

# Agenda

## Planning and regulatory committee

Date: **Wednesday 18 January 2023**

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Time: **10.00 am**

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Place: **The Kindle Centre, Belmont Road, Hereford, HR2 7JE**

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Notes: Please note the time, date and venue of the meeting. Please access the following link for the webcast of the meeting:

[Planning and regulatory committee - Wednesday 18 January 2023 10.00 am](#)

For any further information please contact:

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

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

## **Membership**

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

## Agenda

	Pages
<b>PUBLIC INFORMATION</b>	
<b>GUIDE TO THE COMMITTEE</b>	
<b>NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 28
To approve the minutes of the meeting held on 23 November 2022.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 222020 - STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT</b>	29 - 46
Proposed development of 2 dwellings.	
<b>7. 211147 - HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW</b>	47 - 62
Reserved matters following outline approval 150930 (Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works). Footpath and Cycle link to town trail.	
<b>8. 204230 - PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND</b>	63 - 88
Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling.	
<b>9. 222785 - CORNER HOUSE, MONNINGTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NL</b>	89 - 94
Proposed removal of existing extensions and construction of new single storey side/rear extension.	
<b>10. DATE OF NEXT MEETING</b>	
Date of next site inspection – 7 February 2023	
Date of next meeting – 8 February 2023	



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

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

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

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

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

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

## **Recording of meetings**

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

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

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

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

## **Public transport links**

The Kindle Centre is located on the Asda Supermarket site off Belmont Road in Hereford, approximately 1 kilometre from the City Bus Station. Bus stops are located along Belmont Road.

### 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 23 November 2022 at 10.00 am**

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

**Councillors:** Paul Andrews, Polly Andrews, Dave Boulter, Clare Davies, Elizabeth Foxton, John Hardwick, Graham Jones, Mark Millmore, Jeremy Milln, Felicity Norman, John Stone and William Wilding

**Officers:** Lead Development Manager, Area Engineer - Development Control and Legal Representative

**49. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Sebastian Bowen, Ann-Marie Probert and Yolande Watson.

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

Councillor Graham Jones acted as a substitute for Councillor Bowen  
Councillor John Stone acted as a substitute for Councillor Probert  
Councillor William Wilding acted as a substitute for Councillor Watson

**51. DECLARATIONS OF INTEREST**

Councillor John Hardwick declared an other interest in respect of item no. 8, application 221708 – Ty Llan Dre, Goodrich: as a member of the Wye Valley AONB Joint Advisory Committee.

**52. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 26 October 2022 be approved.

**53. 212514 - LOWER MOSEWICK FARM, BIRCHWOOD LANE, STORRIDGE, HEREFORDSHIRE, WR6 5DU**

The Senior Planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Fry, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member provided a statement on the application which was read aloud to the committee. In summary, she explained that the application was before the committee due to a conflict with the principles of policy RA5 of the council's core strategy. However the commitment of the council through the Armed Forces Covenant and the social benefits associated with the proposal overcame the conflict with planning policy. The application was supported but the committee was urged to place a

condition on the permission to ensure that the development would be used for its stated purpose and for social benefits in perpetuity.

The committee debated the application.

The committee queried a condition to ensure that the development was used for its stated purpose and to provide the social benefit it provided into the future.

The lead development manager explained that condition 3 in the proposed permission would ensure that the development would only be for the benefit of the charitable organisation that had made the application.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Paul Andrews and seconded by Councillor John Hardwick.

The motion was put to the vote and was carried unanimously.

**RESOLVED:**

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

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

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

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

- HA38690\_PL\_02\_B (Location Plan);
- HA38690\_PL\_03\_D (Block Plan);
- HA38690\_PL\_10\_B (Site Plan);
- HA38690\_PL\_11\_B (Proposed GF Plan - CONFERENCE HALL);
- HA38690\_PL\_12\_D (Proposed FF Plan - CONFERENCE HALL);
- HA38690\_PL\_13\_D (Proposed Floor Plans – Office);
- HA38690\_PL\_15\_C (Conference Hall Elevations);
- HA38690\_PL\_16\_E (Office Building Elevations); and
- 22-OP-1211 A1/001 (Proposed Site Layout);

**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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.**

- 3. This permission shall enure for the benefit of the charity 'Reset' only and not for the benefit of the land or any other persons interested in the land.**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy RA5 of the Herefordshire Local Plan**

– Core Strategy and the National Planning Policy Framework and that the application represents a departure from the adopted development plan.

