

Agenda

Planning and regulatory committee

Date: **Wednesday 26 October 2022**

Time: **10.00 am**

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

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 26 October 2022 10.00 am - YouTube](#)

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Agenda for the meeting of the Planning and regulatory committee

Membership

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

Agenda

	Pages
PUBLIC INFORMATION	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
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.	
4. MINUTES	13 - 54
To approve the minutes of the meeting held on 28 September 2022.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 201441 - DEV 1 LAND ADJOINING HAWTHORN RISE, HAWTHORN RISE, PETERCHURCH, HR2 0RQ	55 - 108
Proposed Erection of Up to 89 Dwellings (35% Affordable Housing). Construction of New Vehicular Access and Associated Works.	
7. 214251 - JUNIPER COTTAGE, PIPE ASTON, LUDLOW, HEREFORDSHIRE, SY8 2HG	109 - 122
Proposed 35x18m manege and associated groundworks.	
8. DATE OF NEXT MEETING	
Date of next site inspection – 22 November 2022	
Date of next meeting – 23 November 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.

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

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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 Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 28 September 2022 at 10.00 am

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

Councillors: Paul Andrews, Polly Andrews, Dave Boulter, Sebastian Bowen, Clare Davies, Elizabeth Foxton, Mark Millmore, Jeremy Milln, Councillor F Norman, Probert, David Summers and Yolande Watson

In attendance: Councillor Christy Bolderson

Officers: Lead Development Manager, Area Engineer - Development Control and Lawyer

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Hardwick and Tony Johnson.

36. NAMED SUBSTITUTES (IF ANY)

Councillor David Summers acted as a substitute for Councillor John Hardwick.

37. DECLARATIONS OF INTEREST

Councillor Jeremy Milln declared an other interest in respect of agenda item no. 7, application 214270, Land South West of Roman Byre; the applicant and one of the objectors were known associates.

38. MINUTES

RESOLVED: That the minutes of the meeting held on 31 August 2022 be approved.

39. 193042 - LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ

(Councillor Paul Rone left the committee to act as local Ward member for the next application.)

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

In accordance with the criteria for public speaking Mr Ben Doouss and Mr George Hardy, local residents, spoke in objection to the application and Mr Rob Davies, planning agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application had been amended with the reduction in the number of houses proposed which reduced the impact of the development on the Hereford city skyline. The application met a need for housing close to Hereford City. When the site had

been initially proposed it was intended to be supported through the infrastructure of the southern Link Road. Since the cancellation of that scheme the impact of the application will see an increase in traffic at an already busy location. There had been no objections from statutory consultees but it was important the application was acceptable from a highways perspective. The walking route to the site proposed in the application along the A49 was overgrown. It was noted that buses would serve the development and there were good facilities for children proposed on site. The developer contributions arising from the site were welcomed however it was noted that the proposed allocation of the contributions were to projects outside of the ward where the application site was located. It was important that the homes were future proofed against rising energy costs. The impact of the development on existing properties, currently in open countryside, was raised.

The committee debated the application.

The local ward member was given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Mark Millmore and seconded by Councillor Polly Andrews.

The motion was put to the vote and was carried by a simple majority.

RESOLVED – that subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission, subject to the conditions below and any other further conditions (or amendments) considered necessary.

1. **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

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

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

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

3. **Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

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

4. **The development shall be carried out strictly in accordance with the approved plans:**

- **Location Plan: CSA 2477/115 Rev C**

Pre-commencement conditions

- 5 No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority identifying the phasing for the development and shall identify the following:**

- Residential phases
- Timing of delivery of on-site highway works (including but not limited to on-site roads, cycleway)
- Timing of delivery of offsite highways improvements (TRO / S278 / Stopping Up)
- Timing of delivery of public open space
- Delivery of drainage infrastructure

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority, in which event construction shall be in accordance with the agreed alternative phasing plan

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2

- 6 No development shall commence until details of a surface water drainage strategy which attenuates the outfall from the site into Withy Brook to no more than 4.6 litres per second has been submitted to the Local Planning Authority and approved in consultation with National Highways.**

The Surface Water drainage strategy shall include, but not necessarily limited to:

- a) a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be implemented to control and monitor water quality as it discharges from the development into the Withy Brook.
- b) provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- c) phasing of delivery to be included in the approved drainage scheme

The works to be carried out in accordance with the approved details.

Reason to promote sustainable development, secure proper drainage and manage risk of flooding as required by National Highways

- 7 Prior to the commencement of the development a Traffic Regulation Order to control the use of existing alignment of Grafton Lane, taking into**

account that a small number of properties will continue to have vehicular access, whilst pedestrians, cyclists and equestrians will continue to have through access, shall be obtained and approved in writing by the Local Planning Authority and the completion of the works shall be in accordance with details as submitted within the 'phasing condition' above (condition 5).

Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 8** No phase of development shall commence on site until a Construction Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but not be limited to:

- i) a description of the likely quantity and nature of waste streams that will be generated during construction of the development;
- ii) measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;
- iii) measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and
- iv) details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling.

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LDI, LD4 of the Herefordshire Local Plan - Core Strategy.

- 9** Prior to the commencement of Highway works associated with the development, a scheme for any Statutory undertaker's works and/or diversions required to be undertaken shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: Reason: To ensure the A49 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety.

- 10** No development hereby approved shall take place until a scheme to mitigate the anticipated risk to the Ashley user worked level crossing is submitted to and agreed with the Local Planning Authority in order to

mitigate the anticipated additional risk of trespass and misuse of the level crossing. The scheme will include details of the measures required to prevent trespass and misuse of the level crossing and timescales for its delivery.

Reason: To mitigate the anticipated additional health and safety risk of misuse and trespass on this user worked level crossing.

- 11** Development (in each phase) 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 (including Bike parking)
- Construction Traffic Management Plan
- Travel plan for operatives.
- Siting of site compound / site offices (including stack heights) and storage areas

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.

- 12** No development shall commence for that phase, including site clearance or demolition begin or equipment and materials are moved on to site, until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:

- Hours of working
- Tree protection (and arb report)
- Dust
- Storage of materials

shall be supplied to the local planning authority for written approval. 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. 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;

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.

- 13 No development shall take place on each respective phase of the development until the following has been submitted to and approved in writing by the local planning authority:**
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.**

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 14 No development on each respective phase of the 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. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority

Pre-occupancy or other stage conditions

- 15 The Remediation Scheme, as approved pursuant to condition no. (13) above, shall be fully implemented for each respective phase of the development before the development on that respective phase is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 16 No above ground development shall take place on each respective phase until detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);**

Details shall include, but not limited to

- a) Confirmation of groundwater levels to demonstrate that the invert level of any unlined attenuation features can be located a minimum of 1m above groundwater levels or demonstration that groundwater ingress can be appropriately be managed.**
- b) Detailed drawings of the proposed surface water drainage strategy that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features**
- c) Detailed drawings of proposed features such as attenuation features and outfall structures.**
- d) 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. FEH 2013 rainfall data is expected.**
- e) Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected • Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected.**
- f) Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;**
- g) Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.**
- h) Demonstration that appropriate access is available to maintain drainage features**
- i) Operational and maintenance manual for all proposed surface water drainage features that are to be adopted and maintained by a third party management company**
- j) A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features and connection to the receiving network.**
- k) Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage systems**
- l) The surface water shall discharge through a sustainable drainage system subject to final detailed approval of technical design.**

Reason: To ensure suitable drainage can be achieved on site and in order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3

- 17 Prior to the first occupation of each dwelling within any phase of residential development hereby permitted 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 and implemented as approved.**

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

- 18 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by an Acoustic Design Statement which demonstrates in full that Stage 2 Elements 1-4 of the above guidance have been met. Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met. (Satisfactory noise levels to be achieved in as many noise sensitive rooms in as many houses as possible with the windows partially open). Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. (Satisfactory external amenity levels to be achieved are 50dB on a green field site at as many dwellings as possible. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance. ProPG: Planning and Noise* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health. The approved scheme shall be implemented before the first occupation or use of the dwellings and thereafter maintained.**

Reason: In the interests of the residential amenity of future residents in accordance with policy SD1 of The Herefordshire Core Strategy and NPPF 2021

- 19 Prior to completion of the approved development, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority.**

The scheme shall include a scaled plan identifying:

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

Trees and hedgerow to be removed.

All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

All proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to

Conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 20 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

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

- 21 No dwellings to be occupied on the development unless and until such time that Phase 1 of the surface water drainage scheme approved by condition 6 of this planning permission which shall include the attenuated outfall to Withy Brook, has been implemented in accordance with the approved surface water drainage strategy,**

Reason to promote sustainable development, secure proper drainage and manage risk of flooding

- 22 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority**

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

- 23 Development shall not begin in relation to any of the specified highways works until details (of the works) 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 on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.**

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.

- 24 Prior to the first occupation, a Travel Plan which contains measures to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved**

details, on the first occupation of the development . A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 25 Proposals for the number, size and type of the tenure for both open market, affordable and the wheelchair accessible unit shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout. This scheme shall compromise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 26 In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed 'holistic' biodiversity net gain scheme for the whole development site shall be supplied to the Local Planning Authority for written approval.
The supplied scheme shall include:
- A detailed and specific annotated location plan for proposed biodiversity net gain enhancement features including as a minimum provision for hedgehog homes, bird nesting, and pollinating insect 'nesting' opportunities, ecological refugia and other natural features and habitats.
 - A detailed legally binding scheme of how the natural features and biodiversity net gain will be managed and maintained for the lifespan of the development.
 - An external lighting and illumination plan clearly demonstrating that all proposed lighting and illumination features will comply with latest and current guidance identified by the Institute of Lighting Professionals-Bat Conservation Trust.

The approved scheme shall be implemented and fully completed prior to occupation of the 50th dwelling and hereafter maintained unless otherwise agreed in writing by the 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), Wildlife and Countryside Act 1981 (as amended), Policy SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

Post occupancy monitoring and management / Compliance Conditions

- 27** No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

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.

- 28** Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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.

- 29** Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

- 30** If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: The treatment of any potential contamination is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to ensure that the site is satisfactorily assessed and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 31** All foul water shall discharge through a connection to the local Mains Sewer network managed through the Welsh Water – Eign (Hereford) waste water treatment works; and no surface water shall be discharged in to any mains sewer or 'combined mains sewer; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2 and SD4. Habitat Regulations

- 32 **The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Aspect Ecology dated July 2020 shall be implemented 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 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2021) and NERC Act 2006

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 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 in the National Planning Policy Framework.**
2. **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
3. **This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to 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.

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

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

5. 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
6. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
7. In connection with Condition 24 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ
8. In connection with Condition 24 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ
9. 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'
10. 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

- 11 **Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.**
- 12 **All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply: a) Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground b) Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure c) Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.**
- 13 **The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.**
- 14 **Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction. The Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.**
- 15 **If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.**
- 16 **The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access**

to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

- 17 **The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges. Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 www.networkrail.co.uk**
- 18 **It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.**
- 19 **Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.**
- 20 **All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.**
- 21 **The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of Technical Advice Notes which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.**
- 22 **It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.**
- 23 **Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.**
- 24 **Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights**

must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.

- 25 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 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

(Councillor Paul Rone resumed his seat on the committee.)

40. 214270 - LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE

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

In accordance with the criteria for public speaking Mrs Hardy spoke on behalf of Callow and Haywood Group Parish Council, a statement was read on behalf of Mr Priddle, a local resident, in objection to the application and Mr Sharp, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary she provided an overview of the application and the proposal. In addition she provided a summary of the detail of the representations that had been received on the application. A number of representations had praised the design of the development however objectors had not considered it suitable in the open countryside. There had been a difference of opinion concerning the application of CH9 in the neighbourhood development plan and whether the development met the requirements of that policy. The proximity of Haywood Lodge and the impact of the application on this heritage building had been referenced in representations. The additional access onto Haywood Lane had also been raised in representations.

The committee debated the application.

The local Ward member was given the opportunity to close to debate.

A motion that the application be refused in accordance with the case officer's recommendation was proposed by Councillor Sebastian Bowen and seconded by Councillor Mark Millmore. The motion was put to the vote was carried by a simple majority.

RESOLVED – that planning permission be refused for the following reasons:

- 1. The application site lies outside of any settlement formally identified as being appropriate for residential development and therefore development of the site would undermine the spatial strategy of the development plan at a time when the Council can demonstrate a sufficient supply of housing land and at a Parish level when it can be demonstrated that housing delivery is exceeding growth targets. Accordingly the scheme is contrary to Herefordshire Local Plan – Core Strategy Policies RA2 and RA3 and Callow and Haywood Neighbourhood Development Plan Policy CH9. Time limit for commencement (full permission)**
- 2. In the absence of sufficient information with regards to how the proposed drainage arrangements would be delivered, the local planning authority is unable to establish if there is a suitable policy compliant sustainable foul and surface water drainage solution. As such the proposal fails to protect the integrity of the SAC and does not comply with Policies SD3, SD4 or LD2 of the Herefordshire Local Plan - Core Strategy.**
- 3. Development of the site has been demonstrated to fail to preserve aspects of setting which contribute positively to the significance of adjacent heritage assets, without clear and convincing justification for the identified harm. The proposal does not preserve or enhance positive local character and distinctiveness; does not preserve or enhance heritage assets and is not influenced by the historic and existing character and townscape, contrary to the Herefordshire Local Plan Core Strategy policies SS1, SS6, RA2, LD1 and LD4, Callow and Haywood Neighbourhood Development Plan Policy CH1 and the heritage aims and objectives in Chapter 15 of the National Planning Policy Framework.**
- 4. The design of the proposed dwelling, by virtue of its massing and design has not been positively influenced by the character and appearance of the cluster and as a result would exacerbate the harm identified in reason for refusal 3 in conflict with Herefordshire Local Plan –Core Strategy Policies SD1 and LD1 and Callow and Haywood Neighbourhood Development Plan Policy CH1.**

41. 214073 - LAND ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BU

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

In accordance with the criteria for public speaking Ms Connop, spoke on behalf of Eardisland Parish Council, Mr Kirby, local resident, spoke in objection to the application and Mr Smyth spoke in on behalf of the applicant, in support.

In accordance with the Council's constitution the local ward member provided a statement to be read to the committee. In summary he explained that the matter had been referred to the planning committee due to the large number of comments and objections from the community. The village and surrounds of Eardisland were in a floodplain with a high water table and no mains sewage system. Given the circumstances of the application it would be useful to establish a policy determination of the planning authority.

The committee debated the application.

A motion that the application be refused in accordance with the case officer's recommendation was proposed by Councillor Sebastian Bowen and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

RESOLVED – That planning permission be refused for the following reasons:

- 1. The application fails to adequately demonstrate that the proposed means of waste water disposal adequately protects the water quality of the River Wye Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site), contrary to Policies SS1, SS6, LD2 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies E1(k) and E9(h) of the Eardisland Neighbourhood Development Plan 2016, the Conservation of Habitats and Species Regulations 2017, the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006.**
- 2. The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of Eardisland village and be out of keeping with the established settlement pattern, detrimental to local landscape character, contrary to Policies SS6, SD1, LD1 and RA2 of the Herefordshire Local Plan - Core Strategy, Policies E1, E3 and E9 of the Eardisland Neighbourhood Development Plan 2016, and the National Planning Policy Framework**
- 3. The proposed development would, by virtue of its location, siting, density, massing, scale and layout, urbanise the rural setting of the Eardisland Conservation Area, detrimental to the significance of the designated heritage asset, contrary to Policies SS6 and LD4 of the Herefordshire Local Plan - Core Strategy, and Policy E2 of the Eardisland Neighbourhood Development Plan 2016. The scheme's public benefits would not outweigh the identified heritage harm, taking into account the statutory duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the weight to be afforded to the asset's conservation as set out in the National Planning Policy Framework**
- 4. With a clear priority being given to pedestrians and cyclists at a national level, a failure to provide an appropriate link for them to the centre of the village, along a stretch of road where it has been demonstrated that vehicle speeds significantly exceed the 30 mph limit, the proposal would result in an unacceptable impact on highway safety, contrary to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**
- 5. In the absence of an agreed emergency evacuation plan and having regard to the site's high susceptibility to flood risk, the application fails to adequately demonstrate safe access and escape routes for future occupants of the development during a flood event, contrary to Policy SD3(2) of the Herefordshire Local Plan - Core Strategy and paragraph 167 of the National Planning Policy Framework**

42. APPENDIX TO THE MINUTES - SCHEDULE OF UPDATES (Pages 19 - 42)

The meeting ended at 1.21 pm

Chairperson

PLANNING COMMITTEE

Date: 28 SEPTEMBER 2022

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

193042 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), FOOTWAY/CYCLEWAY AND VEHICLE TURNING HEAD, STOPPING UP AND RE-ROUTING OF A SHORT SECTION OF GRAFTON LANE, NEAR THE A49, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (AMENDED PLANS AND ADDITIONAL SUPPORTING AT LAND NORTH AND SOUTH OF GRAFTON LANE, HEREFORD, HR2 8BJ

For: Anderson per Mr Matthew Gray, Suite D, 1st Floor, 220 High Street, Swansea, SA1 1NW

ADDITIONAL REPRESENTATIONS

Mrs L Burgess by email

- 1) I note multiple documents have been uploaded to your website since 8 September 2020 as follows:-

- ☐ Addendum Design and Access Statement 3.12.21 4MB
- ☐ Climate Change Checklist Energy Statement and Analysis - 14.7.21 2MB
- ☐ Design & Access Addendum 20.04.21 16MB
- ☐ S278 Feasibility Drawings 9.4.21 1MB
- ☐ R Site Entrance Feasibility Report 9.4.21 12MB
- ☐ R Revised Sustainable Transport & Design Report Oct 2020 7MB

- 2) I also note the agent's email of 3 December 2021 re. documents for your website:

Hi Heather, I was reviewing our file and cross referencing with the information published to your website. I noted that the Revised Development Framework Plan published to your website is Revision E, however our records indicate a Revision G attached, which shows the alternative proposals for the closure of Grafton Lane. The attached DAS also includes this Revised Development Framework Plan at

I also noted that your Highway colleague's response refers to a plan referenced 2477-125-A. I could not see this on the website so also attach.

Have a good weekend.

Regards Rob Davies –

- 3) I also note that approximately 17 representations have been uploaded to your website since 8 September 2020.
- 4) Public Consultation
- a) May I please ask whether the public should receive a consultation period for any of the documents in 1) and 2) above please?
 - b) May I please ask whether the public should receive a consultation period for any of the approx. 17 representations uploaded to your website since 8 September 2020 please?

Thank-you for your letter notifying me re. the above application being considered on 28 September 2022.

The public consultation ended on the following date (copied and pasted from your website today):

Consultation end date Tuesday 8 September 2020

In July 2021, I read your case officer's update of 23 July 2021, as follows:

"From: Carlisle, Heather Sent: 23 July 2021 11:45

To: 'Rob Davies' <rdavies@asbriplanning.co.uk>

Subject: RE: Grafton Lane, Hereford -193042 case officer update 23/7

Good morning Rob,

Grafton Lane, Hereford - 193042 -Outline

As per my email to your colleague Matthew on the 20th April, I am awaiting receipt of the final archaeology report and as you have updates from Highways England on drainage and the SUDS scheme and outfall. *I have always maintained that once the updated archaeology and Highways England replies are received I would go out for a two week consultation. This still remains the case. As a case officer, I prefer not to drip feed information on major applications to local residents/councillors but wait for a meaningful Consultation. I would envisage this will be a 14 day consultation starting once the site notices are displayed....."

Consequently, I have been expecting another public consultation prior to this application being considered. Your letter re. the above application being considered on 28 September 2022, was thus completely unexpected. Would you kindly advise why this consultation, which you refer to above, did not take place please?

OFFICER COMMENTS

In respect to consultation. Local planning authorities must undertake a formal period of public consultation before making a decision on a planning application. Statutory notices ensure local residents are informed about applications that affect them and this was undertaken when the application was first validated and following the revised location plan (reduced plan). If an application has been amended it is up to the Local Planning Authority to decide whether further publicity and consultation is necessary in the interests of fairness. In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.

The proposed submitted site location plan drawing has not altered since the last period of consultation. The supporting framework plans which have been submitted are indicative and not including in approved drawings moving forward. Additional information which has been submitted included indicative drawings, amended reports to technical reports and primarily to advice of the reduced number of units and drawings which were part of the overall discussions with National Highway's. There will also be a further opportunity for local residents to make representation in any future reserved matters application when plans are no longer 'indicative' but form a part of a formal proposal

This is not a full application but Outline with access. It is noted that the complainant has put in numerous objections on various matters that have been very carefully considered before reaching a recommendation. Having regard to the issues already raised in representations officers considered that the updated plans and information did not make any material changes that would have required a further period of consultation before determination.

The application and As advised on the website, the local planning authority do take into account views received after the formal period for comments has closed and the case officer has considered all comments that have been received following the display of the initial site

notices. The delay to getting the application to planning committee was ongoing discussions with national Highways. Officers are confident that none of the interest parties have been prejudiced in any way.

Additional Representation:

National Highways are content with the amendments to ensure the conditions meet the required tests.

With regard to your condition 29, could ' *The approved works shall be implemented in full in accordance with the approved vegetation clearance scheme*' be added to this condition.

Officer comments:

Condition 29

Original condition as per committee report:

Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

Revised wording for Condition 29:

Prior to completion of the approved development, a vegetation clearance scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying hedgerow, vegetation and maintenance work on the existing footway along A49 to the north of the railway bridge to allow the footpath to regain its full width. The approved works shall be implemented in full in accordance with the approved vegetation clearance scheme.

Reason: To provide a safe walking route, sustainable travel and ensure pedestrian safety on the footway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

Officer comments:

Officers have sought further advice from the Local Highway Authority in regards to

Condition 23:

Original condition as per committee report:

Development shall not begin in relation to any of the specified highways works until details (of the works) 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 on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

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.

