhood Development Plan (KNDP).
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.
- 6.4 The main issues are the principle, the impact in the landscape and highway safety issues. Therefore, the proposal needs to be determined in accordance with Policies RA6, SS4, MT1 and LD1 of the Local Plan Core Strategy together with KNDP and the provisions of the National Planning Policy Framework.
- 6.5 It should be noted that the principle of creating an access has been previously established. The proposal is the same as that previously approved in 2014. Whilst this permission was never implemented, the key consideration is whether there is anything materially different now that might lead the local planning authority to come to a different conclusion.
- 6.6 A new policy framework is in place since the determination of the previous application. The Core Strategy was adopted in October 2015, replacing the Herefordshire Unitary Development Plan which would have formed the Development Plan at that time. Furthermore, and more recent than the Core Strategy, a NDP has also been made for Kimbolton. Therefore the policy framework for the determination of this application is different to that for the determination of the originally approved scheme.
- 6.7 The existing field is used as pasture in connection with adjacent agricultural land to the south which is accessed through a haulage yard that is now closed, although it was operational at the time of the previous application. At that time conflict between the haulage business and agricultural enterprise was recognised and the provision of a separate access considered to be reasonable and substantiated. No change of use of the land is proposed. The previous planning permission remains a material consideration and, despite the slightly different circumstances regarding the haulage yard, the general principle of a new access remains to be acceptable and is in accordance with CS Policy RA6 and KNDP Policy K18.
- 6.8 The proposed access is acceptable in highway safety terms, both in terms of its location and construction details. The highway engineer has no objections, subject to a condition securing the splay and as such the proposal is in accordance with CS Policies SS4 and MT1, KNDP Policy K15 and the NPPF. The comment regarding the interception of surface water runoff made by the Land Drainage Engineer can be dealt with by condition and is covered by condition 3 of the recommendation below. Although there will be the loss of a length of hedgerow the replacement planting with a mix of native species will ensure the impact on the landscape and surrounding countryside is acceptable in accordance with CS Policy LD1 and KNDP Policy K10.

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Further information on the subject of this report is available from Mr Andrew Banks on 01432 383085

- 6.9 The proposal will provide a new access to an existing agricultural field which the applicant considers to be preferable to the existing arrangements. Representations from the Parish Council and neighbours are noted but other than the haulage yard having closed, with regard to the relevant planning considerations, the situation at the site remains as it was at the time of the previous permission. The layout is acceptable and subject to appropriate conditions is recommended for approval. The loss of the section of hedgerow will be satisfactorily mitigated by the proposed replanting.
- 6.10 Overall, the proposal is considered to be acceptable, accords with the Development Plan and is therefore recommended for approval.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other further conditions/amendments 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. **The access hereby approved shall not be brought into use until it has been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved details (Drawing 01 – Details of Agricultural Access).**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.**

4. **Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 80 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

**Reason: In the interests of highway safety and to conform with the requirements of Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.**

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

**Reason: In the interests of highway safety and to conform with the requirements of Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15 and the National Planning Policy Framework.**

6. **The access shall only be used for agricultural purposes and for no other purpose whatsoever.**

**Reason: In the interests of highway safety and to conform with the requirements of Herefordshire Local Plan – Core Strategy Policy SS4 and HT1 and Kimbolton Neighbourhood Development Plan Policy K15.**

- 7. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall take place until a scheme of hedge planting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall prescribe that at least 5 species of native woody shrubs shall be planted within each hedge and it shall include details of the species, sizes and density of planting.**

**All hedge planting shall be carried out in accordance with the approved details and planted in the first planting season following removal of the existing hedgerow. The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

**Reason: In order to maintain the visual amenity of the area and to comply with Herefordshire Local Plan – Core Strategy Policy LD1, Kimbolton Neighbourhood Development Plan Policy K10 and the National Planning Policy Framework.**