4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be protected and retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) 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.

All hard landscaping shall be completed prior to first use of the approved development.

Reason: To safeguard and enhance the character and amenity of the area and implementation of landscaping in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway, in accordance with drawing number HA38690\_PL\_03\_D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

7. Prior to relevant works commencing, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- A sample of the roof covering, which shall be of handmade plain clay tile;
- A sample of the rainwater goods, to be either finished in cast iron or aluminium;
- A sample of the brick, which shall be handmade;
- A sample panel of brickwork, to include mortar mix, colour, joint profile and brick bond;
- Timber frame drawings, to be submitted at 1:20 scale;
- Joinery details at 1:2 scale, to which windows will be hardwood casements with metal opening lights; and
- Details of the proposed glazing, which shall be non-reflective glazing and recessing of all new areas of Glazing.

The development shall be carried out in accordance with the approved details.

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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of conditions below, none of the buildings shall be occupied until the drainage works have been completed in accordance with the approved plans and supporting information, namely in accordance with:
- Amended Location Plan 14.6.22 (Ref: HA38690\_PL\_02\_B);
  - Amended Proposed Site Layout 14.6.22 (Ref: A1/001);
  - Land Registry Ownership Boundary 001 14.6.22;
  - Land Registry Ownership Boundary 002 14.6.22;
  - Amended Proposed Drainage Strategy 14.6.22 (Ref: A1/002 Rev A);
  - Amended Proposed Car Park Drainage Strategy 14.6.22 (Ref: A1/003 Rev A);
  - Amended Drainage Construction Details 14.6.22 (Ref: A1/004 Rev A);
  - Response to LLFA Comments 14.6.22;
  - Drainage Calculations 14.6.22;
  - Drainage Calculations 2 14.6.22; and
  - Photos from Agent 14.6.22

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

9. Before the development is first occupied or brought into use, a schedule of landscape 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 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, Policy CNDP5 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

10. 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 application site 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.

11. Prior to first occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed within six months of written approval 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.

12. The ecological protection, mitigation, compensation and working methods scheme, including the biodiversity net gain enhancements and management of all lighting features, as recommended in the ecology report by Turnstone Ecology dated August 2022 shall be fully implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

13. To record and inform knowledge of protected species at the site and presence in the wider locality – Malvern Hills AONB and adjacent woodland SSSI, within 5 months of completion, a copy of the final optimal period bat survey report and full records of species identified, shall be supplied in writing to the local planning authority and Herefordshire Biological Records Centre.

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

14. Any external lighting proposed to illuminate the development, other than lighting shown on the approved plans, shall be submitted to and approved in writing by the local planning authority before installation.

**Reason: To safeguard local and visual amenities and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework**

### **Informatives**

- 1. IP2 – 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. INS – A I 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>**
- 3. INS – The proposed development may not have access to mains water and be reliant on a private water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard. If the supply is to be used for shared or commercial purposes including renting, the Private Water Supplies (England) Regulations 2016 specify that the water supply cannot be used until it has been risk assessed by the local authority's private water supplies team (01432 261761) and found compliant. Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.**
- 4. I06 – A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 5. I10 – Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.**
- 6. I11 – 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.

7. **150 – The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact Balfour Beatty (Managing Agent for Herefordshire Council) Public Rights of Way Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).**

**54. 221224/221225 - THE PAVILION, CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW**

*(Councillor Jeremy Milln left the committee to act as the local ward member for the next application)*

The senior planning officer gave a presentation on the applications.

In accordance with the criteria for public speaking a statement was read aloud to the committee from Mr Burn, local resident, in support of the application. The chairman of the committee exercised his discretion to also allow the applicant to speak in support of the application.

In accordance with the council's constitution the local ward member spoke on the applications. In summary he explained that the application site was in a sensitive location. The applicant had sought to enhance the original features of the pavilion with a complementary contemporary scheme. The design had been carefully developed and the improvements proposed to the pavilion had the potential to be a huge asset to the local community. It was important to recognise the objections of the historic buildings officer and the tension that existed between the proposals in the application and LD1/LD4 of the core strategy.

The committee debated the application.