Revised wording for Condition 23:

Development shall not begin in relation to any of the specified highways works until details of the works/Alterations to Grafton Lane have been submitted to and approved by the Local Planning Authority in writing .The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

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

CHANGE TO RECOMMENDATION

Amended conditions as recommended above.

214270 - PROPOSED SINGLE STOREY DWELLING ('PIPPIN GRANGE') AND ANCILLARY OUTBUILDINGS. TO INCLUDE RENEWABLE TECHNOLOGIES, REINSTATEMENT OF HERITAGE ORCHARD AND BIODIVERSITY ENHANCEMENTS AT LAND SOUTH WEST OF ROMAN BYRE, HEREFORDSHIRE

For: Mr & Mrs Sharp per Miss Rebecca Jenkins, 4-5 High Town, Hereford, Herefordshire, HR1 2AA

ADDITIONAL REPRESENTATIONS

Following the Historic Building Officer's comments, the applicants have queried the status of Non-Designated Heritage Assets when referring to the buildings to the north of Haywood Lodge. The Historic Building Officer has provided the following rationale for his assessment:

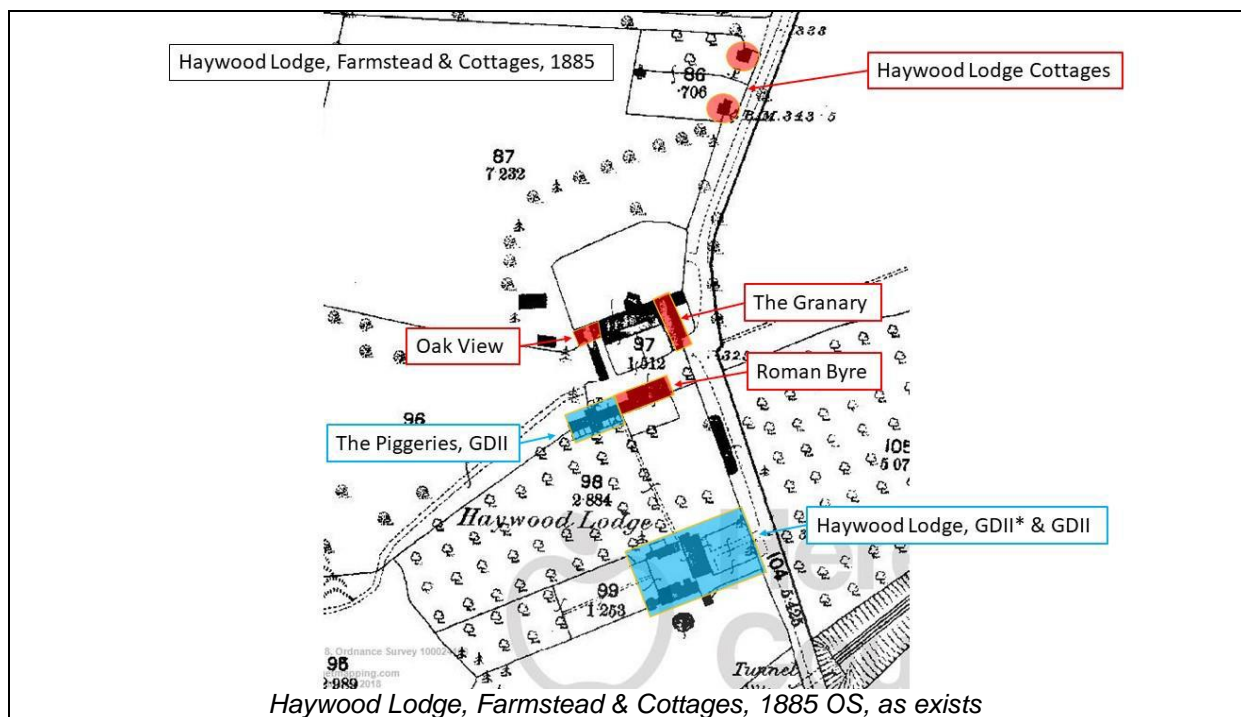
Non-Designated Heritage Assets adjacent to Haywood Lodge, Haywood Lane, Belmont

As part of an assessment of setting undertaken to provide heritage comments on a planning application for a new dwelling at land adjacent to Haywood Lodge (214270), a number of former agricultural structures, now dwellings, were identified as having sufficient merit and group value to be considered non-designated heritage assets (NDHA).

Paragraph 040 of Government's Historic Environment Guidance highlights the planning application decision-making process as being a legitimate opportunity to identify NDHA's.

At that point, and on the basis of sound evidence, established criteria set out by Historic England in their Local Listing guidance, and designation guidance notes are employed to evaluate suitability (designation guidance relates the assessment of buildings of national importance and is therefore a higher threshold).

The assessment is consistent with the identification process necessary for NDHAs to be registered on a formal Local List, which Local Authorities are responsible for compiling, rather than Historic England, who only assess statutory nominations.



With regards The Granary, Oak View, Roman Byre and Haywood Cottages, the relevant criteria included the age of the structures; their architectural value in relation to design detailing, material construction, craftsmanship, and distinctive characteristics which evidence their historic function; their group value, identifiable through shared design characteristics and historic associations; and their historic value, identifiable through shared experience, memory of place, and characteristics and functionality which contribute to local and regional identity.

The planning history for The Granary, Oak View and Roman Byre is somewhat complex, with a number of approvals being issued for different schemes over a four year period.

The Granary & Roman Byre:

Approvals were granted for the conversion of the Granary and Roman Byre on the 1st of February 1993 (SH921423PF & SH921424LA), and other more minor approvals for these properties followed on the 29th June 1993 (SH930587PF), and 21st September 1993 (SH931050PF); and for alterations to the listed Piggeries on 21st October 1993 (SH931181LA).

None of these interventions have resulted in changes which would be sufficient to alter the heritage merits of either property, and their architectural/group/historic value still remains clear.

1 & 2 Haywood Lodge Cottages:

No.'s 1 & 2 have been the subject of several planning applications for extension and alteration, particularly No.2, but, as with the Granary/Roman Byre, their values remain distinct and the additions have not impacted on their presence within the road-scene, and how the group is experienced from the northern approach.

A 2008 planning application (DCCE2008/2784/F) to extend No.2 was refused, but the officer's evaluation of the property stated the building was, *'an attractive and architecturally interesting dwelling, which remains largely unaltered sitting in a relatively prominent position adjacent to the road.'*

A revised scheme was approved the following year, and the officer concluded that the, *'key changes are sufficient to retain the visual dominance of the original dwelling from the front and side elevations and consequently, the impact of the scale of extensions on the character of the original dwelling is now acceptable.'*

Both cottages are modest gothic-revival in their architectural style, and this is expressed in the steeply pitched roofs and the lancet form of the dormers and doorways; additional

detailing, such as dog-tooth brickwork at eaves level and a stringcourse, ensure a commonality of form which also extends to the later additions.

Oak View:

In relation to Oak View, it has been claimed by the present owner, and the owner of Roman Byre, that the building was a completely new build construction, circa-1993, and that the former threshing barn and attached single-storey range at its south-western end were completely demolished prior to Oak View being built.

However, planning permission and listed building consent were granted for the conversion of the threshing barn into three units on the 26th September 1994 (SH941013PF & SH941014LA), and this did not include the demolition of any attached structures.

This was followed on the 22nd July 1996 (SH960703PF & SH960704LA) by new permissions granted for a kitchen extension and detached garage at unit 3 (Oak View), and a number of other variations to the 1994 approved scheme which related primarily to windows, doors, infilled openings and a balcony; this effectively superseded the 1994 approvals and appears to have been what was ultimately constructed.

A photograph of the site taken prior to any conversion works beginning clearly illustrates the threshing barn with a large lean-to structure at its south-eastern end, but with its formerly attached single-storey range having been demolished by this stage.



Haywood Farmstead c.1992-1993 – Threshing Barn with Lean-to & Granary behind

Further photographs were taken when the Granary conversion had been completed and they illustrate the south-eastern lean-to structure having been demolished, leaving the threshing barn as the sole structure which was to be converted under the 26th September 1994 approval.



Haywood Farmstead c. 1994 – Threshing Barn, Granary & Roman Byre

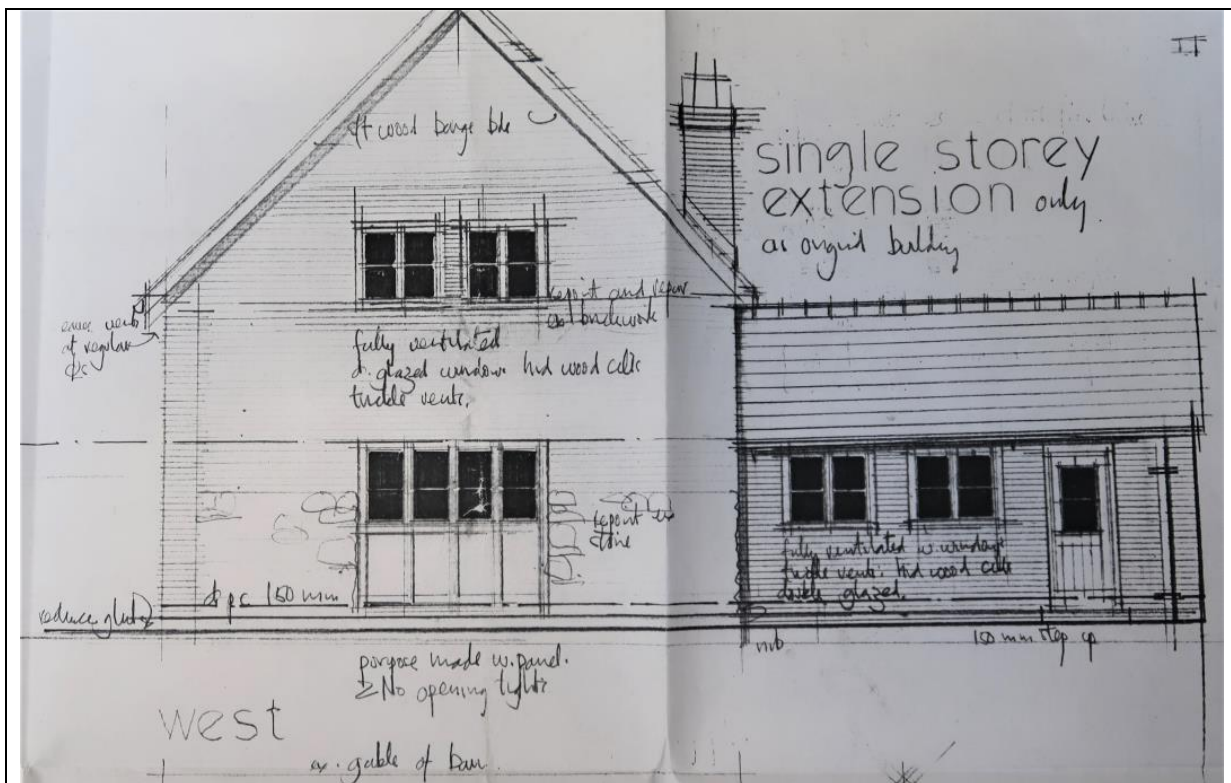


Haywood Farmstead c. 1994 – Threshing Barn, Granary & Boundary Walling

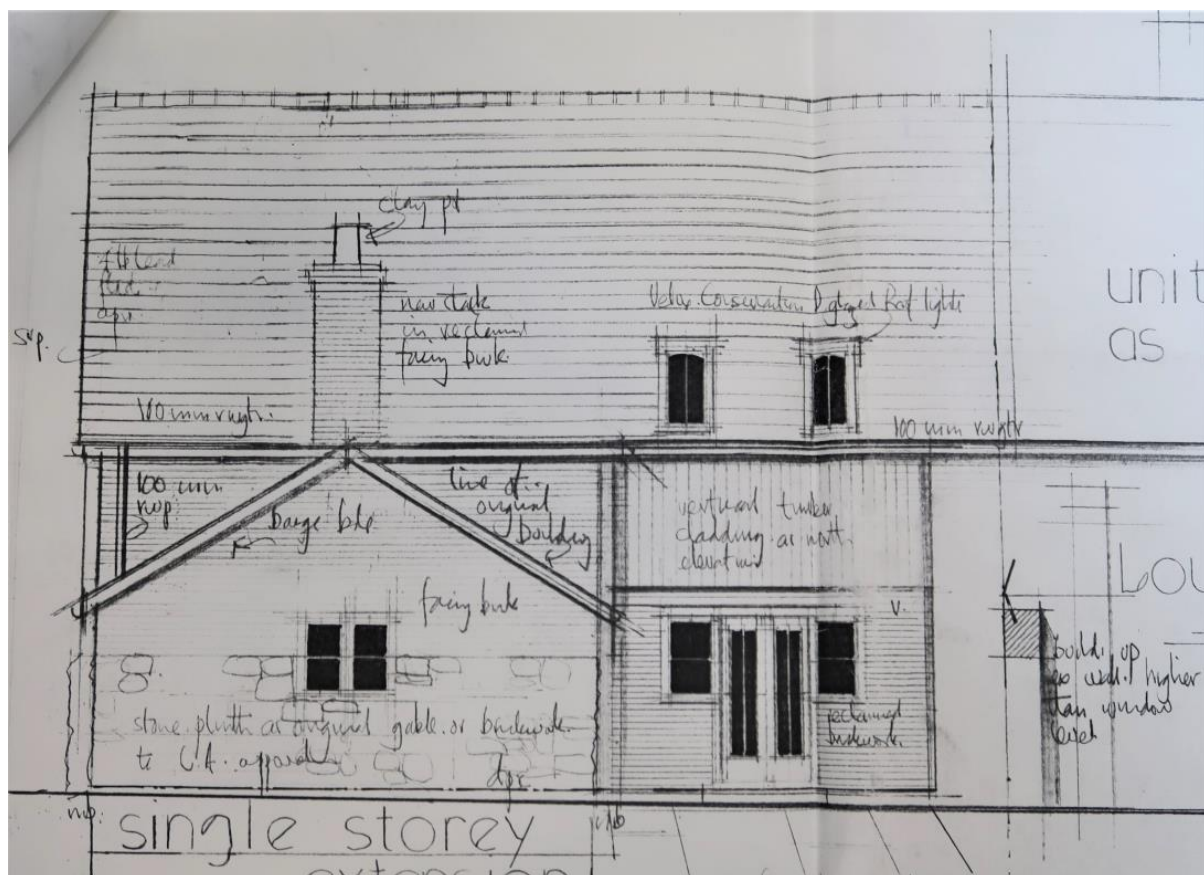
The owners of Oak View and Roman Byre have provided their interpretation of the building's timeline, but this does not accord with the evidence available within the planning records. The 1994 approval was for conversion of the threshing barn into three units, with the westernmost bay being a single two-storey unit, the former threshing bay functioning as vehicular access between both sides of the building, and the eastern bays of the barn accommodating the other two units.

By 1996 this was altered so that the western bay and threshing opening formed one unit (Unit 3), whilst approval was granted on the 19th of July 1996 (SH960631PF) for the eastern bays of the threshing barn to be demolished and a new double garage constructed in its place.

So the westernmost bay (Oak View) was retained in its entirety, converted, and then extended in 1996 with a single-storey kitchen extension.



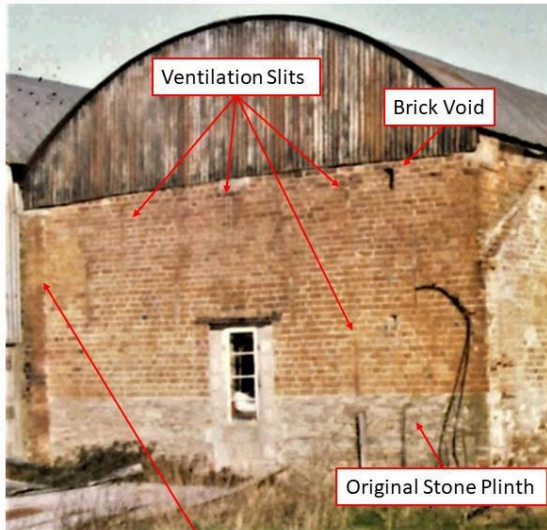
Oak View Conversion & Extension 1996 – note re-point & repair existing stone/brick annotation



Oak View Conversion & Extension 1996

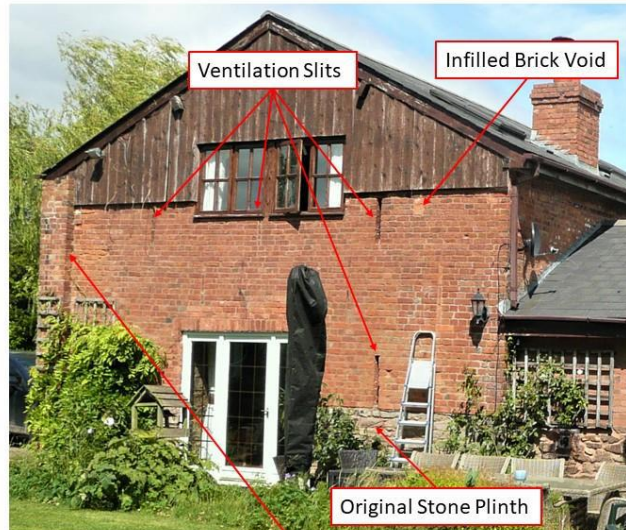
The earliest image clearly illustrates identifiable gable-end features which remain visible today, and in addition to the brickwork, these include a brickwork strip at the northern side, infilled ventilation slits, and a distinctive three-brick slot at wall plate level.

Threshing Barn Pre-Oak View Conversion, c.1993



Original Brickwork & Vertical Brick Pier

Threshing Barn Post-Oak View Conversion, 2022



Original Brickwork & Vertical Brick Pier



Whilst Oak View's heritage merits are less obviously expressed than those at The Granary or Roman Byre, the evidential features which remain clearly enable the structure to be read as part of a converted threshing barn, and as such, maintain its architectural/group/historic value.

The fact all three buildings have been subject to domestic conversion will not necessarily have any direct bearing on their heritage value, in the same way that listed agricultural buildings don't lose their statutory status as a result of being converted.

Conclusion:

Based on the heritage evaluation undertaken to determine the setting of Haywood Lodge the former farmstead buildings and farm cottages were identified as meriting NDHA status; the justification for this has been outlined above, and that assessment remains valid.

Planning History:

SH921423PF & SH921424LA - 1st of February 1993:

Permission was granted for the 'Change of use from obsolete farm buildings to form one detached & two semi-detached dwellings barns adjacent to Haywood Lodge, Haywood Lane, Belmont'.

This approval related to the properties now known as The Granary, and Roman Byre.

SH930587PF - 29th June 1993:

Permission was granted for amendments to aspects of the Roman Byre approval, including the addition of a gazebo structure.

SH931050PF - 21st September 1993:

Permission was granted for the addition of a 'Small Utility Room' to The Granary.

The Block Plan provided with this application illustrated the land within the ownership of the Granary at that time included the former threshing barn and stable block or loose box range attached to its south-western end.

SH931181LA - 21st October 1993:

Permission for 'Alterations for use of pig cotts as a studio'.

SH941013PF & SH941014LA - 26th September 1994:

Permission was granted for the 'Conversion/alterations to form 1 No 3 bed and 2 no 2 bed cottages barn adjacent to the granary'.

This permission related to the former threshing barn, but did not reference the attached stable/loose box structure, and the 'as existing' elevations did not indicate its presence, nor that of a large lean-to structure at the eastern end of the southern elevation (see photo).

However, they did illustrate the eastern end of the barn as being two-storey in height and clad with what appears to represent horizontal timber. Approval was granted for this end to be reduced to single storey proportions.

It would appear that the scheme was not executed as approved as the elevations bear no resemblance to in relation to openings.

It is interesting to note that a confirmatory letter dated 10th February 2008, from the Council Planning Department to Carver Jones Solicitors, Hereford, confirmed that none of the conditions attached to the approval had been discharged.

SH960417PF - 22nd May 1996:

Permission was refused for, 'Two-storey extension and double garage & revisions to Unit 3 the barn adjacent to the granary'.

SH960631PF - 19th July 1996:

Permission was granted for 'Part demolition of ex barn to form double garage' to be associated with The Granary.

SH960703PF & SH960704LA - 22nd July 1996:

Permission granted at Unit 3 the Barn for, 'Double garage and single storey extension to form kitchen'.

SH961399PF - 4th January 1997:

Permission granted at the Granary for 'Covering of 1 window to front east elevation'.

The applicants have provided a rebuttal to these comments as follows:

Dear Mr Withers,

Thank you very much for your email with a report attached from the Building Conservation Officer, we assume from Mr Rutledge.

We were sorry to see some of our comments in our 8th September email still have not been addressed. It would be helpful to have clarity on all the issues and we respectfully ask that an urgent independent review is undertaken as we refute the Building Conservation Officer's personal opinion that the group including Oak View, The Granary, Roman Byre and Haywood Cottages ('the group') should be listed as NDHAs. Please advise how and when this independent review will take place.

In the meantime, we would like comments on the following unresolved matters:

1. Whilst we appreciate an NDHA may be discovered during a planning application submission, it must be noted that Mr Rutledge and his colleagues in the Historic Building Conservation department have commented on many, many planning applications over the decades – including very recent applications – and yet have only now decided 'the group' has an historic interest. We ask once again, why the NDHA is warranted in 2022, when it has not ever been considered in any report in the past.

2. Since conversion in 1993, Roman Byre, for example, has had the following planning applications granted:

Two detached garages

A pagoda

Mounting of solar panels to Roman Byre and to the listed Piggery

An extension (for a third bedroom and ensuite) to Roman Byre

Change of use to holiday let (Piggery)

A new access

No mention was made of an NDHA in any of the applications (above) with the most recent, for the new access, granted in 2021. Mr Rutledge confirmed that he had visited the site (but admitted it was from the roadside only) and had allegedly considered the setting of properties from his car. At no time was an NDHA mentioned in this or any other report until his visit to Haywood Lodge in April 2022. We ask for clarity on this unexpected evaluation to label our properties as NDHAs when clearly the idea wasn't justified even as recently as two years before.