**INFORMATIVES:**

- 1. Application Approved Without Amendment**

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

- 2. Works within the highway**

- 3. Highways Design Guide and Specification**

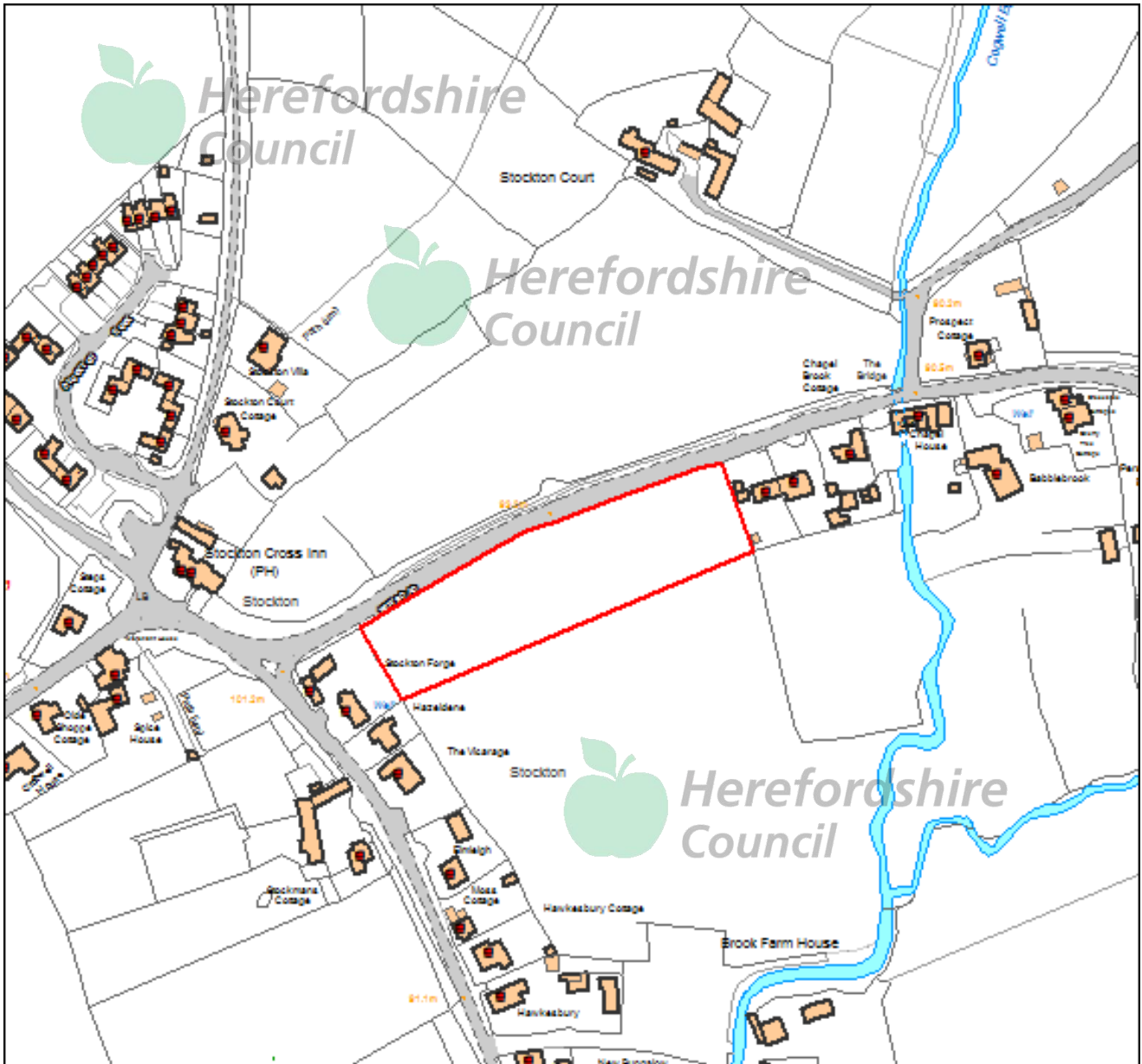
Decision: .....

Notes: .....

**Background Papers**

None.





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**APPLICATION NO:** 214297

**SITE ADDRESS :** BROOK HOUSE BUNGALOW, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE, HR6 0EJ

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