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

A motion that application 221224 be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

A motion that application 221225 be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by a Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

**RESOLVED**

- a) **221224/F – That planning permission be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

1. **C01 – Time limit for commencement (full permission)**

**2. C07 – Development in accordance with the approved plans**

**ES017 E(0)001 – Site Location Plan and Site Plan  
ES017 P(0)001A – Proposed Block Plan and Site Plan  
ES017 P(0)002C – Proposed Sub Ground Floor Plan  
ES017 P(0)003B – Proposed Ground Floor Plan  
ES017 P(0)004B – Proposed First Floor Plan  
ES017 P(0)005B – Proposed South East Elevation  
ES017 P(0)006B – Proposed South West Elevation  
ES017 P(0)007B – Proposed North East Elevation  
ES017 P(0)008B – Proposed Section AA  
ES017 P(0)009B – Proposed Section BB  
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan  
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Façade  
ES017 P(0)024 – Copper Cladding Precedent  
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use  
ES017 P(0)026 – Proposed Site CMP: General Works  
ES017 P(0)027A – Proposed Site Scaffold Layout  
ES017 P(0)028A – Proposed Canoe Chute Details**

- 3. The development hereby permitted shall be carried out in strict accordance with the Lighting Impact Assessment (Rev. P02) by Services Design Solution Ltd dated 26<sup>th</sup> October 2022 and associated appendices (as also updated). At no time shall any external lighting except that approved within these documents be installed or operated in association with the approved development without the prior written approval of the local planning authority.**

**Reason: To safeguard the amenity of the area and 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 and Herefordshire Local Plan - Core Strategy policies SD1, LD1, LD2, LD3 and LD4.**

- 4. The approved Construction Environmental Management Plan (v2) dated October 2022 and updated appendices / supporting CMP plans, and the Demolition Method Statement dated 16<sup>th</sup> June 2022, shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.**

**Reason: To protect the significance of the Hereford Castle SAM site and 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 and Herefordshire Local Plan - Core Strategy policies LD1, LD2, LD3 and LD4.**

- 5. The community focused multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.**

**Reason: To safeguard the amenities of the locality and to ensure that all species and the local intrinsically dark riverside setting are protected having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.**

6. **C48 – Archaeological survey and recording**
7. **C50 – Groundworks and foundation design**
8. **CB2 – Secure covered cycle parking provision**
9. **CDD – Evacuation management plan**
10. **No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

11. **Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Arbtech - Tree Protection Plan (TPP 01).**

**Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

12. **The bat roosting mitigation/enhancement measures specified in the Bat Survey Report prepared by Arbtech dated 14<sup>th</sup> June 2022 shall be incorporated into a wider Biodiversity Net Gain scheme (including bird nesting features) to be submitted to and approved in writing by the local planning authority prior to first use of the development. The approved scheme shall be implemented and maintained in full hereafter unless otherwise approved in writing by the local planning authority.**

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

13. **CBK – Restriction on hours during construction**

#### **INFORMATIVES:**

1. **IP2 – Approval following revisions**

2. I01 – AAI notification
  3. I17 – Need for prior scheduled monument consent
  4. The site is located within the vicinity of a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required from the Environment Agency.
  5. I25 – Council ownership
- b) 221225/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:
1. CE7 – LBC time period
  2. C07 – Works in accordance with the approved plans
    - ES017 E(0)001 – Site Location Plan and Site Plan
    - ES017 P(0)001A – Proposed Block Plan and Site Plan
    - ES017 P(0)002C – Proposed Sub Ground Floor Plan
    - ES017 P(0)003B – Proposed Ground Floor Plan
    - ES017 P(0)004B – Proposed First Floor Plan
    - ES017 P(0)005B – Proposed South East Elevation
    - ES017 P(0)006B – Proposed South West Elevation
    - ES017 P(0)007B – Proposed North East Elevation
    - ES017 P(0)008B – Proposed Section AA
    - ES017 P(0)009B – Proposed Section BB
    - ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
    - ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Facade
    - ES017 P(0)024 – Copper Cladding Precedent
    - ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
    - ES017 P(0)026 – Proposed Site CMP: General Works
    - ES017 P(0)027A – Proposed Site Scaffold Layout
    - ES017 P(0)028A – Proposed Canoe Chute Details
  3. With the exception of any site clearance and groundwork, no further works shall take place until details and/or samples of materials to be used externally on walls, roofs and fenestration have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include colours and finishes. The works shall be carried out in accordance with the approved details.
 