3. An Appeal Inspector visited Roman Byre under application number 191142 and ruled in the Decision of October 2020 that, 'Based on historic mapping, there would have been a distinction between the formal Lodge and the working farmstead'...'However, Haywood Lodge now functions as an independent dwelling and is physically separated by boundary treatments.' The Appeal Inspector went on to explain that common land features between the sites 'have been largely eroded', and as a consequence, the significance of any heritage assets 'is largely defined by their individual architectural value, along with the group value associated with those listed buildings and features within the grounds of Haywood Lodge.' In other words, the Inspector has already concluded that the heritage assets of Haywood Lodge are largely confined to the listings and features within the grounds of the Lodge and any relationship between Roman Byre, The Piggery, The Granary and the Cottages have been lost over time, due in most part to the domesticity and boundary treatments of the properties.

We respectfully ask why the Building Conservation Officer has ignored the conclusions of the Inspector who actually visited the site and considered the 'setting' in person and in great detail informed by his visit.

4. Government guidance on identifying NDHA's was updated in 2019 and the PPG and

NPPF were amended to remind local authorities that the **identification of an NDHA is a rarity** rather than a common occurrence. Further, we learn that if a NDHA has been identified, it should have sufficient justification and plausibility based on sound evidence. We understand the Building Conservation Officer's *very recent opinion* is that 'the group' of buildings evidence some historic function identifiable through shared design characteristics and historic associations. This is not borne out by the Inspector. Further, over time, the aforementioned buildings have their own identify (domestic residences with boundary treatments that separate one from the next).

Please see the photos attached of the buildings to understand there is no 'historic connection'.

- Roman Byre and The Piggery are stone-built single storey dwellings.
- The Granary is a red brick two storey building, extended in 1993 to double the roof area, re-clad in modern roof tiles.
- Oak View is a relatively new build cobbled together from just one existing wall of the threshing barn and parts of the other two with modern extensions added in 1996.
- Haywood Lodge Cottages are modest 'Gothic Revivals' with many extensions added (particularly to no.2 which has had *'numerous extensions in the past which have altered the appearance of the dwelling from a modest cottage to a larger property'* (2018 delegated report, page 3, P181586/FH).

We seek clarity on why the LPA Officer concludes that the 'relevant criteria' have been met when clearly there is **no group value, identifiable through shared design characteristics**

5. Further, aside from there being no shared design characteristics, any historic associations have been eroded over time. Boundary treatments, including the vast 40ft boundary hedges that surround Haywood Lodge, have severed any ties to the farmstead buildings.

6. The Church (who originally owned all the land) sold the agricultural land (including 'the group') in 1993. Haywood Lodge wasn't sold off until 1996. The Church therefore severed the ties between house and the farm and each plot has existed separately ever since.

7. See plan attached that evidences how much of the original functionality has been lost (in red) and additions (in yellow) to the domestic properties and light industrial additions which have altered how the setting of Haywood Lodge can be understood on the ground.

8. There are 3589 historic farmsteads recorded for the county; Haywood Farm is therefore not unique (Herefordshire Historic Farmsteads Characterisation Project Report (Stage 1 Baseline Mapping)). We wish to challenge the idea that just because a farm may have once been 'historic' it does not follow that each one should have an NDHA. If that were the case, there would be 3589 NDHAs for each historic farmstead. Please confirm if that is the case.

9. The LPA refer only to a 'Haywood Farmstead' and we are unclear which farm they mean. 'Haywood Farm' is located off Tram Inn Lane and although it too appears on The 2008 Farmstead Characterisation Project Register, it is still a working farm, also with listings, although as far as we can tell, without an NDHA.

When 'Haywood Lodge' and the surrounding buildings were sold off into plots (with the majority of original farm buildings demolished in 1993) a new 'Haywood Lodge Farm House' was built in 2001 with a new dominant access, roadside frontage and modern tarmac driveway that essentially severed the Granary from the Cottages (shown in red below).



Haywood Lodge



The new Haywood Lodge Farm House continued to work the surrounding fields that had been separated from Haywood Lodge in 1993 but, the land was further split between Haywood Lodge Farm and Broadmeadow Farm, thus the land and setting experienced great change in 1993 and again from 2001.

New, modern, light-industrial units, commercial warehouses and storage buildings were erected within the 'historic building group' (where the old agricultural buildings used to belong) and new gates, fences and boundaries have all but succeeded to erode any trace of an association with Haywood Lodge (see below the new Haywood Lodge Farm, driveway and commercial buildings within 'the group').



Vast road side frontage, access and driveway to the new Haywood Lodge Farm House and commercial buildings set in 'the group' separating The Granary from the Cottages and recalibrating the reading of the farmstead.



10. Lastly, there is the question of compensation. If we are unsuccessful in our challenge, the NDHA will affect our property in a way that will hamper any future development and may discourage any potential purchasers. Had we known of the NDHA eight years ago when we purchased Roman Byre, we may have thought twice about it. Certainly, the owners of Oak

View and No. 1 Haywood Lodge Cottages, who moved to the hamlet less than two years ago, have seen their properties de-value overnight. We ask what measures are in place to compensate the properties in this NDHA.

We look forward to your comments about these points together with information about an independent review of the NDHA allocation.

Yours sincerely,

Kate and Sandy Shar

Photos of 'the group' evidencing no 'shared design characteristics'.



Roman Byre and The Piggery



Oak View



1 Haywood Lodge Cottage



2 Haywood Lodge Cottage



3-4 Haywood Lodge Cottage



The Granary

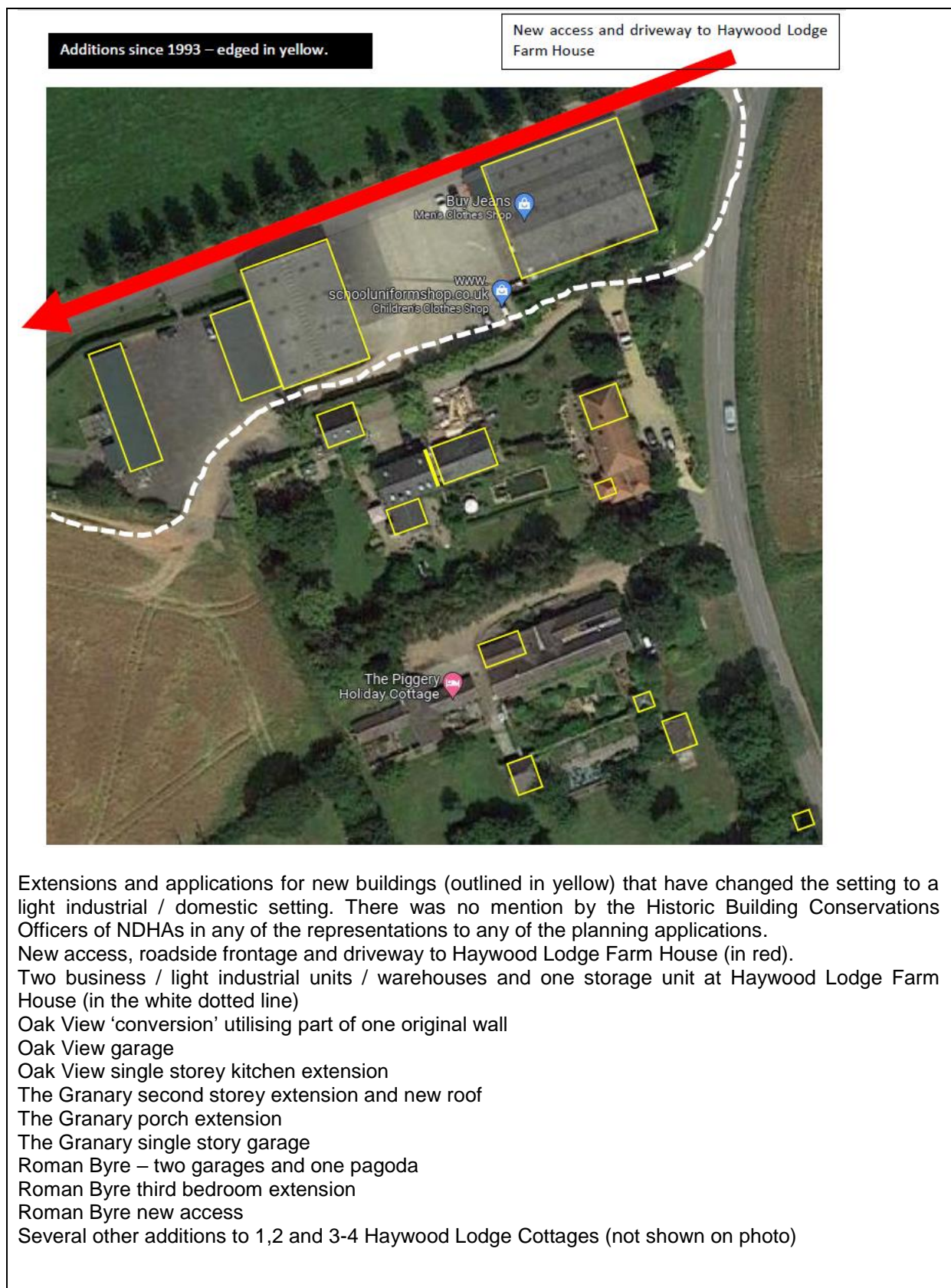
Plans Showing Changes

Original farmstead circa 1960



Buildings demolished since 1993 – in red.





In response to the recommendation (and specifically recommended refusal reason 2), the applicant has commissioned the submission of a revised plan which was received on 26 September 2022. The Council's drainage consultant has been contacted for further comments and a further update will be provided.

Further representation was received on 26 September 2022 stating the following:

"I am greatly in favour of eco builds and I support this application."

Schedule of Committee Updates

I have read that the parish council support this application too.

I note the parish councillors considered the effect of the eco-home on neighbouring properties and were comfortable its location should not have a negative impact on them.

Thank-you for considering my above supportive representation."

OFFICER COMMENTS

The comments have been taken into account, however Officer`s consider that the advice provided by the Council`s Building Conservation Officer with regard to nearby Non-Designated Heritage Assets is sound. Notwithstanding this and contrary to the view expressed by the applicant, it is considered that whether the cluster of buildings is considered a Non-Designated Heritage Asset or not, does not change the assessment of the scheme as laid out in the Officer`s Report. Nor does it alleviate the impact identified on designated heritage assets and their settings as raised by Historic England and the Building Conservation Officer.

Furthermore, it is recognised that there is an error stating that the site is within Callow Parish, when it is within Haywood Parish. Again, this does not change the assessment of the scheme, both parishes being within the Haywood and Callow Neighbourhood Area and therefore sharing the same Neighbourhood Development Plan. Furthermore, it does not change the policy interpretation as laid out in paragraphs 6.5 to 6.15 of the Officer`s Report, the site not being within the named settlements defined at paragraph 4.1.12 of the NDP.

In relation to the additional drainage information provided and particularly given the limited time available to secure technical advice, a change to the recommendation is advised.

The additional representation has been reviewed and are not considered to raise any new planning considerations which are not otherwise considered in the report.

CHANGE TO RECOMMENDATION

Prior to the issuing of any decision in relation to this application, and in order to enable receipt of updated technical advice if this is necessary, that the further comments of the land drainage consultant are received and that officers are authorised by the Scheme of Delegation to Officers to amend/remove refusal reason 2 based upon the updated advice

**214073 - 6 NO. DWELLINGS WITH GARAGES AT LAND
ADJACENT TO ARROW LEA, EARDISLAND, LEOMINSTER,
HR6 9BU**

**For: Mr Staples per Mr John Needham, 22 Broad Street,
Ludlow, Shropshire, SY8 1NG**

ADDITIONAL REPRESENTATIONS

The following email was received from the applicant`s agent at 12:53pm on 27 September 2022:

Having read your Officer`s Report I find the reasons for refusal misleading and in some instances based on out of date information. I have set out below my comments on the

refusal reasons 1-5. You may consider, having read the comments below, that you might want to withdraw the application from the meeting tomorrow and reconsider your report.

Refusal Reason 1

1. The officer's report appears to be based on out of date information. It takes no account of the lengthy response from Corner Water Consulting Ltd. dated 13th July 2022. No response from the Council's engineer has been received or appeared on the website. To base the report on out of date information is highly misleading and unreasonable. All the officer's comments are based on knowingly out of date consultations.
2. Welsh Water's comments have been satisfied and agreed by the Environment Agency who have now recommended a Condition.
3. The Council now agree a drainage field cannot be gravity fed because it would put the drainage field in zone 3 land.
4. A management agreement will cover the maintenance of the pumps, treatment plant, drainage system and access arrangement and this agreement is not normally part of the planning process.
5. Pumping stations are approved and adopted by the Water Boards.
6. The foul drainage solution is in accordance with building Regulation Part H and BS6297. It also follows BRE 478 Drainage Mounds guidance.
7. Balfour Beatty, now the Council's drainage engineer, increased their opposition to pumping systems around May 2022, but have since returned to a position that reflects National Policy, i.e. pumping stations are not preferred, but are acceptable when required. The 14/6/2022 BBLP comments (made on 16/6/22) agree with this approach, i.e. BBLP Overall Comment – the pump station is a less sustainable solution, not that it must be removed.
8. All foul drainage does not need to be on communal land. We agree elements will require replacement in due course but the Management Agreement will cover access to carry this out.
9. There is no public foul drainage system in Eardisland. All properties in the village are on septic tanks or treatment plants with soakaways in the gardens.
10. As far as we are concerned all issues raised by the Council's own Engineer, Welsh Water and the Environment Agency have been overcome and there is no reason why drainage should be raised as an issue for refusal.

Refusal Reason 2

1. All dwellings and the access road are on zone 1 land.
2. It is accepted by the Council that the layout does not affect the amenity of neighbouring properties Arrowlea and The Old Barn.
3. The site is adjacent to the village boundary. Both the PC and Officer in this report have said the site is suitable for development of up to 5 dwellings. However NPPF at para 119 says "decisions should promote an effective use of land" so 6 No. dwellings on 0.65h is making a more effective use of the site and provides some lower cost dwellings.

4. Policy RA2 states development will be permitted within and adjacent to the boundary. This is confirmed in the report at 6.8 which says "The principle of developing the site with housing is therefore accepted".
5. I had the same argument of urbanisation put forward at Yarpole. The Inspector there did not agree and awarded costs against the Council. The Committee are welcome to inspect that site which is nearly completed.
6. The amended layout of the 3 No. cottages was put forward for discussion and to demonstrate that it was a poor alternative. It had more impact on Arrowlea. The garage layout and parking became cramped. The amenity areas were on the north side of the building. There would be parking at the front of the properties and an area of ground against the road which would be in multiple ownership and probably neglected. There was no improvement achieved. It did not work, unfortunately. No discussion ever took place. I was only asked if the drawing was submitted as an amendment which it was not.
7. The NP allocates 18 dwellings in Eardisland and Policy RA2 states development will be permitted within and adjacent to the boundary. This is confirmed by the report at 6.8 which says "The principle of developing the site with housing is therefore accepted". Only 2 dwellings have been built in Eardisland since the adoption of the NP in 2016. Neither was on zone 1 land.
8. The Environment Agency have now agreed the finished floor levels and flood risk resilience and withdrawn their objection.

Refusal Reason 3

1. Natural England have not objected.
2. The concept of the proposal was to maintain View 1 but to provide a design which would actually enhance the approach into the village. The row of 3 small cottages in vernacular design with an arched opening to service the rear and remove all parking and garages from sight, it was believed would enhance the approach, i.e. would be an improvement on what is there now. It still is believed to be the case.
3. A photograph of a similar 3 No. cottages built by the agent 25 years ago in Shropshire which was submitted to illustrate how the approach would look, has not been produced in the report even though it appears on the website. Could it now be shown to the Committee please?
4. Materials chosen are timber, brick, stone and render with traditional steeply pitched roofs in slate and clay tiles. The properties are designed to complement the established local character of the village.
5. The Conservation Officer has stated that the proposal will result in less than substantial harm to an interest of acknowledged importance.
6. The principal elements of heritage significance in Eardisland are focused on the vicinity of the bridge.
7. The relatively small scale of the proposal extending away from the road with its vernacular character and many similar elevational treatments as within Eardisland ensures that a gentle transition occurs between the buildings and the rural landscape beyond. The group of 3 cottages gives a mix of dwellings and an appearance of 4 units set back behind Arrowlea.

8. The traditional design and detailing of vernacular character will require established craftsmen to undertake the work supporting a local skill base essential to protect the recognised character of local properties.
9. The proposed development site constitutes an additive change on the fringe of the settlement which does not impact upon the core elements of the village and being an adjunct to the built edge of the community alters yet maintains its overall relationship with the open rural area beyond.
10. To re-orientate the row of cottages might seem an improvement to the Conservation Officer but would not be to the occupiers of the dwellings. The disadvantages are the back gardens would be facing north, the parking and garages are too cramped so parking on the front of the dwellings would be unavoidable.
11. Who is going to be responsible for the large area along the roadside View 1?

Refusal Reason 4

1. The access is an adaptation of the existing field access to comply with Highways Regulations.
2. The Highways Officer confirms that none of the traffic related matters such as access, egress, parking, turning or traffic generation are considered unsatisfactory.
3. The Highways Engineers only objection appears to be that there is no pavement into the village. The applicant has offered to restore the verge on the south side of the road which in places has become overgrown due to neglect and which his traffic consultant says in his report provides a safe step off the road which is normally accepted in rural situations where a pavement would introduce a detrimental suburban element.
4. The Highways Engineer should be reminded that NPPF para 111 says "Development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road would be severe".

Refusal Reason 5

1. The reason given by the planning officer is a total misrepresentation of the Emergency Planning Officer's consultation reply and wholly unreasonable.
2. The Emergency Planning Officer did not OBJECT.
3. What the Emergency Planning Officer actually said was that in the event of permission being given he would request a Condition requiring a "Flood Evacuation Management Plan" to be included.
4. This misrepresentation is disgraceful behaviour. In my opinion, the whole report appears to have been written to mislead.

Other Matters

The case officer has been advised that the alternative pedestrian route referred to at paragraph 6.36 in the report is not a viable option for pedestrian use. A significant section of the route shown in red in the report is on private highway and therefore is not available for public use without the agreement of the landowner. It is understood that no such agreement has been reached.

OFFICER COMMENTS

In response to the email received from the applicant's agent, the following comments are provided:

Reason 1

The email misunderstands the grounds for refusal. It is not based on the efficacy of the proposed drainage arrangements per-se, but rather the fact that the proposal lies within the River Lugg sub-catchment of the River Wye SAC and that it has a failing status. The scheme has failed to demonstrate compliance with the criteria as set out in the Council's Position Statement for development within the River Lugg catchment. The Planning Committee is well-versed on this matter and it will be aware that a positive determination of the application cannot be made unless the proposal can demonstrate nutrient neutrality or betterment. In this case it would require the purchase of phosphate credits. If the proposal is deemed to be acceptable in all other respects then the committee could resolve to approve the application subject to nutrient neutrality being demonstrated.

The comments appear more to be aimed at the consultation response provided by the Council's Land Drainage Engineer. The comments referred to at point 1 have been published to the website. A further response to them has not been received from the Council's Land Drainage Engineer but on the basis of the advice given above officers do not consider that this compromises the ability of the committee to make a decision.

Reason 2

The comments do not really address the fundamental thrust of the reason, which is that the proposal is out of keeping and does not respect the established settlement pattern of the village.

The reference to a scheme in Yarpole at point 5 is not material to the determination of this application. Each should be determined on its own merits.

The alternative indicative layout referred to does not form part of the determination of this proposal. The officer's report is quite clear on this at paragraph 1.10

Reason 3

The comments provided simply counter those put forward by the case officer and the Council's Historic Buildings Officer in respect of the perceived harm to the setting of the conservation area. Officers accept that the harm to the conservation area (the heritage asset) is less than substantial. In accordance with the test set out at paragraph 202 of the NPPF, the less than substantial harm to the significance of the heritage asset should be weighed against the public benefits of permitting the scheme. Officers have applied this approach and find that the harm is not outweighed by the benefits.

Reason 4

Restoration of the verge does not amount to the provision of a public footpath. The applicant's agent's comments singularly fails to recognise the hierarchy of road users that paragraph 112 of the NPPF sets out; re-produced at paragraph 6.37 of the report. Paragraph 111 of the NPPF does indeed suggest that developments should only be prevented or refused on highway grounds "*...if there would be an unacceptable impact on highway safety...*" Officers are of the view that the lack of adequate provision for pedestrians amounts to an unacceptable impact on highway safety.

Reason 5

At no point does the officer's report refer to an 'objection' from the Emergency Planning Officer, rather at paragraph 6.54 the appraisal says that the matter of safe access during a flood event has not been adequately addressed. In the absence of any additional information to address this matter officers have little option but to include this as a reason for refusal. The suggestion of a condition by the Emergency Planning Officer is not a tacit agreement to the acceptability of the proposal, rather that it covers the possibility that planning permission might be granted.

The Planning Committee will take their own view on whether the report is misleading. However, officers consider that it sets out all of the matters that are material to the determination of the application. The responses of technical consultees are included and are available to view in full on the website and the reasons for refusal clearly reflect the comments that have been received.

Other Matters

The availability or otherwise of the route for pedestrians was not crucial to officers consideration of the proposal in respect of highway safety matters. The option shown, and now to be disregarded, provided a convoluted route for pedestrians that would not be likely to be used to walk to the centre of the village. Officers remain of the view that the proposal is unacceptable in terms of highway safety.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 OCTOBER 2022
TITLE OF REPORT:	<p>201441 - PROPOSED ERECTION OF UP TO 89 DWELLINGS (35% AFFORDABLE HOUSING). CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT DEV 1 LAND ADJOINING HAWTHORN RISE ERECTION OF 89 NEW DWELLINGS, HAWTHORN RISE, PETERCHURCH, HR2 0RQ</p> <p>For: Mr Smith per Mr Paul Smith, 1 Whitby House, Commercial Street, Hereford, Herefordshire, HR1 2EH</p> <p>Francesca Evans, Barratt & David Wilson Homes. South Wales Oak House, Village Way, Tongwynlais, Cardiff, South Wales, CF15 7NE</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201441
Reason Application submitted to Committee – Redirection	

Date Received: 11 May 2020**Ward: Golden Valley
North****Grid Ref: 334803,238508****Expiry Date: 1st November 2022**

Local Members: Cllr Jennie Hewitt

1. Site Description and Proposal

- 1.1 The application relates to a site within the village of Peterchurch which is located within the Dore Valley. Peterchurch is situated about 12 miles to the west of Hereford and about 9 miles east of Hay on Wye. The application site comprises of a field (Grade 3 agricultural land) extending to 3.97 hectares located towards the eastern end of Peterchurch. Peterchurch is a linear village with the B4348 running through the village and the site is T shaped.
- 1.2 To the south is a modern residential cul-de-sac (Hawthorn Rise) which consists of bungalows, the boundary of which is defined by a fence marking the rear gardens of a line of bungalows. To the east is Crossways, a larger residential estate, the boundary of which is defined by low level vegetation some trees and a grass track. To the north and beyond a mature hedgerow is agricultural land which rises steadily in a north easterly direction to Blakemere Hill, Stockley Hill and Barratt's Hill. Beyond this is the Peterchurch Primary School and associated playing fields.
- 1.3 Peterchurch albeit in rural location has a wide array of properties nearby including modern properties, listed buildings, a public house, church, primary school, secondary school, doctors, restaurant, fire station, police station, village shop and village hall.

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

A public footpath PR8 is located about some 60 metres away to the north east which links with footpath PR9 that runs through Bazley Lane 230 metres to the north-west.

- 1.4 There are no landscape or heritage designations on or immediately adjoining the site. Wellbrook Manor, a part 14th century farmhouse which is Grade I listed building, lies approximately 115m north east of the site. The site's topography is relatively flat albeit it does rise within the north eastern area of the site. There are overhead electricity power lines which run diagonally across the site running in a west-east direction.
- 1.5 Access into the site is via a vehicular access off Hawthorn Rise to the south and Bazley Lane to the north-west. Bazley Lane extends from the B4348 up to the north, forming the western boundary of the applicant's landownership. The boundaries of the site are marked by hedgerows and the B4348 road frontage of the site is marked by an existing embankment with hedgerow.
- 1.6 The village hall, primary school, church, and public house are all located within walking distance. The site is located with a 30mph zone and the village has undergone traffic calming measures. The roads within the area are generally single carriageway. There are bus stops located in close proximity to the application site (on the B4348) and a bus service providing a service to Hay on Wye and Hereford via Kingstone.

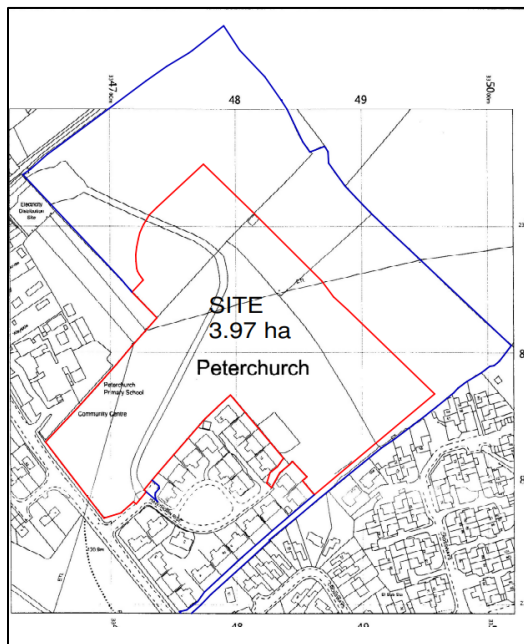


Fig 1: location plan



Fig 2: Illustrative layout



Fig 3: Aerial View of the site

- 1.7 The application is made in outline and seeks permission for up to 89 dwellings (22 no. 2 bedroom dwellings, 50 no. 3 bedroom units and 17 no. 4 bedroom units) with all matters with the exception of the means of access, reserved for future consideration.

1.8 Of this total 35% of the dwellings would be affordable. That equates to 31 units. An illustrative layout is provided that establishes a possible configuration of development along the spine road up slope and north eastwards. The higher density development is shown on the lower portion of land and closer to the B4348 road. The spine road joins the existing road serving Hawthorn Rise at a point 40 metres from the junction with the B4348 road. This spine road will also provide access to the proposed recreation area.

1.9 As defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015: “reserved matters” in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application. For this application Access is being considered.

Access: In relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

1.10 The following matters are reserved for future consideration

Appearance: Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

Landscaping: In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

Layout: Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

Scale: Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

1.11 This application has been supported by supporting documents/drawings in the form of:

- Location Plan
- Site Plan – Indicative layout
- Transport Assessments (and Addendum)
- Planning Design and Access Statement
- Historic Environment Desk Based
- Flood Risk Assessment
- Ecological Survey and assessment/ecology report and addendum
- Covering letter
- Drainage strategy
- Climate change checklist

- 1.12 An indicative layout plan has been submitted as part of the application to demonstrate that the site adequately accommodate the proposed dwellings. This plan shows the proposed housing mix and seeks to provide a range and mix of houses. It is suggested that the site could potentially provide:
- 2 bedroom x 22
 - 3 bedroom x 50
 - 4 bedroom x 17
- 1.13 As identified on the submitted illustrative plan (see figure 2) an area of land (1.2 hectares) situated between the school and Hawthorn Rise is allocated as recreational open space. This is an allocated within the NDP as policy P1.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS)

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA1	-	Rural housing distribution
RA2	-	Housing in settlements outside Hereford and the market towns
MT1	-	Traffic Management, highway safety and promoting active travel
ID1	-	Infrastructure delivery
H1	-	Affordable Housing
H3	-	Mix and range of Housing
OS1	-	Open space
OS2	-	Open space
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

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

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 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.

2.2 Neighbourhood Development Plan

Peterchurch Neighbourhood Development Plan

Policy P1 – New housing development in Peterchurch Village

Policy P2 – Ensuring an appropriate range of tenures, types and sizes of houses
Policy P6 – Landscape
Policy P7 – Open Space and Green Infrastructure
Policy P9 – Dark Skies
Policy P10 – Traffic and Transport

<https://www.herefordshire.gov.uk/directory-record/3096/peterchurch-neighbourhood-development-plan>

2.3 National Planning Policy Framework 2021 (NPPF)

Chapter 2: Achieving sustainable development
Chapter 4: Decision making
Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

2.4 Other relevant

Planning Obligations Supplementary Planning Document (April 2008)

<https://www.herefordshire.gov.uk/local-plan-1/supplementary-planning-documents>

National Planning Practice Guidance (NPPG)

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

3. Planning History

- 3.1 132707: Outline: For the erection of up to 89 dwellings including affordable housing. Construction of vehicular access and other associated work. Committee decision. Granted. 14 June 2017 with S106. This application has now expired.
- 3.2 110387/O - Erection of 16 dwellings, construction of revised access - Refused 2 November 2011. Dismissed on Appeal 20 July 2012 (APP/W1850/A/11/2165638)

4. Consultation Summary

Statutory Consultations

- 4.1 **Historic England:** We do not wish to offer any comments.

- 4.2 **Welsh Water:**
(Updated comments September 2022)

Further to recent correspondence with my colleague Matthew, we wish to update our comments to the above-mentioned planning application. Whilst we appreciate that there is no requirement to re-consult, we strongly request that this informs the decision-making process to ensure our customers and the environment are protected.

As you will appreciate the capacity in our systems does not stand still and invariable, we need to revisit our position on new development to ensure it is informed by the latest from an environmental perspective. Consequently, I can confirm that our Peterchurch Wastewater Treatment Works cannot accommodate the proposed development and would require a developer funded Flow and Load & Developer Impact Assessment. This will confirm if capacity is

available and if not, identify a solution that would enable the additional flows to connect without overloading the WwTW and risking environmental harm. We therefore request that the following condition is included on any consent for the site.

No development shall take place until:

- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and
- ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and
- iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.

No dwellings shall be occupied until the agreed scheme has been completed.

In addition, the demands on our water supply systems can change over time following the shift to home working as well as the drought conditions we have recently experienced. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Whilst we can support the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage. We therefore request that this is included as an advisory on any consent awarded. I should mention that the solution on the water supply network may be strategic in nature and we are in the process of undertaking an internal modelling exercise to confirm if the scheme is something that would need to be delivered as part of our capital investment programme.

4.3 **Welsh Water** **Previous comments: (June 2020)**

We have reviewed the information submitted as part of this application and note that under section 10 of the planning application form it refers to a submitted drainage strategy however it appears one has not been included as part of the application and therefore our comments are as follows.

We note that no specific ground infiltration testing has been undertaken to date but it appears likely that soakaways will work or in the absence of this option a direct communication to the nearby river.

In terms of foul water we have no objection to a connection to the public sewerage network, however in the absence of any drainage strategy we request that if you are minded to grant planning permission that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further

surface water or land drainage shall be allowed to connect directly or indirectly with 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 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

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Internal Council Consultations

4.4 **Principal Natural Environment Officer (Ecology): (May 2020)**

Drainage:

It is noted that no further work since 2014 appears to have been carried out or supplied in relation to how foul and surface water will be managed.

Foul Water

All foul water should be managed through the local mains sewer network for which a connection point is achievable, with a connection agreed in principle by DCWW who have also confirmed the local sewer network has capacity to manage foul water from the proposed development of 89 houses. Under current regulations and in compliance with Core Strategy SD4 (LD2) if a mains sewer connection is achievable this is the option that must be used. This mains sewer connection should be secured by a relevant condition on any planning consent granted.

If foul water is not managed by the local mains sewer system the applicant should be aware that: Any discharge of outfall from a site wide shared private foul water treatment system into any watercourse, stream, brook or culvert is unlikely to be compliant with Core Strategy SD4/LD2 as the River Dore is a designated local wildlife site and the additional nitrogen, but in particular phosphate loading would be potentially detrimental to this aquatic nature conservation site and associated protected species (including fish species, crayfish and species such as otter dependant on these other species for food. Any use of chemical stripping agents as part of the treatment process is likely to give rise to similar issues due to potential discharge of un-reacted, ecologically harmful chemicals used – usually polyaluminium compounds. The River Dore is also part of the catchment of the River Wye SAC (discharging to the SAC in Wales) and any potentially significant discharges such as additional 89 houses would trigger this LPA to undertake a formal consultation process with Natural Resources Wales prior to any grant of planning consent.

Nature Conservation (inc River Wye SAC) – Foul Water

All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

Surface Water

No surface water strategy has been supplied for consideration. DCWW have confirmed that discharge of surface water to the local mains sewer system is not an option due to potential hydraulic overloading. The 2014 drainage report indicates that an appropriate Sustainable Drainage System can be accommodated within the development and that this system will ensure no potential pollutants or contaminants will be present in any final outfall that may be required in to the local watercourse network (and thence in to the River Dore Local Wildlife Site). If planning consent is granted a condition to be discharged at Reserved Matters ensuring an appropriate SuDS, including all pollutant and contamination removal is achieved and created is requested so as to ensure the scheme is compliant with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

4.5 Additional Ecology comments: (July 2020)

The update report (June 2020) to the original ecology report from 2013-2014 is noted. There are no significant ecological interests identified and loss of pasture land proposed can be compensated for within the proposed development with provision of high quality green infrastructure – trees (including street trees in specially designed planting pits and utilising green-blue SuDS systems and green space (POS); and the significant provision of a wide range of ‘hard’ habitat enhancement features to support bat roosting, bird nesting, pollinating insect homes, hedgehog homes (and safe movement corridors) and reptile/amphibian refugia. These enhancements and ‘net gain’ can be secured by relevant landscape conditions and a pre-commencement Biodiversity Net Gain Enhancement plan.

Due to the extensive nature of the development and the unknown start date, and potential effects of the construction process on The River Dore (Local Wildlife Site) and other ecological habitats a Construction Environmental Management Plan (CEMP), including updated ecology walkover and full ecological working method statement (risk avoidance measures) should be secured by a condition on any consent granted. No further specific ecology protection conditions will be required as these are covered within the all-inclusive CEMP.

Habitat Regulations (River Lugg SAC) – Nature Conservation Protection -

Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, shall be supplied to the local planning authority for written approval. 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.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect ‘hotels’, wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be

maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

Any relevant retained tree and hedgerow protection can be advised by our tree officer in his comments.

The supplied ecology report does not include any optimal period surveys of actual use of the site and associated boundary features by nocturnal protected species such as bats. The loss of the current 'green link' in to the village centre could impact bat foraging and commuting and use by other nocturnal protected species such as Owl. To ensure any plot specific external or radiated lighting and any street lighting or other illumination that may occur is fully considered as part of the intrinsically dark landscapes benefitting local amenity and nature conservation interests, a detailed Lighting and Illumination plan should be secured for approval through a condition on any consent granted.

Nature Conservation – Biodiversity protection and Intrinsically Dark Landscapes

Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved 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 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

4.6 Principal Natural Environment Officer (Landscape): Objection June 2020

The current scheme is contrary to Core Strategy policy LD1 and LD3, as the scheme in landscape terms does not demonstrate that the character of the landscape and townscape has positively influenced the design, protection and enhancement of the landscape setting. Potential opportunities to integrate with the surroundings green networks are not provided, and existing trees root zones appear to be impacted by the development.

I refer to photographs of the site, taken on 1 June 2020 to highlight site conditions and use mark-ups to suggest recommendations



B4348 Entrance - Existing arrival generally void of trees.



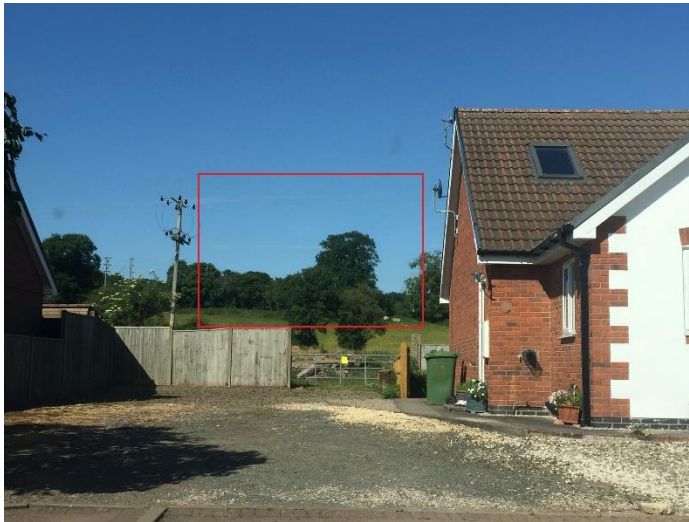
B4348 Access - Proposed arrival lacks tree cover and provides narrow landscaped verges. The sense of arrival could be significantly improved with a stronger landscape approach.



B4348 Access - Suggested arrival experience with a wide landscape verge with trees.



B4348 Access - Preferred option with new access to provide a wide landscaped verges with a treed lined drive.



Hawthorn Rise access, with visual connection with the surrounding landscape.



Proposed housing blocks the visual connection with surrounding landscape.



Development encroaches onto root protection zones of existing trees. Refer to BS 5837:2012 for trees in relation to design recommendations.



Development encroaches onto root protection zones of existing trees. Refer to BS 5837:2012 for trees in relation to design recommendations.

It is recommended that the colour of roofs and facades is takes into careful consideration with the wider landscape and existing rooflines between the new development and the old village. It is evidence as viewed from the public right of way to the higher elevation, north of the site that the skyline is important and that recessive, darker colours appear to be more in keeping with the local landscape character.



4.7 Landscape - Updated comments (July 2021):

Vehicular Access

As there is minimal impact on existing trees (i.e. removal of, or harm to roots) and minimal harm on the landscape (ground levels are relatively flat), the overall harm at the immediate point of access is relatively minor. However, as expressed in my previous comments, dated 04/06/2021, the wider impacts on the landscape character and green infrastructure cannot be viewed in isolation as a reserved matters concern only. This would imply that the landscape must fit around the access in the future, and would therefore not be an integrated iterative design outcome.

My main concern in my previous comments, dated 04/06/2021 was in relation to the impact on the open countryside, and the lack of trees or green infrastructure associated with the access. Now, the recommendations are further supported by the revised NPPF (July) that promotes high quality, beautiful places, and under chapter 131, the importance of trees and their contribution on the character and quality of urban environments.

To reiterate I refer back to the photographs of the site (taken on 1 June 2020) and mark-ups to explain my recommendations, that can be addressed for outline planning of the access points, and also at reserved matters for the wider site.

For full recommendations, refer to the 04/06/2021 comments (AS ABOVE at 4.6)

4.8 Public Rights of Way Manager: No objection

4.9 Team Leader Area Engineer: Original comments (June 2020)

Please provide an updated Transport Assessment, including full 7 day speeds and volumes surveys. A review should also include the changes to the carriageway through Peterchurch. Crossing provision should also be assessed with the view to provide a formal crossing. Links to both schools should be reviewed along with all community facilities.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

**4.10 Team Leader Area Engineer
Updated comments (July 2021)**

Revised comments: is noted that the application nature is an outline permission with only the access arrangements for the development being considered at this time. Whilst an indicative layout is provided the following comments address only the access considerations of the site.

The principle access point is along the already constructed infrastructure serving Hawthorn Rise where a T junction is proposed. The visibility splays have been considered in conjunction with the adoption plans for Hawthorn rise and the splays fall within areas that are footways and/or service strips. This is considered appropriate. The detail of this is set out on drawing 752-03 in appendix D of the transport addendum.

This drawing also sets out an extension to the footway provision to connect the new development to the footway that runs along the B4348. It is the view of the local highway authority that the provision of a pedestrian crossing on the B4348 should come forward as part of the development access strategy so that residents can be connected to amenities that are on the south of the B4348 (such as the shop and other community facilities).

With reference to the remaining Section 106 schemes the schemes set out in the transport addendum should be included in the list of schemes for this funding to ensure that the delivery of the wider transport links can be funded. The Section 106 contributions for highway improvements in the area are calculated in line with Herefordshire Council's SPD. Based on a The content of paragraph 3.1.14 of the Supplementary Planning Document setting out planning obligations is relevant for the site which sets out that affordable housing numbers are exempt from these contributions, as a result the indicative value is calculated excluding these dwellings. Low accessibility weighting S106 contributions would be required as follows, as a contribution towards the cost of public realm improvements and supporting active travel measures:

- Residential per 4 bed house - £ 4915
- Residential per 3 bed house - £ 3686
- Residential per 2 bed house - £ 2457

Detail of the pedestrian crossing on the B4348 are required prior to the LHA finalising a comment on this application, however should the LPA wish to grant permission condition CAE is required to detail the connection to Hawthorn Rise and CAP relating to the footway extension from the proposed access towards the B4348.

4.11 Historic Building officer comments:

The development is remote from any listed building and is an extension of a previously residential development on the edge of the village and I do not consider it will have an adverse impact on the character of the settlement or the listed buildings.

4.12 Archaeology officer comments

There would be no objection from archaeology and the application could be determined, subject to imposition of a suitable archaeological condition to any permission (C48).

To put you more fully in the picture, the 2013 application had an archaeological evaluation undertaken via trial trenches. This indicated the presence of prehistoric remains – but happily confined to a limited part of the site (in the south-western arm).

An archaeological excavation will be required here to accord with NPPF 205, but only a small one.

4.13 Open space Planning officer:

Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies and evidence bases for the provision of open space arising from this development are applicable.

National Planning Policy Framework (NPPF):

- o Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need Core Strategy (CS)
- o OS1: Requirements for Open Space, Sports and Recreation Facilities
- o OS2: Meeting Open Space and Recreation Needs
- o LD3 Green Infrastructure

Peterchurch Neighbourhood Development Plan (NDP) adopted:

- o Policy P1: New Housing Development in Peterchurch
- o P7 – Local Green Spaces and Infrastructure and P7/1

Evidence Bases and Standards: The following evidence bases are relevant in this instance.

Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate).

- o This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2014 and National Evidence: Fields in Trust Guidance:
 - o These recommend children's play at a rate of 0.8ha per 1000 population.
 - o Of this 0.25ha per 1000 population should be formal equipped play.

Planning Permission: This application is for up to 89 houses on land adjoining Hawthorn Rise, which previously secured planning permission ref 132707/O including 1.2ha of recreation land off Bazley Lane.

Peterchurch NDP Policy: This housing land allocation including the associated recreation space is included in the adopted Peterchurch NDP Policies P1 – New Housing Development in Peterchurch and P7 – Local Green Spaces and Infrastructure and in particular P7/1 which includes recreation land off Bazley Lane as identified on the Peterchurch Village Policies Map, to be developed as community use sports and recreation facilities for use by local sports clubs and Fairfield School.

Additional land for sports: The requirement for additional recreational sports land is supported as there has been a long established need in the Peterchurch area to meet latent demand and is supported by the local community, the Parish Council and the Herefordshire Football Association. This site is well located and Peterchurch will act as a centre for the Golden Valley Area needs. The Parish Council has not identified as yet how the site will be developed but have proposed a joint use facility with the school to support its future sustainability and there is scope for a full size football pitch. The site could also provide a Multi-Use-Games-Area (MUGA) or a small sided facility which is supported by the Football Foundation and the Herefordshire Football Association in their Facilities Development Plan for Herefordshire as a priority in this area. The provision of a MUGA or small sided facility in Peterchurch/Golden Valley will help support small sided football teams and leagues in the Golden Valley area and provide recreational and informal football opportunities.