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SS6, SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
  4. A detailed schedule of works, informed by appraisal of the current condition of historic fabric internally and externally, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

**Reason: To safeguard the architectural and historic interest and character of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

5. **All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling and interior fittings such as radiators, electrical socket outlets and switchplates. The works shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

6. **No works in relation to the new stonework shall commence until a sample panel(s) of all new facing stonework has been provided on site at a minimum size of 1m x 1m and showing the proposed stone types, sizes, colour and texture; and pointing mortar mix, joint thickness and finish profile. Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is completed.**

**Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

7. **No works shall commence in relation to the new timber door onto the roof terrace until precise details of its joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include 1:2 details and sections and 1:20 elevations; the method & type of glazing; and the colour scheme/surface finish. The works shall be carried out in accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

*(Councillor Jeremy Milln resumed his seat on the committee)*

*There was an adjournment at 11:02 a.m.; the meeting reconvened at 11:17*

**55. 221708 - TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JE**  
(Pages 15 - 16)

*(Councillor William Wilding left the committee to act as proxy 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 a statement was read to the committee behalf of Goodrich and Welsh Bicknor group Parish Council; a video was played of Mrs Rees, local resident, who spoke in objection to the application; and Mr Watkins, applicant's agent, spoke in support of the application.

In accordance with the council's constitution the proxy local ward member spoke on the application. In summary he explained that the scale of the extension in the application was substantial and it was the committee's decision to determine if the scale was too great. The objections of the parish council were acknowledged particularly the loss of a 3 bedroomed house from local housing stock. The design should take greater account of ecological impact and the climate emergency.

The committee debated the application.

The committee expressed concern regarding the impact of construction on local lanes and accesses.

The lead development manager explained that a construction management plan could be included in the conditions if it formed part of the committee's decision making.

The proxy 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 and with the inclusion of a condition for a construction management plan was proposed by Councillor Polly Andrews and seconded by Councillor John Hardwick. The motion was put to the vote and was carried unanimously.

**RESOLVED**

**That planning permission be granted subject to the following conditions, the inclusion of a condition for a construction management plan and any further conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:**

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

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

- 2. The development shall be carried out strictly in accordance with the approved plans (JW1076-102 C) 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. Prior to the first occupation, of the extension hereby permitted, and at all times thereafter, the windows indicated as obscured on the approved plans shall be glazed with obscure glass only and shall be non-opening. The obscured glazing shall be retained in perpetuity.**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4. No development shall commence, including site clearance and ground works, until a landscape scheme and external materials palette, is 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. All existing and proposed hardstanding and boundary treatment.**
  - C. All external materials are fully specified.**

**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.**

- 5. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

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

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

- 6. Prior to first occupation of the extension hereby approved, evidence of the suitably placed installation within the site boundary of at least two bird nesting boxes for a site appropriate range of bird species shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

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

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status 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.**

**If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.**

The meeting ended at 11.53 am

**Chairperson**

## SCHEDULE OF COMMITTEE UPDATES

**221708 - RENOVATION, RECONFIGURATION AND SIDE EXTENSION TO CREATE A MODERN FAMILY HOME AT TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HR9 6JE**

For: Mr & Mrs Oliver per Miss Kirsty Sullivan, Summit House, Suite 2, 5 Gold Tops, Newport, NP20 4PG

### ADDITIONAL REPRESENTATIONS

2 Additional Objections have been received since the publication of the agenda. The concerns raised can be summarised as follows:

- Concerns regarding the impact to the character of the proposed area
- Adverse Highway Impacts
- Adverse impact upon amenity with regard to noise and material pollution.
- Concerns over overshadowing impacts
- Adverse impacts upon the Grade II\* listed asset
- Out of character with the built form (impact to the character of the proposed area)

A further email was received from Erika Rees on 21 November 2022 raising concerns about procedural matters and inaccuracies in the report. See comments below

### OFFICER COMMENTS:

The additional objections do not raise concerns that have not already been summarised in the Committee report

The further email above refers to a number of concerns and these are addressed below:

- The use of the definition semi-detached to characterise the property rather than the objectors preferred link-detached definition is not considered material to the assessment of the application
- The objector identifies that the actual height of the extension is 8.124 metres (not the 7.73 metres referred to in the report). This inaccuracy is noted and the various elevations have been re-scaled and the maximum height of the extension, allowing for changes in ground level is considered to be a fraction over 8 metres. However what is considered of key relevance in the assessment of the application is that both the ridge and eaves height of the extension are lower than the existing property owing to the changing levels within the site
- The objector has questioned the reporting of the number of objection letters received. For the avoidance of any doubt, objections were received from a total of 14 different households. At the time of publishing, there were a total of 19 responses (and an additional letter of support). A further 2 were received after publication of the report and these are referred to above.
- The objector has identified that the proposed extension would be 27 metres from The Timbers and not the 28 metres referred to in the report – this is explained as being a result of the cantilevered design of the proposed extension. In your officers view, the

distance between the properties remains adequate to protect privacy ( a 21-25 metre separation distance is generally considered to achieve this)