On-Site POS/Children's Play: In accordance with Core Strategy Policies OS1 and OS2 open space requirements from all new development are to be considered on a site by site basis and in this instance on-site provision should focus on POS and children's play provision as sports will be accommodated through the recreation land provision at Bazley Lane.

- For 89 houses at an occupancy of 2.3 (total population 204.7) the following is required:
- The developer provides a minimum of 2400sq m (0.24ha) of on-site green infrastructure comprising;
- 0.08 ha (800 sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.16ha (1600 sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population).

The submitted Illustrative Site Layout Plan shows hatched areas to be used for POS and Children's play. A total of 0.25ha is proposed which meets the policy requirement. However, the illustrative layout show this is made up of fragmented disconnected spaces which in part look to be small and not of a usable size to offer much in recreational value and some are not that well located being largely squeezed in between houses and on the boundary of the site. Further consideration should be given to on-site provision and the layout of greenspace, as planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. In particular the creation of safe and accessible networks of green spaces and green corridors running through the proposed development will help to provide connectivity and provide opportunities for both walking and cycling and biodiversity which would greatly benefit this site. This could include incorporating green corridors suitable for natural play and play trails, a pocket park and play area, semi-natural open spaces suitable for wildlife and green links to the new recreation ground. This approach is further supported in both CS Policy LD3 and the provision of onsite green infrastructure where it enhances the existing network and Peterchurch NDP Policy P7, which supports development proposals which enhance green infrastructure through the provision on site of communal areas and the creation of links and connections to the surrounding network of green infrastructure.

Provision of more formal children play equipment on site should be aimed at younger children (infants and juniors) and is required given the size of development and location. Although there is an existing recreation ground in the village, it is some distance away from the proposed development and would not be within safe access for younger children in particular. An additional 89 houses is likely to generate excessive pressure on the existing facilities as well.

An area of 500sq m is required by policy. This should be centrally located within easy access of all residents, and designed to provide natural surveillance from surrounding houses. In this instance it could also include more natural play provision and play trails running through the site.

It is acknowledged that the specific requirement for provision will be dealt with at Reserved Matters stage to be approved in detail. As a guide and based on the proposed number of house as set out on the Site Layout Plan (22x 2 bed, 50 x 3 bed and 17 x 4 bed) and in accordance with the SPD on Planning Obligations and off-site play tariffs (development costs only @ 50%), formal equipped play should be provided to the value of £70,000 including landscaping and associated works. I suggest that the following informative is provided:

Informative. On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.

Adoption and Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company

which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

4.14 Housing Officer Comments: Updated comments October 2022

For the most part my comments remain unchanged. However, I note that I have asked for 2 x 4b house, one to be social rent, one to be intermediate .Please note that we need both 4 bed houses to be social rent. Other than that, the other requirements remain the same.

Earlier comments May 2020

In principle, Strategic Housing would support this application. We would look to secure 31 properties for affordable housing set out as follows:

11 x 2 bed - 4 social rent/ 7 intermediate
18 x 3 bed - 6 social rent/ 12 intermediate
2 x 4 bed - 1 social rent/ 1 intermediate

The properties should be pepper potted throughout the site to discourage social isolation and we would look to secure a local connection in the first instance to Peterchurch via a s106.

4.15 Land Drainage: Updated comments October 2022

We have no changes to make to the last cycle of comments, however note the need for a connection to the public sewerage system.

The surface water drainage/flooding issues identified by members of the community need to be considered as explained in our last comments. The surface water drainage strategy should not introduce additional flow into the ditch at the east of the site. Can you confirm with the applicant what the proposals are for the access track that runs to the east of the development. It would appear that this is currently disused. There is a ditch alongside the access track (referred to above). The landowner will remain responsible for maintenance of the ditch.

Earlier comments June 2020

Outline planning permission for the proposed development was granted in 2017, which remains extant until June 2020. It is understood that the purpose of this recent planning application is to perpetuate the extant permission.

Comment

Since the original planning permission was granted no new information related to drainage has been submitted.

We continue to have no objections in principal to the proposal subject to the following information being submitted for review as part of the reserved matters application:

- Results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;
- Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert

and cover levels of the manholes and drainage features, required attenuation storage volume;

- Drawing showing details of the proposed drainage features, including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
- Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
- Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
- If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
- Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
- If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
- Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
- Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

We do not support the proposed option to discharge treated foul water to the nearby watercourse. The Applicant shall consult Welsh Water to investigate alternative options and submit the revised strategy as part of the reserved matters application.

4.16 Waste officer comments:

A swept path analysis should be provided to show in principle that the scheme can accommodate 26 tonne refuse collection vehicle (RCV).

It is noted that it is proposed there will be several private driveways included within this development. The council will only agree to travel private roads for the purposes of waste collection if:

The council and its contractors determine that collections can be carried out safely;
and

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis;

And

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

Should it be intended that the RCV will travel the private drives, the swept path analysis should show that the vehicle can enter and exit the private driveways in forward gear. Alternatively, collection points would need to be provided for any plot over 25 metres from where the RCV could access, in accordance with "Guidance Notes for storage and collection of domestic refuse and recycling"

It is noted that layout is a reserved matter, however the terraced properties with parking spaces to the front of the properties would not have anywhere to leave bins on collection day, without causing an obstruction to pavements or shared. Should the application proceed to reserved matters, bin collection locations should be included on submitted drawings for these plots.

- 4.17 **West Mercia Police:** 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 within the community of Peterchurch. I note that this application does not make any specific reference to Secured by Design scheme or indeed any specific mention of Crime Prevention measures. There is a clear opportunity within the development to achieve the Secured by Design award scheme and by doing so address the Approved Document Q requirements.

4.18 **Education:**
Updated comments (October 2022)

The educational facilities provided for this development site are South Hereford City, Early Years, Peterchurch Primary School, Fairfield High School, St Mary's RC High School and South Wye Youth.

Peterchurch Primary School has a planned admission number of 15. As at the schools summer census 2022:-

- 2 year groups are at or over capacity- Y5=17,Y6=26

Fairfield Secondary School has a planned admission number of 90. As at the schools summer census 2022:-

- All Year groups are at or over capacity - Y7=122, Y8=120, Y9=107, Y10=99, Y11=100

St Mary's RC High School has a planned admission number of 150. As at the schools summer census 2022:-

- 3 year groups are at or over capacity -Y8=150, Y9=150, Y10=150

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Peterchurch Primary School and Fairfield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Young People's Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children

generated by this development. The Children and Young People's Directorate contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2 or 3 bedroom house or bungalow	£432	£3,063	£2,695	£121	£850	£468	£7,629
4+ bedroom house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

The schemes that these contributions will be requested for will be determined as the development scale is developed in the event that permission is granted.

Original comments June 2020

The educational facilities provided for this development site are South Hereford City Early Years, Peterchurch Primary School, Fairfield High School and South Wye Youth. Peterchurch Primary School has a planned admission number of 15. As at the schools Spring census 2020:-

- 3 year groups are at or over capacity- Y2=18, Y4=24, Y6=20
Fairfield Secondary School has a planned admission number of 90. As at the schools Spring census 2020:-
- All Year groups are at or over capacity - Y7=107, Y8=99, Y9=101, Y10=105, Y11=96

Approximately 1% of the population are affected by special educational needs and as such the Children's and Families Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Fairfield High School that we would otherwise be able to do.

In accordance with the SPD the Children and Families Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children and Families Directorate contribution for this development would be as follows:

Contribution by No of Bedrooms

Pre School Primary Secondary Post 16 Youth SEN Total

2 or 3 bedroom house or bungalow £244 £1,899 £1,949 £87 £583 £138 £4,900

4+ bedroom house or bungalow £360 £3,111 £4,002 £87 £1,148 £247 £8,955

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

4.19 **NHS comments:** Contributions are requested.

Please use link below to see detailed comments (19 pages)

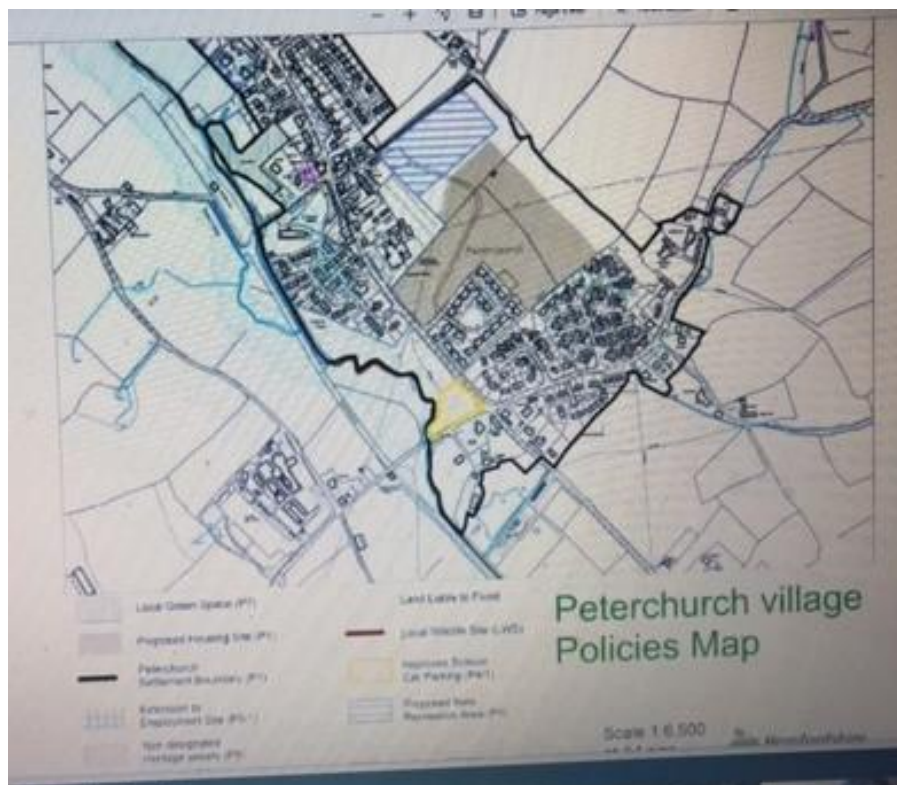
<https://myaccount.herefordshire.gov.uk/documents?id=b4614dbe-f665-11ea-a466-0050569f00ad>

5. Representations

5.1 Peterchurch Parish Council

Updated comments (March 2022)

Following our zoom meeting held on 9th February 2022 the Parish Council have considered the issue of the recreation land at the above site. At our meeting you presented an indicative plan of the site which was divided up into housing area and land offered for recreation purposes (see below).



It was also stated that the 'offer' of land by the applicant amounted to 1.2 ha. Using the indicative plan as a baseline the area shaded in blue was measured and it equals approximately 1.7 ha.

By superimposing this area on a previous housing layout, it can be seen that the recreational area extends into the housing plan.



It was mentioned during the discussion on 9th February that the Planning Department considered Peterchurch as a potential sports' 'hub' in the area due to its preferential location at the centre of the Golden Valley, its population size, and available local facilities.

It was also discussed that grants may be available from sporting bodies such as the Football Association to help develop such facilities.

The indicated land adjoins the Peterchurch Primary School which is planned for renewal shortly. In discussions with the school, it was clear that dual use of any pitch/sporting facilities would be welcomed at this location.

For a full-size football pitch to be developed the size must be 105m x 68m to allow league games to be played. Also, a surrounding perimeter would be required of say 10m all round. In addition, the land slopes with an increasing gradient going to the NW. It will also be necessary to cut into the slope to create a level pitch and surround. This would require further land to grade back the slope and install drainage etc.

Additional facilities would be required on site if the land is to be developed as a pitch. Changing facilities and car parking would be required if local or regional teams are to use the facility.

In addition, the hatched blue land includes an area of hard standing immediately behind the electricity sub-station. It is understood this area is required in case access is needed by large vehicles to remove/replace one of the storage units. An access road has already been provided across the site from Hawthorn Rise.

From preliminary assessment of the site, it may be possible to utilise this hard standing area as a dual-purpose area combining a car park for the sports facilities with access for the sub-station. A changing facility could be sited adjacent to the car park and the pitch area beyond.

In total, the width would have to be 88metres (pitch + perimeter) and the length 180metres to allow for pitch, car park and changing rooms and for the required slope cutting area.

In total 1.58hectares (180 x 88m) from behind the electricity sub-station to the tree line/hedgerow to the NW.

See indicative plan below.



Development of such a facility would, of course, be dependent upon suitable funding from various sources, but, if successful, it could form a centre of sporting facilities in the area. However, development of this land for such a sporting centre could not be achieved if only a pitch was provided (no changing facilities or car parking) which would be the case with the current offer of 1.2ha. In addition, grant funding would be unlikely if no additional facilities were available. A fully functional sporting facility would only be possible with a minimum of 1.58 ha. of land. See plan above which superimposes the 1.58ha. on the previous application housing layout. With some minor changes to the layout (to provide the necessary width) and inclusion of an area to the NE of the site this could be achieved.

One final requirement is that in developing the recreational area, an access point from the new internal road would be required, as Bazley Lane is unsuitable for vehicle access (see plan above). This road would not only be able to serve the recreational car park but also an access for vehicles requiring access to the rear of the electricity sub-station.

An additional issue which we would take this opportunity to raise, is the provision of a children's play facility within the development. Peterchurch is fortunate in having an excellent children's playground on Church Road opposite the St Peters Church. This playground caters for all age groups of children from infants to teenagers. Current plans are in preparation for renovation, renewal and redesign of this whole playground and recreation area to meet the demands of the public following a two-day public consultation exercise held in November 2021.

In an earlier housing layout plan for the site, a footpath was shown linking the housing area with Bazley Lane along the edge of the current school playing field and rear of the sub-station. As discussed above, this area behind the sub-station could possibly form the basis for a dual use sub-station access and sports facility car park. A footpath link in this location would not only provide a quick and straightforward way for residents of the new housing to access the village centre but allow safe access to the children's playground on Church Road. In lieu of a new playground provision within the housing site, a financial contribution towards the upgrade of the existing playground on Church Road would benefit the whole community.

This letter has been written with the objective of providing you with the Parish Council requirements for recreational land, and also the reasoning and rationale for our requests in order for you to be fully aware of the potential of this site.

Members of the Parish Council are grateful for the opportunity to provide our comments and would welcome any further meetings to discuss the issues above and provide additional details.

5.2 **Peterchurch Parish Council Original comments (May 2020)**

Peterchurch Parish Council discussed Planning Application 201441 at length when they met on the 19th May 2020. There was unanimity amongst the Councillors in supporting strongly the proposal for 35 affordable houses as part of the development and attach importance for that commitment remaining a key strand of the proposals both now and in the future.

Councillors also tabled a number of other observations which will need to be addressed before they are able to offer unequivocal support to the development overall.. Firstly , much of the reports and studies underpinning the proposals are out of date and need to be revisited especially those dealing with ecology, environment and transport.

For instance, Peterchurch has experienced flooding since the original application was tabled and this will, in the view, of Councillors have an impact and needs to be addressed as part of a fresh environmental assessment. Further, to suggest that there is a good rural bus service is a distortion of the reality when it is only on a Thursday that residents will see a bus in the village. Developing this point further Councillors saw real benefit in a holistic approach in assessing the impact of the development and this will invariably include a health, social and education dimension. Councillors were also disappointed that the planning application doesn't say anything about building quality or standards in respect of energy efficiency, high insulation, use of solar panels & community-generated electricity etc. Councillors considered that these factors are all perfectly feasible in a development of this size and would reduce costs for future residents and tenants

It is not the intention of the Parish Council to appear unnecessarily negative and would certainly welcome the proposed development given the inclusion of affordable housing but support will be contingent on satisfactorily addressing the points outlined above.

5.3 **Third Party Representations**

To date a total of 9 representations, and this includes correspondence from the Hawthorn Rose resident's association have been received from local residents.

The contents of the objecting representations are summarised below:

- Climate emergency. Cars would need to be used on a daily basis due to location
- Pollution of the rivers Dore and Wye
- No bat survey
- Negative impact on the amenity and recreational assets and impact on the existing PROW network
- Long term change to the visual and aesthetic character of Peterchurch
- Concerned no detail as outline.
- Development is out of scale for location, tree planting is minimum, intensive using development
- Not a sustainable development does not achieve sustainable communities and protect the environment by delivering well designed places, spaces and buildings, which reinforce local distinct
- Consideration should be given to the primary school access
- Light Pollution
- Play area and the public open space located under the electricity lines
- Flooding to the B4348
- Too large of an expansion to the village
- Fragile village infrastructure: Education, health and transport

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

- Increase in traffic in the area where there are two schools. Heavy lorries through the village has increased in last 3 years
- Houses to be built by a reputable building company
- Work to be completed in a relatively short period of time
- Would like to see Bungalows on part of site closest to Crossways
- Properties should be restricted to Bungalows
- Site suffers from lack of drainage and during the winter any period of rain area becomes waterlogged
- Timescales to ensure the development does not blight the village for years
- Location of the waste disposal bins
- Cars from the local school park on the B4348 and turn into Hawthorn Rose to park and turning. Dangerous to exist and enter the site. Number of proposed dwellings increase traffic and deliveries and visitors
- Concern over sewage disposal/sewage disposal
- Electricity lines cross or are near the site
- Lack of employment opportunities locally so will there will be an increase in traffic movements on the B4348
- Supply of electric and water treatment
Public Transport: Covid 19 bus services have been reduced. Buses are unreliable. More cars means more pollution, more noise, and parking issues.
More cars means more accidents on the roads
Significant improvements will have to be made to meet needs of new occupiers of dwellings

Residents Association comments: access between 12 and 13 Hawthorn Rise not suitable as a roadway. Current plan close to this point shows a row of houses 50 to 53 with no vehicular access. Any subsequent plan should show the only access to these houses is via the main access to the whole site

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=201441&search-term=201441

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' Peterchurch Neighbourhood Development Plan (NDP). The NDP was made on the 1st December 2017. The National Planning Policy Framework 2021 is a significant material consideration. The relevant policies are detailed above.

6.3 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.

- 6.4 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). Peterchurch 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.

- 6.5 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.

- 6.6 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

- 6.7 The Peterchurch Neighbourhood Development Plan was made on 1st December 2017. 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 P1: Proposed housing site 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. This site and the settlement boundary are detailed on the map below.

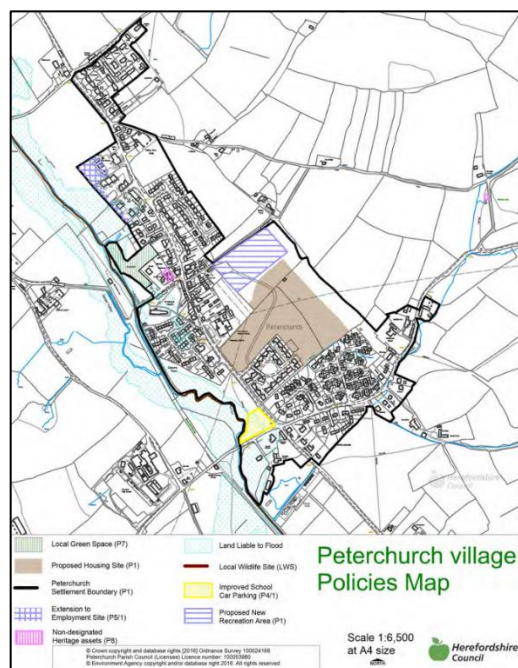


Figure 4: Extract from NDP: Sites assessed in terms of potential as housing allocations as submitted within NDP

- 6.8 Reflecting the requirements of the Core Strategy policies and aims, the NDP advised that the minimum growth target for the village is 54 dwellings. The table below shows the indicative growth target for Peterchurch.

Number of Households in Peterchurch parish	508
Golden Valley indicative growth target %	12
Number of new homes required to 2031	61
House completions 2011-2014	0
Housing commitments 1/4/2014	7
Total housing remaining	54

Figure 5: Extract from NDP: housing target.

- 6.9 When looking at estimated numbers of dwellings within Peterchurch it is evident that this site due to the extant outline planning approval (P132707/O) that proposes housing development of up to 89 homes on land adjoining Hawthorn Rise would see the village grow by some 26%. It is acknowledged that Policy is not prescriptive in regards to the allocated site, however the application site is included within the NDP Policies map as highlighted above and is identified as a proposed housing site under the Policy P1.

- 6.10 Of direct relevance is the land to the north-west of this application site which is allocated as a 'Proposed New Recreation Area' and this is also allocated under NDP Policy P1 and also within in NDP Policy P7/1. The allocated recreational area is outside of this application site boundary however this proposed development does makes allowance for the entire length of the allocated recreational area to be served by a road, if necessary. As NDP Policy P7/1, specifically requires vehicular access is to be provided to this recreation area via the adjacent committed housing ie this application site.

Principle of Development

- 6.11 The made NDP identifies a settlement boundary. The application site is located within a designated settlement boundary and is also within an allocated proposed housing site. Spatially and having regards to the requirements of policy RA2 of the core strategy, the sites allocation and sitting with the designated settlement boundary of the NDP as well as the site location the development is considered to be acceptable in principle. For ease of reference, the policies map that forms part of the NDP is inserted below and the red star demarks the site location.

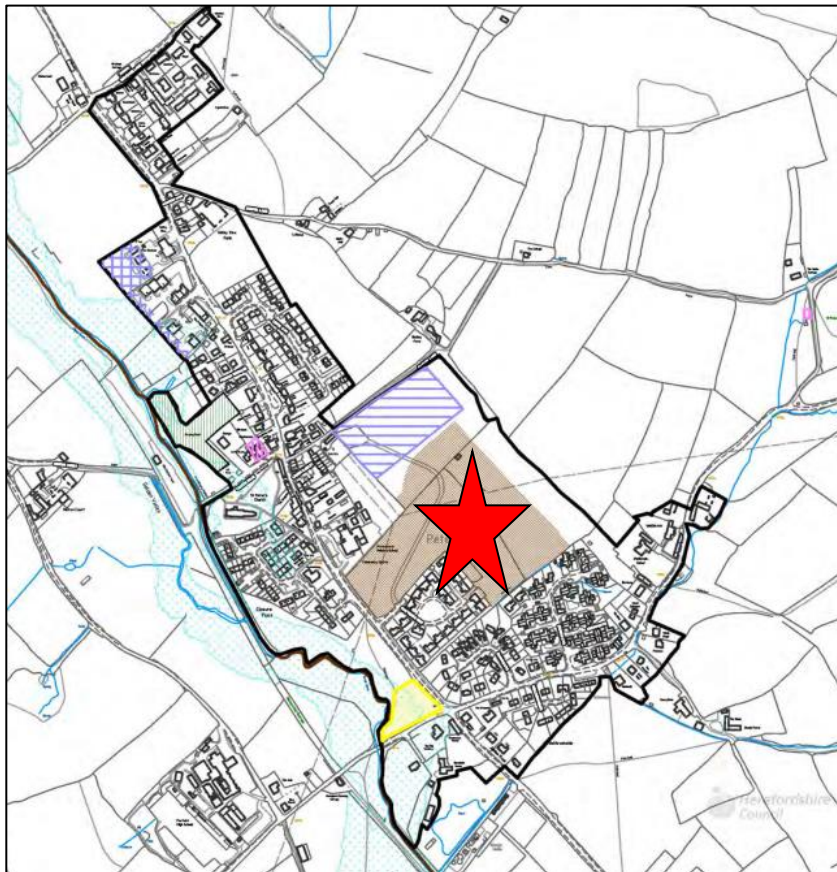


Figure 6: Extract from the Peterchurch Neighbourhood Plan: Peterchurch Village policies map

Officer Appraisal

- 6.12 This is an application in outline form; it therefore only seeks to establish the principle of residential development for up to 89 dwellings and the access thereto. Access as set out in the NPPG, means: the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

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

- 6.13 Whilst 'layout', is a reserved matter, the site can readily accommodate an appropriate layout of up to 89 units. Layout means - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 6.14 With this in mind, the application is to be considered against its compliance with policy in respect of the principle of the development and the matter of access.
- 6.15 This 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.
- 6.16 Whilst spatially, the sites location is one that is considered to be acceptable, the development of the site must be considered having regard to the other policies of the Core Strategy, and the NPPF taking into account any material considerations as appropriate.

Impact upon the character and appearance of the settlement and landscaping

- 6.17 The proposal is for housing and the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. The requirements of policy 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.
- 6.18 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.
- 6.19 Policies SS2 and SD1 seek to ensure that proposals make efficient use of land taking into account the local context and site characteristics. Whilst layout is a matter for future consideration, the illustrative plan submitted with the application seeks to demonstrate that the proposal is acceptable.
- 6.20 The site comprises of an existing greenfield site. Core Strategy policy SS6 states that development proposals should be shaped through an integrated approach to planning certain listed environmental components from the outset. This needs to be based upon sufficient information to determine the effect upon each of these. Of these the following are considered relevant: landscape, townscape and local distinctiveness, biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest the network of green infrastructure; local amenity, including light pollution, air quality and tranquillity, agricultural and food productivity.
- 6.21 '*Landscape*' is a matter reserved for future consideration but it is necessary to consider the impact of the development on the landscape character. It is noted the site is not covered by any designations relating to character or quality.
- 6.22 When reviewing the site in landscape terms it is evident that it lies in open countryside adjacent to the main built up area of Peterchurch Village. The site is not subject to any form of landscape

or historic designation. It should therefore not be considered, in the terms of the framework, a 'valued landscape'. Whilst a noteworthy change in terms of appearance and character is accepted as there will be a loss of a greenfield to residential development and this will have an impact on the character and appearance of the area by comparison with the existing situation. However, officers consider the site to be a logical location for the extension of the village. Although, it will be viewed from the public footpath linking Crossways and Bazley Lane and will in part be viewed from the B4348 Road. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity.

- 6.23 Matters of the site layout and landscape are not for consideration and the site layout plan is submitted only for illustrative purposes. The Landscape Officer's comments are considered to be less applicable to the current application than possible to a subsequent application for the approval of reserved matters. The Officer's comments go beyond the scope of the current application. Officers also note that application is identical to an outline planning application approved under application 132707 granted in 2017. Also as previously stated above, the application site is allocated for housing within made Peterchurch Neighbourhood Development Plan. There has also been no change in planning policy or site-specific circumstances since the 2017 application when looking at both landscape and visual effect in regards to 89 units being proposed on this application site.
- 6.24 Although your officers recognise that whilst there will be direct impacts arising from loss of pasture land and its replacement with housing as well the development altering the character of the village in this location, this is mitigated by the presence of existing adjoining residential development and mitigation in regarding to additional planting.
- 6.25 In terms of mitigation, this can be provided with hedgerow and tree planting along the north eastern boundary and this will have a benefit as well as enhance this part of the landscape and in particular from potential vantage points along footpath PR8. The harm to landscape character is localised in an edge of village location that officers do not consider prejudicial to the overarching character of the Principal Settled Farmlands typology.
- 6.26 As highlighted by the historic buildings officer there will also be no adverse harm to the setting the grade I listed Wallbrook Manor. It is noted that the landscape officer has confirmed there will be minimal impact on existing trees (i.e. removal of, or harm to roots) and minimal harm on the landscape (ground levels are relatively flat) and the overall harm at the immediate point of access is relatively minor.
- 6.27 Officers acknowledge the landscape officer comments are negative as well as it is also noted that the applicant's agent has provided a response to the Landscape officer's objection. The site does conform with current plan policy RA2 and would appear to form a natural extension to the settlement. As such it is considered that it is a naturally contained site and will not have wider implications in regards to projecting, in an unrestrained inappropriate manner, into open countryside. Landscaping is a matter reserved for future consideration.
- 6.28 In conclusion, officers are satisfied that the development lies in a position that relates well to the existing built form, is contiguous can be achieved without causing unacceptable landscape impacts. The detail of the landscaping should form part of the reserved matters submissions and can be secured via a condition and it will be necessary to give careful consideration to any reserved matter application to ensure that the landscape character is taken into account at design stage. Officers are satisfied that, on the basis of the information provided, a scheme, at the medium density proposed, can be delivered that is in compliance with Policy SS6, LD1, LD2 and LD3 of the Core Strategy and NDP policy P6.
- 6.29 Finally, officer reiterate that this application site is an allocated for housing and within the settlement boundary as detailed within the Peterchurch Neighbourhood Development Plan. As such officers note there is tension in regards to the view of landscape officer however officers

are of that that, on the basis of the information provided, a scheme can be delivered that accords with Policy LD1 and LD3 of the Core Strategy and P6 (Landscape) of the NDP.

Highways and Access

- 6.30 As defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' *means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*
- 6.31 Core Strategy policy MT1 of the Herefordshire Local Plan, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts 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 or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate Operational and manoeuvring space. NPPF Policies require development proposals to give genuine choice as regards movement. Core Strategy policy SS4 requires developments to minimise the impacts on the transport network.
- 6.32 NPPF 105 requires Local Planning Authorities to facilitate the use of sustainable modes of transport and paragraph 110 refers to the need to ensure developments generating significant amount of movements should take into account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken on the transport network or on highway safety can be mitigated. Development should only be prevented or refused on transport grounds where the 'residual cumulative impacts of development are severe.' (NPPF para 111).
- 6.33 The application for up to 89 dwellings and the matter of Access is not reserved for future consideration. As such, full details of the proposed access are to be assessed as part of this application. Internal access arrangement is not under consideration within this application and this would be fully assessed at reserved matters stage as part of 'layout'. However, the submitted illustrative plan demonstrates how the dwellings homes could be delivered with an example of an internal route.
- 6.34 The application submission included a Transport Assessment and addendum that was submitted on July 2021 (link: <https://myaccount.herefordshire.gov.uk/documents?id=1d0511f5-e484-11eb-8a9e-0050569f00ad>)

Vehicular Access and highway safety

- 6.35 The B4348 acts as the spine road to the village and currently runs along the southern boundary of the application site. The B4348 within the village of Peterchurch village is subject to a 30 mph speed limit and traffic calming measures (gateway features and road markings) have been undertaken within the village close to the site.
- 6.36 It is recognised that the main vehicular access for the site will be along the already constructed infrastructure serving Hawthorn Rise and a T junction is being proposed. The visibility splays (2.4m x 43m) have been considered in conjunction with the adoption plans for Hawthorn Rise and the splays fall within areas that are footways and/or service strips. Design details of the proposed access into the site from Hawthorn rise was also requested. As confirmed by the Transport Manger this is considered appropriate. The detail of this is set out on drawing 752-03 in appendix D of the transport addendum and is shown below:

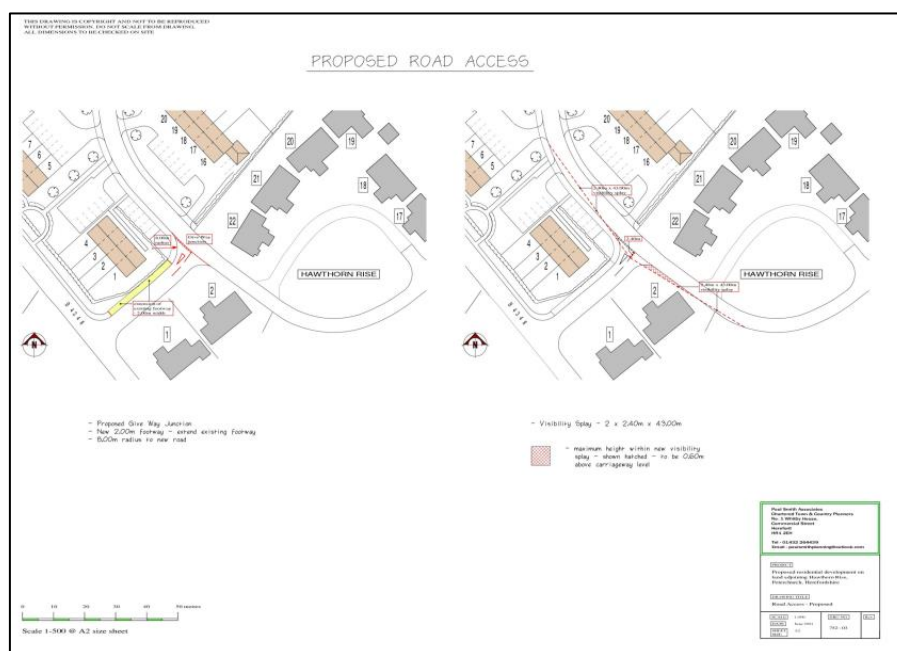


Fig 7: Proposed access.

- 6.37 It is evident from representation received that there is an historic problem with cars parking at either end of the school day along the B4348 road and concerns about increased use of the existing junction. It is acknowledged that this only occurs at peak periods and the Transportation Manager is satisfied, following submission of a Transport Assessment, that the B4348 has the capacity to handle the additional traffic flows. In regards to traffic impact from the proposal on the operation of the local highway network, it is considered the traffic movements associated with the development proposal could be accommodated on the existing highway network and that there will not be a detrimental impact on the free flow of traffic using the local highway network. A construction management plan condition has been suggested below that will manage construction traffic.

Connectivity

- 6.38 It is noted that the village has the benefit of a good network of footways and as well as bus stops. However, as highlighted by the transport manager potential highway improvements needed to be assessed and then potentially secured. Acknowledging the importance of connectivity additional details on crossing provision as well as links to both schools and community facilities was requested and this additional information detailed within a transport assessment addendum. The drawing above also shows an extension to the footway provision to connect the new development to the footway that runs along the B4348. It is the view of the local highway authority that the provision of a pedestrian crossing on the B4348 should come forward as part of the development access strategy so that residents can be connected to amenities that are on the south of the B4348 (such as the shop and other community facilities). It is noted that the proposed heads of terms secures monies towards:

- Widening of footway along the frontage of Peterchurch Primary School from the development site
- Widening of footway along the frontage of the post office and adjacent stores
- Improvement to dropped crossings to provide a suitable kerb upstand and tactile paving
- Controlled pedestrian crossing to enable crossing of the B4348 between the development site and local destinations
- New footway on the south western side of the B4348 linking the new crossing with the lane that leads to Fairfield High School

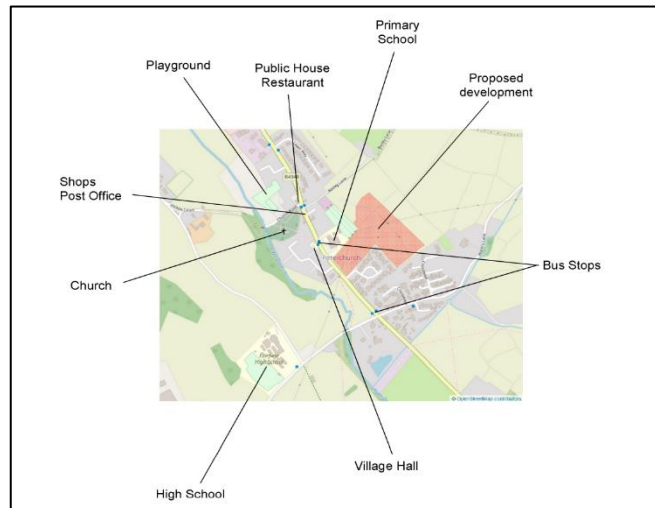


Fig 8: Location of local amenities in context with the application site (taken from Transport Assessment Addendum by Alpha Consultants appendix B, June 2021)

- 6.39 As highlighted above the Transportation Manager have raised no objection and are content that the submitted arrangement represents a suitable basis on which to issue outline planning permission subject to appropriately conditions. They are content that the local highway network can absorb the additional traffic generated without compromising the safe operation of the network. A number of conditions have been suggested below that will manage construction traffic. It is therefore considered that the proposal would provide a safe and suitable vehicular access for up to 89 dwellings in accordance with CS policy MT1 and the requirements of para 110 of the NPPF and NDP policy P10 (Traffic and Transport) .

Public Rights of Way

- 6.40 The application site is surrounded by public footpaths and a public footpath passes along the B4348 road frontage. As well as public footpath passes along the northern boundary linking the Crossways Estate with Bazley Lane to the west. A further footpath extends down Bazley Lane toward to the village centre. The proposal does not impact directly or propos on any PROW and it is noted that the Public Rights of Way manager has not objected to the proposal.

Design and Amenity

- 6.41 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure.
- 6.42 The application submission is in outline form only, which reserves all details apart from access for further consideration. A number of issues will need to be considered at the Reserved Matters Stage, such as design, character and amenity in particular the relationship with the existing the properties adjoining Hawthorn Close.

Amenity

- 6.43 It is noted that existing residential properties are located on the eastern boundary within Hawthorn Close and Crossways. It is acknowledged that local residents have requested bungalows are located close to the boundaries and there is a possibility for overlooking in relation to properties

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adjoining the western and north eastern boundaries of Hawthorn Rise and the western boundary of Crossways. However, given the size of the site and the number of properties proposed, officers are satisfied that a scheme could be development that ensures that its residential amenity is secured. The policy also requires consideration in relation to matters of the amenity of residents / occupants of the proposed dwellings and this will again be a matter for consideration at a later stage.

- 6.44 Officers would note that there is potential for the introduction of additional boundary planting subject to an appropriate layout and orientation of houses at the Reserved Matters stage, officers are content that any adverse impact can be mitigated but note that the Reserved Matters submissions, in relation to scale, layout, appearance and landscaping will need to carefully consider the impacts of the proposals having regard to the amenity of proposed and existing dwellings to ensure compliance with policy SD1 of the Core Strategy and Paragraph 130 of the NPPF.

Design and character

- 6.45 Policy SS6 of the Core Strategy outlines that development proposals should support the local distinctiveness of an area. As such it is felt that the design of any housing should respond to the character of traditional buildings within the locality and the wider area. This element would be considered within any reserved matters application. Officers would conclude that the proposals, being considered at this stage, accords with the requirements of Policy SD1 and SS6 of the Core Strategy. The site measures approximately 3.97 hectares and a development of 89 dwellings represents a relatively moderate density that is entirely in keeping with the village and immediate vicinity. It is noted that any proposed layout coming forward would need to respond to the local context, which is a rural village and should not be overtly urban in form and character

Climate change

- 6.46 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.
- 6.47 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.
- 6.48 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.

- 6.49 The agent has submitted a completed 'Climate Change' checklist). This document sets out the measures planned by the Applicant to achieve energy reductions at the proposed development site and demonstrating compliance with:
- i) National Planning Policy Framework.
 - ii) Approved Document Part L of the Building Regulations 2013.
 - iii) Policy SS7 - Addressing Climate Change
- 6.50 A condition has been added to ensure electric vehicle charging points will be considered at the reserved matters stage out how design measures will be incorporated as part of the Development, aligning with the principles of the energy hierarchy.

Open Space Provision

- 6.51 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 accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision.
- 6.52 For a development of this size and for 89 houses at an occupancy of 2.3 (total population 204.7) the following is required:
- The development provides a minimum of 2400sq m (0.24ha) of on-site green infrastructure comprising;
- 0.08 ha (800 sqm) of Public Open Space (@ 0.4ha per 1000 population)
 - 0.16ha (1600 sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population).
- 6.53 The submitted Illustrative Site Layout Plan has areas which shown to be used for Public Open Space and Children's play. A total of 0.25ha is proposed and this meets policy requirement. The open space officer has highlighted that the illustrative layout show this is made up of fragmented disconnected spaces and has suggested that further consideration should be given to on-site provision and the layout of greenspace. This will be addressed in any forthcoming reserved matters application in regards to layout. It is also noted that the provision of more formal children play equipment on site should be aimed at younger children (infants and juniors) and is required given the size of development and location. There is an existing recreation ground already in the village, it is some distance away from the proposed. The policy requires an area of 500sq m is required by policy and this specific requirement for provision will be addressed with at Reserved Matters stage to be approved in detail.
- 6.54 As a guide and based on the proposed number of house as set out on the Site Layout Plan (22x 2 bed, 50 x 3 bed and 17 x 4 bed) and in accordance with the SPD on Planning Obligations and off-site play tariffs (development costs only @ 50%), formal equipped play should be provided to the value of £70,000 including landscaping and associated works. I suggest that the following informative is provided:
- 6.55 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. A suitably worded condition has been suggested and will also be secured within the S106 agreement along with future management and maintenance (Management Company).

Flood risk and Drainage

- 6.56 Local Plan Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. The site is located within Flood Zone 1 (as defined by the Environment Agency), this is deemed to be: an area of low probability for fluvial flood.
- 6.57 As part of the application a flood risk assessment has been submitted and reviewed by officers. It is noted that drainage colleagues have confirmed they have no objections in principal to the proposal subject to additional supporting information being submitted for review as part of the reserved matters application. This can be secured by an appropriately worded condition which is included in the recommendations section below.
- 6.58 Welsh Water have provided updated commentary. The most up to date response from Welsh Water have advised that the Peterchurch Wastewater Treatment Works cannot accommodate the proposed development and would require a developer funded Flow and Load & Developer Impact Assessment. This will confirm if capacity is available and if not, identify a solution that would enable the additional flows to connect without overloading the WwTW and risking environmental harm. They have requested a condition which has been added at the end of the report.
- 6.59 The pre commencement condition seeks to secure a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works and an assessment of the impact that this development on the Wastewater Treatment Works. It also requires if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works in order to allow it to accommodate the foul discharges from the development without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.
- 6.60 Subject to the above condition the foul drainage generated by this development can be satisfactorily dealt with as per Policies SD3 and SD4. As this is an outline planning application, recommended conditions can be added to secure appropriate detail to be submitted with the reserved matters application to ensure that the layout addresses the drainage strategy.

Ecology and Biodiversity

- 6.61 Core Strategy policies SS6 and LD2 state that development proposals should conserve, restore and enhance those environmental assets that contribute towards the county's distinctiveness, including biodiversity. With regards protected species, LD2 states that development that is liable to harm nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation considerations. Similarly the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other things minimising impacts and achieving net biodiversity gain. It further states that when determining planning applications, local planning authorities should apply certain, specified principles, which include that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.62 The application submission has been supported by an extended Phase I Habitat Survey and it is noted that the application site is not subject to any statutory or non-statutory ecological designations. As confirmed by the Councils Ecologist the submitted updated ecological report clearly identifies that there are no reasons why the Local Planning Authority should consider that full details, specifications, locations and future management of any required mitigation, compensation and Biodiversity Net Gain cannot be secured within the development site and secured by appropriate and relevant conditions on any outline consent granted together with appropriate landscaping included in any reserved matters scheme. The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm

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to biodiversity. Indeed, it should provide net gains for biodiversity as such the proposal is considered to adhere to Core Strategy Policies SS6 and LD2 and the NPPF.

- 6.63 It is noted that the NDP has a condition specifically in regards to dark skies (policy P9) and a condition has been included to address potential concerns about light pollution.

Habitats Regulations Assessment (HRA)

- 6.64 An updated ecology report has been submitted and it is noted that the River Dore is part of the catchment of the River Wye SAC (discharging to the SAC in Wales). Ecology colleagues have reviewed the submission and 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 Ecologist considers the matter further in their comments above and have confirmed there is no requirement to consult with Natural England (nor Natural Resource Wales).