- The objector refers to the omission of any references to NDP policies GWB 16 and GWB14 in the report. Policy GWB16 seeks to ensure new development provides for a mix of housing sizes to meet local need. It is your officers` view that this policy relates to new residential development rather than extensions to existing dwellings. Policy GWB14 seeks to protect important views into and out of the village. The objector seeks to interpret the policy as one that protect private views from properties. This is not accepted as it is a well-established principle that the Planning system does not protect views across private land. Your officers view is that an extension to the side of the existing property will not result in any loss of views that would substantiate the refusal of planning permission and Cllrs are directed to the comments of the Senior Landscape Officer and the Building Conservation Officer in terms of the landscape and heritage setting effects of the proposal

On the final procedural point, the objector has been advised that Cllr Wilding is acting as proxy Ward Cllr for Kerne Bridge whilst Cllr Watson is away.

**NO CHANGE TO RECOMMENDATION**

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<b>222020 - PROPOSED DEVELOPMENT OF 2 DWELLINGS. AT STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT</b>  <b>For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222020&amp;search-term=222020">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222020&amp;search-term=222020</a>
<b>Reason Application submitted to Committee - Redirection</b>	

Date Received: 21 June 2022

Ward: Llangarron

Grid Ref: 351160,217490

Expiry Date: 23 August 2022

Local Members: Cllr Elissa Swinglehurst,

**1. Site Description and Proposal**

- 1.1 The application site comprises part of a field used for grazing, lying on the corner of St Wulstans Road and a private road in the centre of Welsh Newton Common. The site is bounded by trees along the roadside and there is an existing access gate in the eastern corner into the wider field.
- 1.2 The wider field benefits from two large beech trees and a field shelter. The private road that runs along the southern boundary used to lead to a Post Office which has now closed.
- 1.3 The dwellings proposed are detached, one and a half storey, three bedroom properties with communal living space on the ground floor and bedrooms above.
- 1.4 Both dwellings will be constructed from facing stonework on the front elevations with areas of render on the other elevations, with natural slate roofs and aluminium/timber windows.
- 1.5 The ridge height for the proposed dwellings is 6.0 metres. Plot 1 has 155sq metres of usable floorspace and has an attached garage to the dwelling. Plot 2 has 203sq metres of usable floorspace, and has a detached garage.
- 1.6 The elevations of the two proposed dwellings can be seen below:



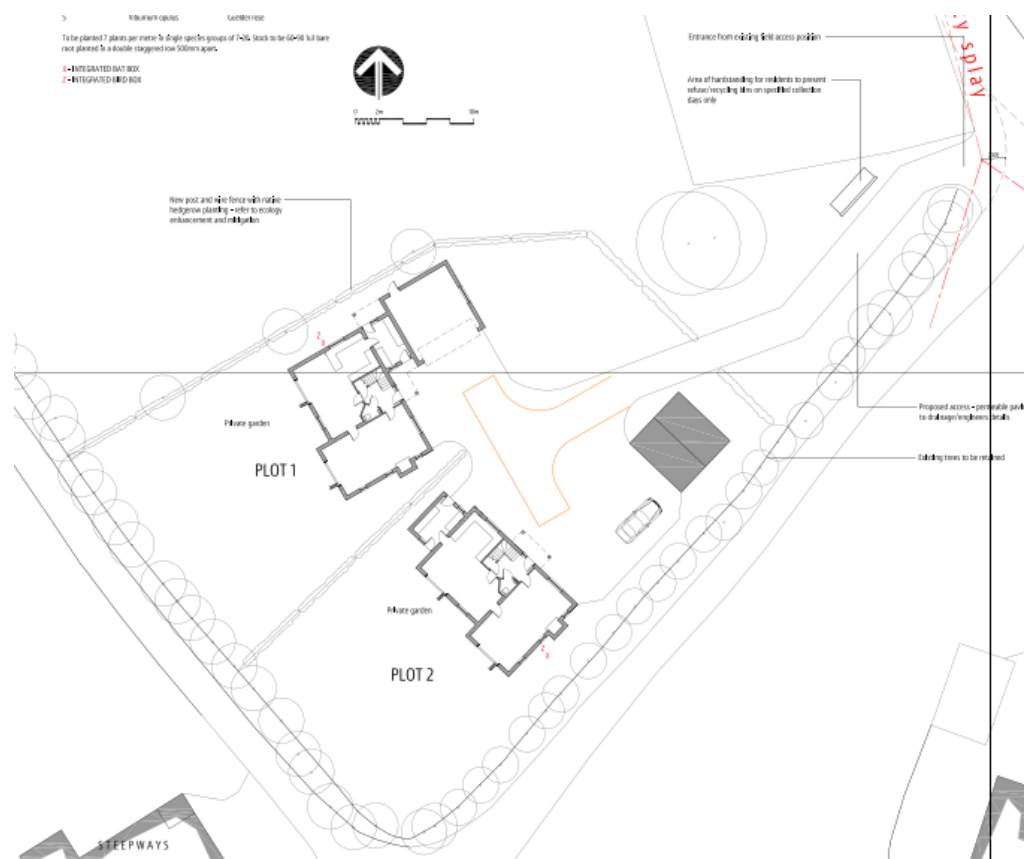
Further information on the subject of this report is available from Mrs G Webster on 01432 261803