Heritage Assets

- 6.65 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.
- 6.66 Also as can be seen by the blue marker it can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.67 The proposed development site does not lie within a Conservation Area and there are no listed building within or abutting the site albeit there is a Grade I listed property known as Wellbrook Manor located to the east and this is illustrated on the map extract from Historic England below



Figure 9: Extract from National Heritage List: <https://historicengland.org.uk/listing/the-list/list-entry/1099488>

- 6.68 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.69 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

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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”.

- 6.70 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.’
- 6.71 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.
- 6.72 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.
- 6.73 A Historic Environment Desk-Based Assessment and trial trench evaluation has been submitted to support the application, in line with Paragraph 194 of the NPPF.
- 6.74 Policy LD4 ‘Historic environment and heritage assets’, requires, inter alia, that development affecting heritage assets and the wider historic environment should preserve or where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. In this case the site has no direct affect on any designated or non-designated heritage assets. The proposed development site does not lie within a Conservation Area nor are there any listed buildings and non-designated heritage assets in close proximity. The application submission included a historic environment desk based assessment. It is noted that the Historic Buildings officer has not raised an objection on heritage grounds and confirmed as the development is remote from any listed building and is an extension of a previously residential development on the edge of the village and I do not consider it will have an adverse impact on the character of the settlement or the listed buildings.
- 6.75 Nearby heritage assets would also be unaffected and 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, Policy P8 (non-designated heritage assets) of the NDP and with the guidance set out in the National Planning Policy.
- 6.76 In regards to issues relating to archaeology as part of the submission a historic environment desk based assessment was supplied. Within the site, the assessment did identify the potential for the presence of buried archaeological remains. Historically as part of the lapsed planning application additional work and evaluation has been sought by the Archaeological advisor. The archaeology officer have confirmed no objection to the proposal and has requested an appropriately worded condition as there is the possibility of further finds across the site, and a condition can appropriately record this.

Affordable Housing/Housing Mix

- 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 for up to 89 units; and therefore there is a requirement

for its provision. The site will secure, via a section 106 agreement, the provision of 35% affordable housing to an agreed tenure. The Housing officer has made requests to this effect. The siting and design of the affordable dwellings will be secured as part of any subsequent the Reserved Matters Approvals.

- 6.78 Core Strategy policy H3 states that 'Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.' To ensure that this is delivered as part of any Reserved Matters submissions a condition is recommended to agree either in advance, or as part of Reserved Matter (Layout) the housing mix, having regard to the latest housing market assessment. Officers are content that this condition, along with the Section 106 agreement in respect of affordable housing, will ensure compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for. The proposal also adheres to Policy P2 (ensuring an appropriate range of tenures, types and sizes of houses) of the NDP.

Planning Obligations

- 6.79 CS Policy ID1- Infrastructure Delivery, states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (section 106 agreement). To meet the tests obligations satisfy all of the following:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 6.80 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services) and the Wye Valley Trust (primary health care). Contributions to the Wye Valley Trust are necessary to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development.
- 6.81 The Planning Obligations Manager has confirmed the required contributions and the infrastructure projects that would benefit. The application is accompanied by a draft Heads of Terms and the proposed contributions can be seen below, that makes provision for contributions towards education, sustainable transport, on-site play equipment, a surgery contribution and the provision of and eligibility for occupation of the affordable housing. I am content that these contributions are fair, reasonable and necessary to make the development acceptable and thus compliant with the CIL Regulations.

Infrastructure	Quantum of contribution
Affordable Housing	35% of the residential units will be affordable dwellings intended for occupation as Social Rented and Intermediate tenure with local priority to Peterchurch.
Healthcare contribution	A financial contribution of £666.64 per dwelling to provide the Health Care Facilities required at Hereford Hospital.

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Education contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £4,900.00 per 2 bedroom open market dwelling • £4,900.00 per 3 bedroom open market dwelling • £8,955.00 per 4 bedroom open market dwelling <p>to provide the education facilities at South Hereford City Early Years, Peterchurch Primary School, Fairfield High School, South Wye Youth and Special Education Needs.</p>
Recycling and waste contribution	A financial contribution of £80.00 per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,008.89 per open market dwelling to provide the Sports Facilities in Peterchurch
Transport contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £2,457.00 per 2 bedroom open market dwelling • £3,686.00 per 3 bedroom open market dwelling • £4,915.00 per 4 bedroom open market dwelling <p>To provide any or all of the following transport infrastructure improvements;</p> <ul style="list-style-type: none"> • Widening of footway along the frontage of Peterchurch Primary School from the development site • Widening of footway along the frontage of the post office and adjacent stores • Improvement to dropped crossings to provide a suitable kerb upstand and tactile paving • Controlled pedestrian crossing to enable crossing of the B4348 between the development site and local destinations • New footway on the south western side of the B4348 linking the new crossing with the lane that leads to Fairfield High School

Libraries	<p>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;</p> <ul style="list-style-type: none"> • £120.00 (index linked) 1 bedroom open market dwelling • £146.00 (index linked) for a 2 bedroom open market dwelling • £198.00 (index linked) for a 3 bedroom open market dwelling • £241.00 (index linked) for a 4+ bedroom open market dwelling <p>The contribution will provide for improved library infrastructure at Peterchurch library.</p>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 2400ha (0.24sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.08 ha (800sqm) of Public Open Space (@ 0.4ha per 1000 population) • 0.16ha (1600sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.05ha (500sq m) should be formal children's play. (@ 0.25ha per 1000 population). <p>Note: On the basis of the indicative scheme the children's play would be to a value of £70,000.00</p>

- 6.82 On the basis of the above, and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms will be progressed.

Non material planning considerations

- 6.83 Issues such as loss of a view, or negative effect on the value and resale of properties are not material planning considerations. The fear of anti social behaviour and crime is acknowledged. At the reserved matters stage the creating of safe and attractive places to live and will be addressed to ensure the design and layout of the residential development incorporates crime reduction measures. In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is however found to be appropriate to condition working hours, as well as other impacts, as part of the construction management plan during the construction phase of any development on the site.

Other Matters

- 6.84 The delay in getting the application in front of members was due to both the requirement of updated technical reports which were delayed due to Covid and then ongoing and prolonged

discussions with Parish Council and the Ward Councillor in respect to the neighbouring piece of land and implications on S106 contributions. The Parish Council issued a letter explaining its position over the proposed provision of 1.2 hectares of land for recreational purposes as part of this planning application and confirmed they wish to utilise the land, albeit with a number of stipulations. After sharing this reply with the planning agent to discuss with their client (the applicant) they declined the Parish request and withdrew the offer of the land as part of this application. The reasoning behind this as advised by the agent is that:

'the Parish Council's requirements go well beyond that proposed by my client and previously deemed necessary by your Council when granting permission for the previous, identical scheme in 2017'.

'Therefore, it is with regret that my client is compelled to amend his application by withdrawing the offer of 1.2 hectares of his land.'

- 6.85 Although, the planning agent has confirmed in terms of addressing the Parish Council's aspirations, his client's land would remain allocated for recreational purposes in the NDP and is happy to engage with the Parish Council on 'how its objectives regarding the recreational area can be achieved by alternative means', albeit this would be after this current planning application is determined. The Section 106 agreement has been drafted to include a 'playing fields' financial contribution. It is acknowledged that this 1.2 hectares of land continues to be allocated as a recreational ground in the Peterchurch Neighbourhood Development Plan (policy P1), however there is no policy requirement for it to be included as part of this application. Please see figure below:

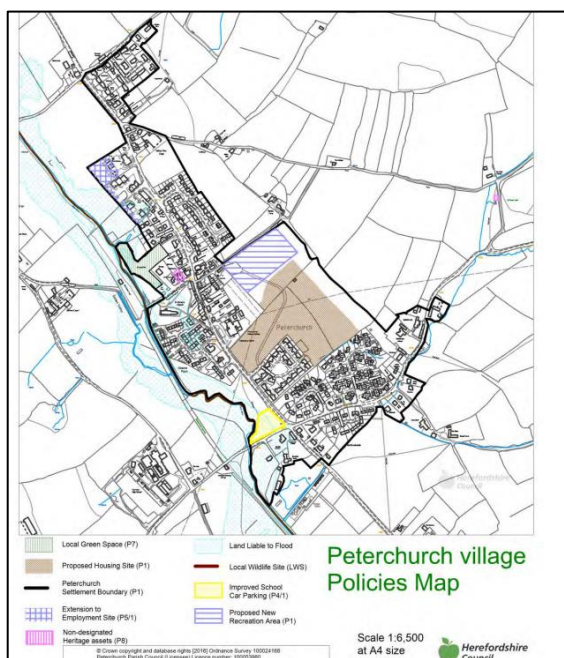


Fig 10: NDP policies map.

Illustrative layout

- 6.86 As highlighted above an illustrative plan has been submitted. There is concern from local residents in regards to the location of public open space. This will be explored and will be covered at reserved matters stage. Officers note that the application is for 'up to 89 dwellings' and due to existing site constraints to achieve 89 dwellings then detailed consideration will, however, always need to be given to the use and amount of development at reserved matters.

Conclusion

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

- 6.87 The application is for outline permission with all matters reserved except for Access and therefore it is only the principle of development that is to be assessed. The scale of development is considered capable of being accommodated on the site but the detail of this is not currently under consideration.
- 6.88 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. The development plan policies most important in determining the application is consistent with the NPPF and the county has a five year housing supply. The relevant development plan policies are therefore not out-of-date and the tilted balance at NPPF paragraph 11d does not engage.
- 6.89 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 Peterchurch Group NDP. The application must be determined in accordance with this, unless material considerations indicate otherwise.
- 6.90 Peterchurch 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.
- 6.91 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. Whilst it is noted that the Landscape Officer has objected to the proposal your officers consider that the proposal will maintain the character of the area.
- 6.92 All other matters such as appearance, layout and landscaping will be determined at the reserve matters stage and officers have identified in this report some key issues that will be key to informing an acceptable scheme is brought forward. These include, the layout and design of the dwellings will be crucial at that stage to ensure there is no adverse impact upon any neighbouring properties as well as design that address climate change as well as recognising key constraints such as existing landscape and biodiversity features and integrating them into the development successfully whilst addressing technical matters such as highway layouts and drainage.
- 6.93 The Local Highway Authority have confirmed the road network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, that the proposals as before us now are designed and laid to achieve safe entrance and exit and have appropriate operational and manoeuvring space. Pedestrian connectivity has also been secured.
- 6.94 The proposed development will result in a change to the landscape character, and therefore create conflict with policy LD1 of the Core Strategy and it is noted that the landscape officer has raised concerns albeit it is noted that confirm they advise there will be minimal impact on existing trees and minimal harm on the landscape as the ground levels are relatively flat and the overall harm at the immediate point of access is relatively minor. Any change to the landscape is to be expected with the change to of use to residential, nevertheless the proposal will maintain the character of the area. There are opportunities for tree and other green infrastructure retention and enhancement alongside biodiversity enhancement in accordance with policies LD2 and LD3. The council ecologist does not raise an objection and there are no heritage harms (built or buried) identified and policy LD4 is satisfied.
- 6.95 There are a number of matters that can be readily satisfied with suitable worded conditions and a Section 106 agreement, such as housing mix, affordable housing delivery, open space and play

delivery, water and drainage These conditions will need to be read alongside and inform the Reserved Matters, that will look more closely at Layout, Appearance, Scale and Landscaping and be considered against the policies and guidance in place.

- 6.96 There would be both economic and social benefits of providing dwellings within this location and these include the initial boost to the economy during the construction phase, payment of the New Homes Bonus, disposable income spend from future occupiers and additional dwelling to increase housing choice including affordable houses. Due to the number of dwellings, these benefits would be substantial. Subject to a well-planned reserved matters scheme, it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of insufficient magnitude to outweigh the benefits of providing dwellings within a sustainable location.
- 6.97 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.

RECOMMENDATION

That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant Outline planning permission, subject to the conditions below and any other further conditions (or amendments) considered necessary.

That planning permission be granted subject to the following conditions:

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.
- 4. The development shall be carried out strictly in accordance with the approved plans: Site Location Plan except where otherwise stipulated by conditions attached to this permission.**

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

Pre-commencement conditions

- 5. No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

- 6. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No development shall commence until:**
- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and**
 - ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and**
 - iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.**
- No dwellings shall be occupied until the agreed scheme has been completed.**

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

- 8. 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.

- 9. Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, shall be supplied to the local planning authority for written approval. 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.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Pre-occupancy or other stage conditions

- 10. Development shall not begin in relation to any of the specified highways works until details relating to works as described within the submitted Transport Assessment Addendum by Alpha Consultants dated June 2022 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 on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.**

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 occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

b) proposed hardstanding and boundary treatment.

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

- 12. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

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

13. 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.

14. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect 'hotels', wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

15. Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved 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 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

16. No above ground development shall take place until the drainage scheme has been submitted and approved in writing by the Local Planning Authority and include, but not limited to:

- i) results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;
- ii) Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert and cover levels of the manholes and drainage features, required attenuation storage volume;

- iii) Drawing showing details of the proposed drainage features, including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- iv) Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
- v) Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
- vi) Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
- vii) If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
- viii) Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
- ix) If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
- x) Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
- xi) Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Prior to occupation on site, a Travel Plan which contains measures to promote alternative sustainable means of transport with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken ever 3 years. All relevant documentation

shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

18. Prior to the first occupation of [any of] the dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which 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 those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

19. 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.

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

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

Post occupancy monitoring and management / Compliance Conditions

21. Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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.

22. During the construction phase no machinery shall be operated, no construction works shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am - 1.00pm 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 the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the tenure for both open market, affordable and the wheelchair accessible unit. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local housing Market Assessment (or any successor document adopted by the LPA).

Reason: To define the terms of the permission and to comply with Policy H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

24. The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the Local Planning Authority and shall be submitted to and approved in writing by the Local Planning Authority.

Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

25. All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

26. 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.

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. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. 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
4. 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
5. 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'
6. 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
7. In connection with Condition 17 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ
8. In connection with Condition 17 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to

the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

9. 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).
10. 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.
11. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
12. 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
13. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
14. On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.
15. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Welsh Water can support

the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage.

16. Site plan dwg no 752.02 Rev B is for indicative purposes only.

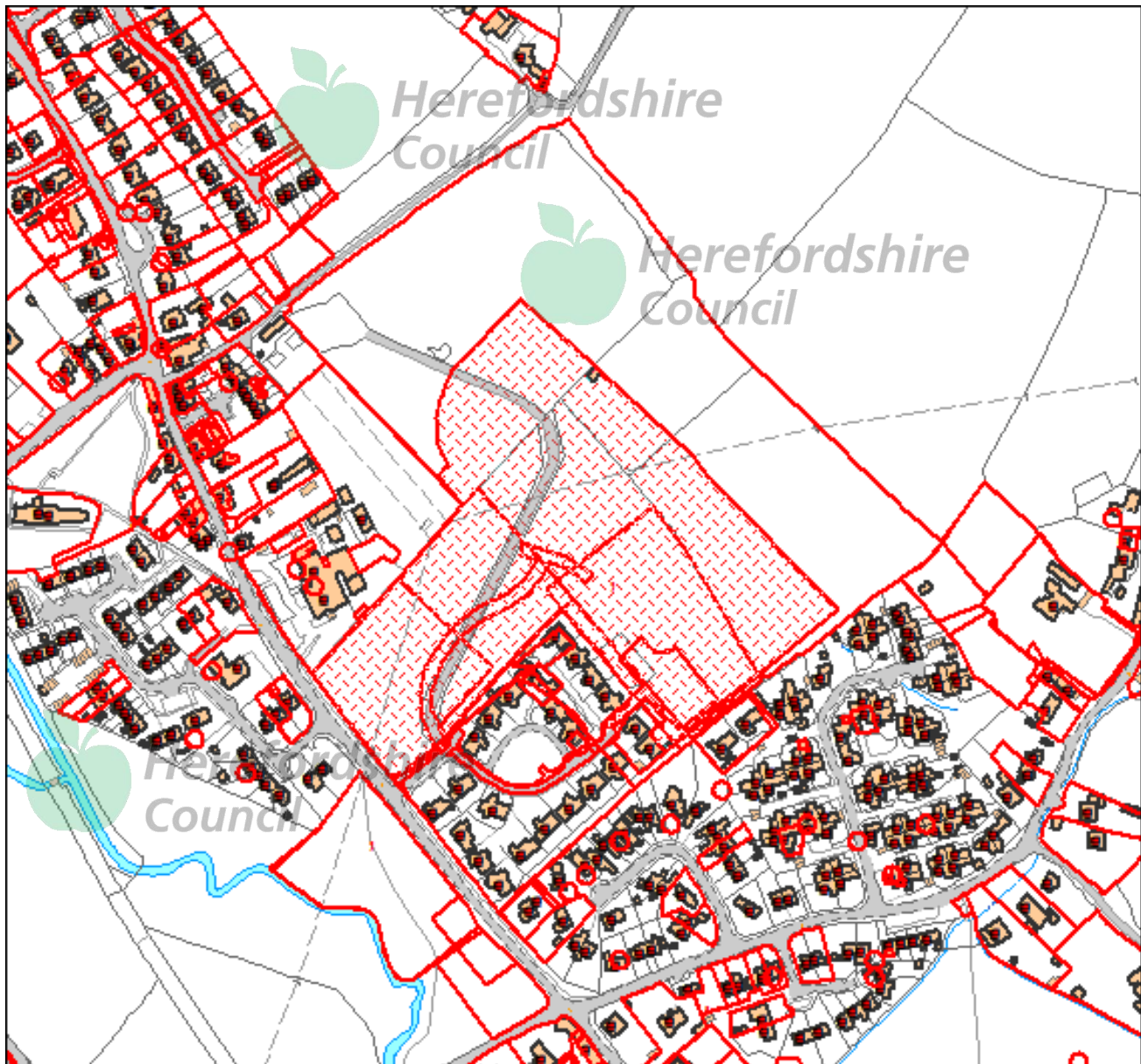
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 201441

SITE ADDRESS : DEV 1 LAND ADJOINING HAWTHORN RISE ERECTION OF 89 NEW DWELLINGS, HAWTHORN RISE, PETERCHURCH, HR2 0RQ

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 OCTOBER 2022
TITLE OF REPORT:	214251 - PROPOSED 35X18M MANEGE AND ASSOCIATED GROUNDWORKS AT JUNIPER COTTAGE, PIPE ASTON, LUDLOW, SY8 2HG For: Ms. Toye per Mr Marc Worrall, Woodcote, Tanwood Close, Callow Hill Village, B97 5YU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214251&search-term=214251
Reason Application submitted to Committee - Re-direction	

Date Received: 18 November 2021 Ward: Mortimer Grid Ref: 346912,272776

Expiry Date: 13 January 2022

Local Members: Cllr Carole Gandy

1. Site Description and Proposal

- 1.1 The application site relates to a plot of land to the south-west of Juniper Cottage, in an open countryside location approximately 1.3km north-east of the hamlet of Pipe Aston. The site is designated as a Local Wildlife Site.
- 1.2 The application seeks planning permission for the construction of a manege for private use and associated groundworks. The application is made in part retrospectively with the majority of groundworks being completed. The proposed manege will measure 35 metres by 18 metres, with timber post and rail fencing around the edge.

2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- RA6 – Rural economy
- 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

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

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

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

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.

2.2 Wigmore Group Neighbourhood Development Plan (NDP) made 12th September 2019

WG1 – Conserving and enhancing the natural environment and local landscape character
WG2 – Dark skies

The Wigmore Group Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/18334/neighbourhood_development_plan_june_2019.pdf

2.3 National Planning Policy Framework (NPPF)

The revised NPPF sets out the UK government's planning policies and how these are expected to be applied. Officers view the following sections are applicable to this application:

Chapter 2 – Achieving sustainable development
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

2.4 Planning Practice Guidance (PPG)

PPG categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. PPG can be accessed at the following link:

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

3. **Planning History**

3.1 P204119/F – Proposed 40 x 20m manege with retaining walls formed using stone – Withdrawn

3.2 P200369/F – Proposed ground works to build a base and then the erection of 3 stables – Approved with conditions

4. **Consultation Summary**

Statutory Consultations

4.1 None

4.2 Area Engineer

There are no highways objections to the proposed manege.

4.3 Landscape

Original comments

The ménage and associated works impact on the landscape character, contrary to Local Plan LD1. Achieving required finished levels on a sloping topography has an adverse impact on the physical landscape. Providing infrastructure (i.e. retaining systems) to make the levels work, and white railing will have adverse visual impacts.

The Preliminary Ecological Appraisal & Biodiversity Enhancement Management Plan, dated July 2021, has recommended mitigation and enhancement (4.2 Habitat Creation, and 4.3 Enhancement), such as wildflowers, trees and enhancement of what appears to be a historical hedgerow (Refer to figure 1). However, these have not been reflected on a landscape plan, and suggest that the recommendations may have not be implemented, and not in support of Local Plan, LD2 and LD3.