**Plot 1**



**Plot 2**

1.7 The site already benefits from approval of two dwellings of the same design and scale. The difference in this proposal is that the access is proposed to come from the existing access to the field (to the east of the site) rather than a new access being created in the hedgerow (to the south east), and the plots are rotated on the site to run in a north/ south line rather than east / west.



**2. Policies**

2.1 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:-

- 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

Further information on the subject of this report is available from Mrs G Webster on 01432 261803

- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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](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. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

- 2.2 Welsh Newton and Llanrothal Neighbourhood Development Plan - Made September 2019 and full weight can be afforded to the Plan, although there are no allocated sites defined in the Plan.

The relevant policies are:

- Policy WNL1 - Protecting and Enhancing Local Landscape Character
- Policy WNL2 - Green Infrastructure
- Policy WNL3 - Protecting and Enhancing Local Wildlife and Habitats
- Policy WNL4 - Building Design Principles
- Policy WNL5 - Welsh Newton Common Settlement Boundary and New Housing
- Policy WNL11 - Supporting New Communications Technologies and Broadband
- Policy WNL13 - Renewable and Low Carbon Energy Development

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

- 2.3 NPPF
- Chapter 2 - Achieving sustainable development
  - Chapter 4 - Decision making
  - Chapter 5 - Delivering a sufficient supply of homes
  - Chapter 6 - Building a strong, competitive economy
  - Chapter 8 - Promoting healthy and safe communities
  - 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

### **3. Planning History**

- 3.1 P191286/F – Proposed development of two dwelling – Refused 22/1/2020 Appeal Dismissed 20/11/2020
- 3.2 P200954/F - Proposed development of two dwellings – Non determination appeal - Appeal Dismissed 20/11/2020
- 3.3 P204346/F – Proposed development of two dwellings - Approved
- 3.4 P220026/F – Application for variation of condition 2 of P204436/F to allow revised house designs - Refused

### **4. Consultation Summary**

Statutory Consultations

#### **4.1 Welsh Water SEWERAGE**

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

#### **WATER SUPPLY**

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

*Further comments received 2/12/2022*

#### **WATER SUPPLY**

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process

The proposed development is also crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.



## Internal Council Consultations

### 4.2 **Principal Natural Environment Officer (Ecology)**

It is noted that this is basically a resubmission of previously approved planning application 204346/F (granted planning permission 5<sup>th</sup> August 2021). Minor changes to layout to secure use of an existing access reducing loss of existing hedgerow are noted and welcomed

The updated ecology report by Willder Ecology dated 23<sup>rd</sup> May 2022 refers. There are no significant changes in the ecological status of the site and the previous final ecology comments and suggested conditions by Abigail Sanders (Principal Natural Environment Officer) dated May 2021 remain relevant and appropriate.

The application triggers the requirement for a Habitat Regulations Assessment. As there are no significant changes the HRA appropriate assessment completed for previous application 203346 remains valid and is formally adopted in respect of this current application. Natural England returned a formal “no objection” response to this previous Appropriate Assessment/planning application – their ref 355468 dated 15<sup>th</sup> June 2021.

There are no further ecology comments and no objection is made.

### 4.3 **Team Leader Area Engineer**

No objections, recommends conditions

### 4.4 **Principal Natural Environment Officer (Tree officer)**

No Objections – the recommended conditions listed below will provide adequate protection to the retained trees.

### 4.5 **Commons Officer**

Please note that the site is accessed over registered common land; Welsh Newton Common (CL54) and any works on common land will require section 38 consent in accordance with The Commons Act 2006.

For clarification, the current proposals regarding the access does not require section 38 consent. However any amendments or upgrading of the existing access arrangements may require section 38 consent in accordance with The Commons Act 2006.

### 4.6 **Land Drainage Consultant**

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Proposed Site Plan (Ref: 924-PL04 Rev A); and
- Drainage Strategy Report (Ref: 0923/R02 – May 2019).

#### *Overview of the Proposal*

The Applicant proposes the construction of two dwellings and appropriate car parking. The site covers an area of approx. 0.42ha and is currently a field used for equestrian purposes. No additional information in relation to flood risk and/or drainage has been provided since our previous comments dated 12th May 2020 (under App. No. 200954) and 22nd March 2021 (under App No. 204346).

#### *Flood Risk*

##### *Fluvial Flood Risk*

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

### *Surface Water Flood Risk*

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

### *Other Considerations*

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

### *Surface Water Drainage*

The Surface Water Drainage Strategy submitted to support the planning application includes plans relating to a previous planning application for three houses on the same plot. The surface water drainage strategy has not been amended to reflect the change from 3 houses to 2 houses. This can be provided as part of suitably worded planning conditions. As previously stated, an acceptable infiltration rate of 1.6x10<sup>-5</sup>m/s has been established. It is understood and agreed that all surface water runoff will be directed to a soakaway (to accommodate the 1 in 100 year + 40% climate change event). We would expect to see calculations to demonstrate this.

It has been stated that a maintenance company would be responsible for any shared drainage features and the shared permeable pavement. It is stated that the permeable pavement will include check dams (parallel with the contours) due to the slope of the site.

### *Foul Water Drainage*

Similarly, as with the surface water drainage aspect, the foul water drainage strategy has not been amended to reflect the change from 3 houses to 2 houses. As the population is decreasing, we do not object or have concerns in regard to the foul water drainage strategy. The previous foul water management proposal was to provide 1 package treatment plant to serve Plots 1, 2 and 3. It has been stated that a maintenance company will be responsible for the package treatment plant and drainage field. The land on which these features are located should be jointly owned by the residents.

A Vp value of 20.8 has been established through infiltration testing. Updated calculations should be provided to demonstrate that the drainage fields have been correctly sized.

An Environmental Permit is required for the discharge of treated effluent from this package treatment plant as it exceeds 2m<sup>3</sup> per day.

### *Overall Comment*

We do not object the proposed development; however, we request that the following information is provided within suitably worded planning conditions.

## **5. Representations**

### **5.1 Welsh Newton and Llanrothal Parish Council**

Welsh Newton and Llanrothal Group Parish Council wish to object to this application for the following reasons:

- It does not satisfy NDP Policy WNC1 – meet the need for affordable housing
- It is contrary to NDP Policy WNL1 – enhancing the local character, wildlife and habitat of the area
- The highway to the properties is unsuitable for an increase in traffic
- There are concerns that drainage from this site will impact the Lower Wye SAC.

### **5.2** In response to the public consultation a total of 27 objectors commented on the application throughout the process, the objections detailed the following points:

- Welsh Newton Common should not be identified as a RA2 settlement for development
- The revised Local Development Plan currently being undertaken may remove Welsh Newton Common from the list and would therefore become open countryside

- Access will be close to two mature beech trees with low canopies, these are to be retained according to tree report, but could be damaged from vehicles or root damage
- The PTP will be on land to be retained by the applicants therefore access and maintenance could be a problem in the future
- A section 38 permission will still be required as a new domestic entrance crosses the common
- Access visibility will be poor from the existing access as it is set back in the hedge line and will come out to a bend
- Protected species are present near the site, including Great Crested Newts and bats
- Site adjoins common land, identified and protected in the NDP as important green space
- Won't meet local need nor be affordable
- Narrow road network around the village and proposal will increase traffic
- Should have low carbon technologies and electric car charging points
- No facilities such as shop, pub, village hall and only once a week bus service
- The parcels of land within the village give Welsh Newton Common its distinctive character
- Increase in noise and disruption during construction phase and during day to day living after
- No more large homes needed in the village
- Drainage to the development is a problem
- Adds pressure to an already overstretched water supply

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=222020&se-arch-term=222020](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222020&se-arch-term=222020)