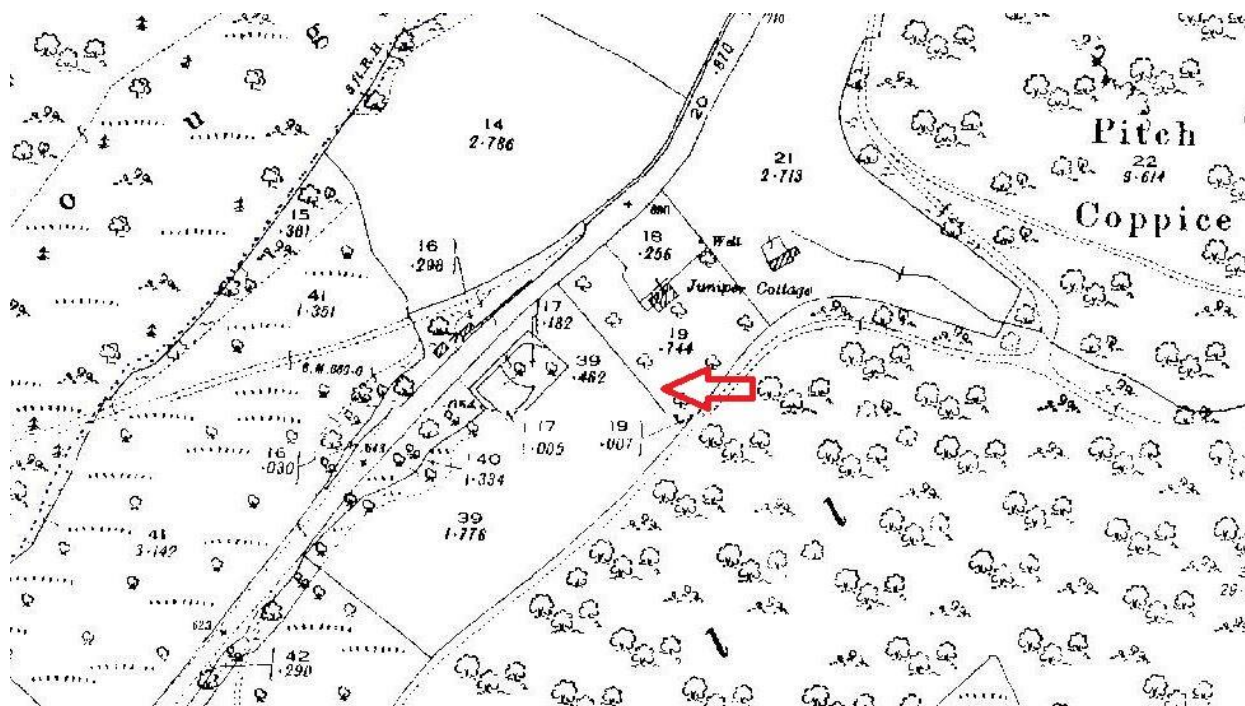


Figure 1 Historic map, circa 1904-1943

Comments following additional information

I am satisfied that the amended information has addressed my previous concerns. Levels are such, that retaining systems are not required; the fencing will be a natural finish (not white); and a more substantial landscape approach is proposed to assist in visual mitigation, and green infrastructure. I have no objection.

In terms of compliance to ensure that the recommendations of the PEA & BEMP (paragraphs 4.1, 4.2, 4.3 and diagram on p24) are adhered to and implemented, in this instance I will refer this to the planning officer to determine if a condition is required.

4.4 Ecology

It is noted that this is now principally a retrospective planning application as all/majority of construction works have now been completed.

Having spoken with Worcestershire Wildlife Consultancy in September 2021 and with previous local knowledge of the locality and utilising available biodiversity records I am satisfied that the supplied ecological report dated September 2021 is valid and relevant and represents the development site as it was prior to any works being commenced.

As is the case with many of the non-statutory nature conservation sites designated as 'Local Wildlife Sites' in the county the local authorities (pre-unitary authority) had little actual involvement and no significant powers in respect of the designation process. No legal charge on the land was made at the time of designation and in majority of sites the landowner was never even contacted during the designation process (circa 1985-1990), many sites were not even subject to a basic ecological survey prior to designation; and thus the owner at the time and subsequent owners were (and often still are) unaware they own a LWS. This has led to many sites being 'naturally' degraded by lack of specific ecological management or the designated area included into 'garden' areas or residential land holdings. A review of the county's LWS is currently being progressed to ensure only surveyed and relevant sites are 're-designated' as LWS and the owners fully involved in the process.

The supplied ecology report confirms that this residential and development site is one of those areas that perhaps should not have been included in the designation process, or in the subsequent 30+ years has become more formally managed and utilised as part of the residential dwelling on the site. Undertaking works prior to a planning permission can never be condoned or supported but each 'breach' must be considered on its own specific considerations.

To try and restore the site to its previously 'managed' state would in all reasonable consideration cause more ecological harm than benefit in both short term and long-term. A detailed scheme to generate what would be at worst an ecological/habitat neutrality and in all likelihood secure a long-term biodiversity net gain has been proposed. Drawing ref 7665-33 dated 30-03-2022 provides a specification for proposed reinstatement and creation of ecological and habitat features. Secured by condition on any planning permission granted these works and their appropriate management can be secured for implementation. A monitoring requirement is relevant and appropriate in this specific case to ensure the proposed compensation and enhancement is delivered, managed and maintained to reach maturity in the long-term.

To ensure no lighting is installed or used in the future that could impact local nocturnal species including bats, owls and dormice in adjacent hedgerows and woodland that benefit from the local intrinsically dark landscape a relevant condition is requested on any planning permission granted.

Subject to relevant conditions being secured there is no overall ecology objection to this development

Nature Conservation – Biodiversity and Habitat Compensation and Enhancement

Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local authority.

The completed scheme shall be hereafter monitored every three years for the next 30 years; with an ecology report to demonstrate all features have been managed and maintained accompanied by a record of species present, shall be supplied to the local planning authority and the Herefordshire Biological Records Centre. The first monitoring report should be supplied by 1st April 2026.

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.

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting features, such as floodlights, luminaires or fixings be installed or operated in association with the approved development without the written approval of this local planning authority.

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.

4.5 Minerals and Waste

Thank you for consulting me on the above application. I can confirm that the application site is within an area safeguarded for minerals due to a hard rock deposits which runs underneath and through the site. However, given the nature of the development proposed and the existing permitted reserves within the County, I would raise no objection to the proposal in connection with the saved policy M5 of the Herefordshire Unitary Development Plan.

5. Representations

5.1 Wigmore Group Parish Council

Original comments

Objection to application P214251/F. Juniper Cottage. Proposed 35x18m manege and associated groundworks.

Wigmore Group Parish Council (WGPC) wishes to lodge an initial OBJECTION to planning application P214251/F.

There appears to be insufficient/missing information in this application in relation to any aspects requiring retrospective planning and responses to it. This includes inter alia responses to objections raised by Herefordshire Council's expert Ecologist and Landscape Officer to application P204119/F (withdrawn).

WGPC asks if it may submit a fuller objection once the Ecologist's and Landscape Officer's responses to this application are available.

15th February 2022 PC Comments

Further to its meeting last night, Wigmore Group Parish Council wishes to reiterate its objection submitted on 11 January and request the site be restored and enhanced in line with the Worcestershire Wildlife Consultancy's Preliminary Ecological Appraisal & Biodiversity Enhancement Management Plan.

14th April 2022 PC Comments

Wigmore Group Parish Council reserves the right to amend comments or comment further once the Herefordshire Council's Ecology Report is available on the website. Clarification is sought on whether the Landscape Officer's objection is sustained.

5th August 2022 Pc Comments following additional information and publication of internal consultations

Wigmore Group Parish Council wishes to sustain its objection to application P214251/F. It is opposed to a manege being permitted on this sensitive site and asks that the application be refused. The Parish Council agrees with the points highlighted by Herefordshire Wildlife Trust in its objection, that as the 'preliminary ecological appraisal and biodiversity enhancement plan' appears to have been done only after major illegal works had been undertaken, it does not provide a baseline assessment of the wildlife importance of this site - rather only what was left after damaging works had been undertaken. Also, that the ecological importance of the ephemeral pond, downslope from the proposed manege, and its discharge stream being part of the river Teme catchment, appears to have been downplayed in relation to potential pollution from surface run-off from the proposed manege. The Parish Council notes that the Wildlife Trust concludes that the application may be in conflict with Herefordshire Council Core Strategy Policy LD2 (Biodiversity and Geodiversity).

Whether the manege application is granted or refused, the Parish Council expects that ecological restoration and enhancement work must be required so as to mitigate, as far as practicable, ecological and landscape damage done through illegal works. The Parish Council supports the condition recommended by the County Ecologist, namely that as a minimum all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30 March 2022 are fully implemented; that a report by a licensed ecologist confirming this is supplied to the local authority; and that a monitoring regime is put in place to assess the success or otherwise of the ecological restoration of the site.

Councillors commented that penalties should be imposed for contravening planning regulations. The Parish Council is disappointed that a retrospective application can be submitted and that damage to this important landscape, caused after an application had been withdrawn, can take place without permission and without its being prevented. The Parish Council wishes to record its disapproval of this practice.

5.2 Hereford Wildlife Trust

Objection. The site for the above proposal is a Local Wildlife Site (LWS) and we refer you back to the comments from the Council Ecologist in the original planning application (dated 16th December 2020, P204119/F, since withdrawn),

'No loss of any LWS habitat would be acceptable as this indicates the potential presence of an 'irreplaceable habitat' when considered under NPPF (174[c]) and any loss or detrimental effect would be contrary 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'); NPPF; Core Strategy policies SS1, SS6, LD1-3; and NERC Act considerations.'

We understand that since the above application was withdrawn work has commenced on the site including the laying of a new track, removal of a hedge row and the terracing of the fields which previously sloped. We are concerned that this work has been carried out prior to the planning application approval and that the work already carried out along with the current proposal will result in a loss of the LWS habitat. We have not been able to verify the above but we understand that this has already been brought to the council's attention.

Preliminary Ecological Appraisal

We note that no ecological assessment accompanied the original application and whilst the current application does contain a document 'preliminary ecological appraisal and biodiversity enhancement management plan' we are concerned that this was completed after the work mentioned above was carried out. In particular we note the discrepancies between the ecological appraisal and the details provided by the Council Ecologist:

'The site is an ecologically interesting location with multiple 'Priority Habitats' such as ancient woodland, SSSI woodland, other woodland. There are records of Protected Species in the immediate locality including Wood White and Pearl-bordered Fritillary butterflies and known populations of multiple bat species. The wider connected woodland is also known to support Dormice populations. The pond on the site could support Great Crested Newts and the watercourse Crayfish.'

In contrast the ecological appraisal states that:

'Apart from the issues listed above, there appear to be no other obvious and immediate issues for this development with regard to any other protected species...'

If the work had already commenced prior to the ecological appraisal then the appraisal may not accurately represent the value of the land from a biodiversity perspective as some of this habitat may already have been lost.

Hedgerow removal

Whilst the site itself may be unsuitable for nesting dormice the surrounding woodlands have had records of dormice in the past and the connecting hedgerows are vital for the movement of this species across areas. Whilst we have been unable to verify whether the hedgerow on the site has been removed we would note that the removal of any hedgerow should be a last resort as it is a vital habitat for many species and provides a corridor for movement between larger habitats.

Pond

Whilst the pond on the site does not form part of the proposed site plans and we note that the ecological appraisal flagged that the pond lay dry during newt breeding season we note that the original application identified this as the site for surface water runoff. The current application makes no reference to surface water runoff and we can only assume, given the grounds topography that the stream and pond will be the receptors of the surface water. We note that the increased silt flowing into the pond from any runoff is likely to damage the habitat further and we would be concerned that the pond would ultimately be lost. Ephemeral ponds (which lie dry for part of the year) provide important habitats for a range of semi-aquatic species and given the number of ponds that have been lost over the last fifty to one hundred years it is important that these habitats are preserved where they do exist.

Allowing the development on an LWS could set a precedent for future planning applications which could negatively impact the LWS designations.

We believe that the above application may conflict with LD2 – Biodiversity and Geodiversity and would recommend that site visit is carried out to review the extent of the work already completed and the impact on the LWS.

5.3 Third Party comments in objection (as summarised by the case officer)

- Part retrospective application
- Groundworks to a Local Wildlife Site without permission
- Stated start date is inaccurate and therefore the ecological survey was not commissioned before starting groundworks

- Removal of vegetation (hedgerow/ treeline) during bird nesting season
- Proposed white post and rail fencing is uncharacteristic of surroundings
- Views that the site is not suitable for equestrian use
- Concerns regarding the likelihood of remedial works being carried out
- Previously Council's Landscape and Ecology departments objected to similar now withdrawn proposal

5.4 **Third Party comments in support (as summarised by the case officer)**

- Design of scheme simple and unobtrusive
- Re-design has eliminated the need for gabions
- Stone path has been seeded
- No loss of privacy as located away from any neighbouring dwellings

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=214251&search-term=214251

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 Wigmore Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 12th September 2019.
- 6.3 Policies LD1 and SD1 of the Herefordshire Core Strategy seek to see proposals that will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents.
- 6.4 There is no Core Strategy policy that specifically deals with equestrian activities and use, therefore the main areas of consideration are residential amenity, highways, landscape and ecological impact.
- 6.5 The use of land has been used for grazing land of horses, the horses are already of the land and utilise the stables to the north-east of the site which are part of the same land ownership.
- 6.6 The proposal would allow an existing area of agricultural land to be used as a manege to measure 35 metres in length and 18 metres in width. It will compromise a retained manege fibre material and will have a treated softwood post and rail fencing approximately 1.2 metres above the surface. The arena will not be available for hire or public use and the level of use is considered to be limited and at an acceptable scale in light of this rural setting.

Residential amenity

- 6.7 There are no nearby residential neighbours to the south and west where the use is proposed, and the nearest neighbours to the north east are in excess of 200 metres. Privately exercising small numbers of horses should not cause significant noise or overlooking given the proposed siting of the manege. Furthermore, the proposed location of the manege would be largely screened from the roadside by existing vegetation.

Highways

- 6.8 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 110 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.' (NPPF para.111).
- 6.9 The proposal is to utilise the existing access, and is for domestic use only. Therefore there will be no additional traffic to the site than what currently exists. The Highways Engineer has no objections to the proposal, and this proposal complies with policy MT1.

Landscape and ecology impact

- 6.10 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the local plan. Decisions should also recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the benefits of trees and woodland. Paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise. Notably, decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.11 CS Policy LD2 is wholly consistent with the above NPPF requirements. Within the policies supporting texts at paragraph 5.3.13 it states development within close proximity to internationally, nationally and locally designated sites will need to incorporate sympathetic design components to enhance their nature conservation interests and to avoid or mitigate any adverse impacts. Policy LD3 relates to green infrastructure and requires developments to identify, protect and where possible enhance existing green infrastructure.
- 6.12 The proposed development is located within a locally designated area, a Local Wildlife Site (LWS) ref SWS_SO47/036 "Land adjacent to pitch coppice", and there are records of protected species in the immediate locality. The quality of the LWS and whether or not this site would be 're-designated' has been discussed within a number of representations and consultations, however nonetheless as it stands today the site is classed a LWS.
- 6.13 This application is made part retrospectively and whilst undertaking any works prior to a planning permission can never be condoned or supported, each breach must be considered on its own specific considerations.
- 6.14 To support the application, a Preliminary Ecological Appraisal and Biodiversity Enhancement Management Plan was commissioned and carried out by Worcestershire Wildlife Consultancy. This concludes that the proposed works are considered to have little impact on existing ecological integrity of the site. A Construction Environmental Method Statement was also submitted.

- 6.15 The validity of the above document has been questioned within numerous representations stating works started before the ecological appraisal was carried out. The proposal has been subject to scrutiny by the Council's Ecology Team who have spoken to the Worcestershire Wildlife Consultancy and this combined with available biodiversity records and previous local knowledge of the locality is considered sufficient for the report to be considered valid and relevant.
- 6.16 The application was also supported by a Drawing labelled Proposed landscaping, reinstated hedgerow and recommended ecological improvements, from this point on referred to as the landscape plan. The contents of which can be secured via condition.
- 6.17 The amended scheme (no retaining infrastructure; no gabion walls and no white painted railings instead a natural timber finish) and landscape plan addressed all concerns of the Council's Landscape Officer and as such they offered no objection.
- 6.18 The Council's Ecology Team also offered no objection subject to two conditions. These relate to prohibiting external lighting on the site; to ensure the local dark landscape continues to benefit local amenity and nature conservation and the implementation and monitoring of all habitat and biodiversity enhancements as detailed on the landscape plan listed in full below:

Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local authority.

The completed scheme shall be hereafter monitored every three years for the next 30 years; with an ecology report to demonstrate all features have been managed and maintained accompanied by a record of species present, shall be supplied to the local planning authority and the Herefordshire Biological Records Centre. The first monitoring report should be supplied by 1st April 2026.

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.

- 6.19 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects.
- 6.20 Whilst the first half of this condition is considered to meet these tests, it is not considered reasonable or enforceable to monitor the scheme every three years for the next thirty years. Instead it is suggested that a landscape maintenance plan is conditioned for a period of ten years to allow the proposed planting within the landscape plan to become mature.

Drainage

- 6.21 The site is not located in an area that is at risk from flooding; and the agent has confirmed surface water arising from the manege is to be managed by use of a soakaway. Given the limited use proposed, would not result in any tangible increase in discharges or additional risks to water quality in the wider River catchment.

Conclusion

- 6.22 Drawing together the above, the proposal is considered to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. The nature of the development is appropriate to the rural location on the understanding that it would be solely for private use in connection with Juniper Cottage. The proposal has no technical objections. Importantly, the forgoing appraisal demonstrates that with the proposed compensation and enhancements there would be a long term biodiversity net gain on the site. Subject to conditions, it is considered that there would be no significant impacts on landscape character, residential amenity, ecology, and drainage or highway safety. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

RECOMMENDATION

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

That planning permission be granted subject to the following conditions:

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

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

2. **The development shall be carried out strictly in accordance with the approved plans (drawing numbers 7665-30A, 7665-31A, 7665-32A and 7665-33), 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. **All planting, seeding or turf laying in the approved landscaping scheme (drawing number 7665-33) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

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

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policy WG1 of Wigmore Group Neighbourhood Development Plan, policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

4. Before the development is first brought into use a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policy WG1 of Wigmore Group Neighbourhood Development Plan, policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local 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) , Wigmore Group Neighbourhood Development Plan policy WG1 and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

6. At no time shall any external lighting features, such as floodlights, luminaires or fixings be installed or operated in association with the approved development without the written approval of this local planning authority.

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), Wigmore Group Neighbourhood Development Plan policy WG2 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

7. The manege shall be used to exercise the applicants own horses and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.

Reason: In order to safeguard the character and amenity of the area and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. All additional surface water created through the approved development shall discharge to appropriate soakaway-infiltration features on 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 and SD3.

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.**

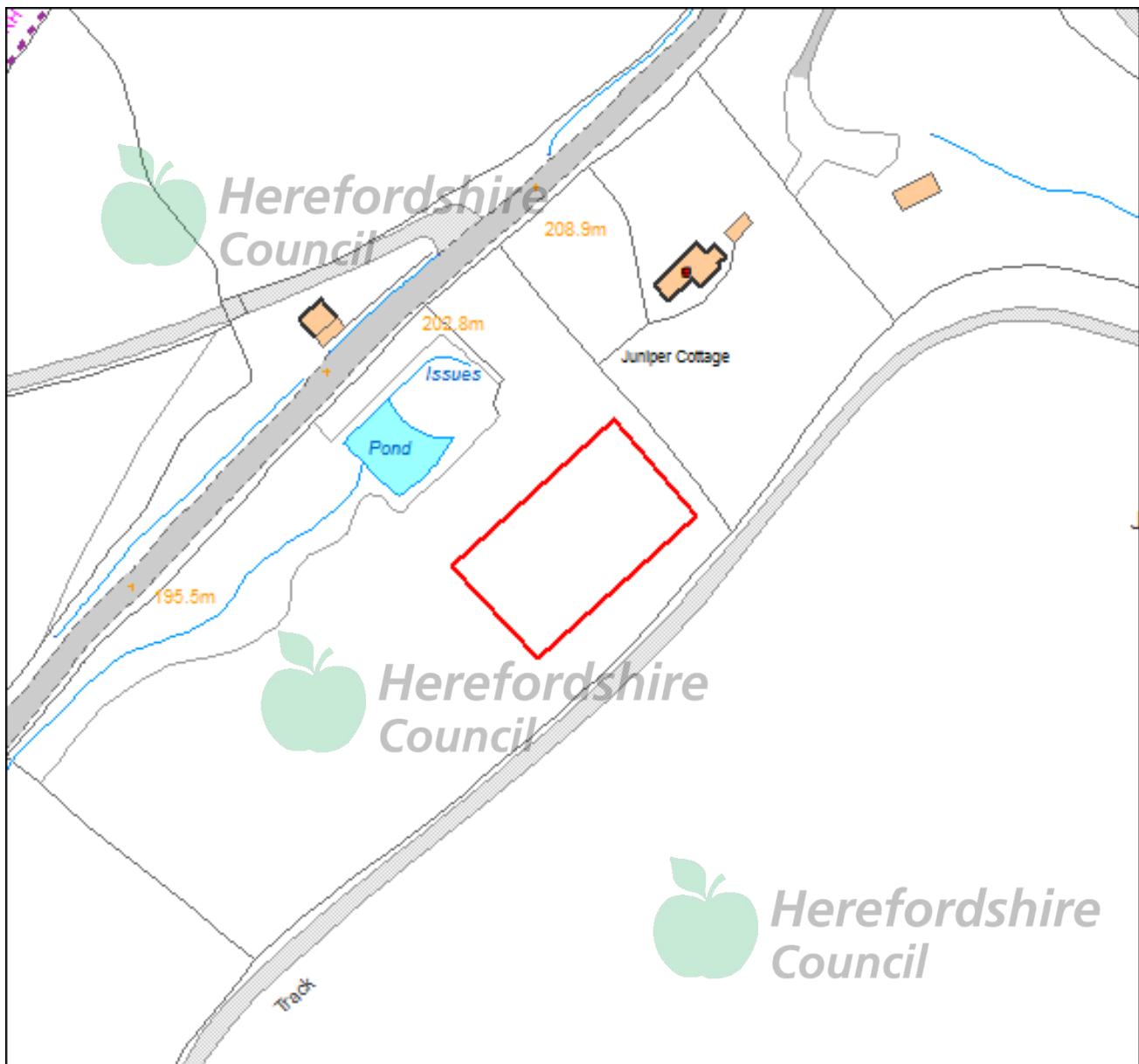
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 214251

SITE ADDRESS : JUNIPER COTTAGE, PIPE ASTON, LUDLOW, HEREFORDSHIRE, SY8 2HG

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