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 Welsh Newton and Llanrothal Neighbourhood Area which published a made Neighbourhood Development Plan (NDP) on 13 September 2019. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. This policy states:  
*'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.'*

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

#### *Location of residential development*

- 6.4 In locational terms, paragraph 79 of the Framework seeks to restrict development in isolated locations, but does acknowledge in rural locations it may be the case that development in one village supports the services in another village nearby. That said, the adoption of the Core Strategy represents a shift in policy that recognises proportionate growth is required in rural areas for social and economic purposes. It is with this in mind that the proposal is assessed under the CS policies alongside the Framework, notwithstanding the out of date nature of the policies.
- 6.5 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.
- 6.6 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). Welsh Newton Common is within the Ross-on-Wye HMA, which is earmarked for an indicative 14% indicative housing growth and is listed in Figure 4.14 under policy RA2 as a settlement which will be the main focus of proportionate housing development. This percentage increase translates to 61 dwellings being required across the plan period.
- 6.7 Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the Welsh Newton and Llanrothal NDP has been made and therefore forms part of the Development Plan for the county.
- 6.8 Policy WNL5 of the NDP states that proposals for new market housing will be supported within the identified settlement boundary in Welsh Newton Common. The following map includes the black line of the settlement boundary with the site being indicated by the red star:



6.9 It is clear from the above that the site is located within the centre of the settlement. Notwithstanding this, policy WNL5 goes on to state other criteria that a proposal should meet. This includes:

- Within the Settlement Boundary for Welsh Newton Common, proposals should be small in scale i.e. for one or two properties, and development should adjoin clusters of existing buildings and not be on isolated sites away from other housing and settlements. Proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location within Welsh Newton. New housing should be accessed directly from a made up road.
- House sizes should be limited to a maximum of 2/3 bedrooms to help address the local shortage of smaller, affordable units for young families.

6.10 With the proposal seeking planning permission for the erection of two dwellings, the scale is supported by this policy. Also, noting the location of site in the centre of the settlement, surrounded by existing dwellings, it is not considered that the site is isolated. Welsh Newton Common is largely made up of individual, detached dwellings, often in their own plots – although there are examples of shared accesses in some cases. The siting of the two dwellings is found to have been influenced by the surrounding development in that they are different in form from one another (this will be touched on further below) and continue the largely wayside pattern of the settlement. It is acknowledged that the proposal will utilise a small paddock and that the NDP recognises the contribution these make to the character of the area. However, the utilisation of this site which is located adjacent to other dwellings is not considered to be detrimental to the overall character of the settlement as a whole.

6.11 Therefore, in principle the proposal is acceptable and in accordance with planning policy. The following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

#### *Design and amenity*

6.12 The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

- 6.13 The above is reinforced through policy WNL4 of the NDP which states, amongst other things; care should be taken to ensure that building(s) height, scale, and form do not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views; building materials are encouraged that retain the character of the settlement such as natural red sandstone, mellow red brick, timber or timber style windows and slate or tiled roofs and Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m.
- 6.14 The dwellings proposed are detached, one and a half storey properties with communal living space on the ground floor and bedrooms above.
- 6.15 In terms of the scale of the buildings proposed, the ridge height measures 6 metres – a limit specifically included within policy WNL5.
- 6.16 Both dwellings will be constructed from facing stonework elevations with areas of render with slate roofs and aluminium/timber windows. Noting the dwellings nearest the site comprise of render and stone, these materials are not found to be out of keeping with the locality or unacceptable in principle. However, it is considered appropriate to condition exact details and finishes of the materials on any approval.
- 6.17 Secure cycle storage and the provision of an electric charging point will also be part of the scheme and will be conditioned. The sustainability credentials of the proposal have also been touched on within the Design and Access Statement and states the following:
- The dwelling has been designed to exceed current building regulation requirements for thermal performance, highly insulated timber framed walls and roofs with continuous external insulation to eliminate cold bridges within the structures.*
- 6.18 Turning now to amenity impacts, each dwelling will benefit from adequate private gardens to the rear. Given the orientation of the dwellings, there are not found to be detrimental issues of overlooking for future occupiers of either dwelling. In relation to existing properties, the location of Steepways (formerly the Post Office) to the west is noted, however, given the separation in excess of 35m, the intervening track to Steepways (which runs along the western boundary of the site) and the hedge to be retained along the boundary, issues of overshadowing or overlooking are not anticipated.
- 6.19 In light of the foregoing, the design of the dwellings is found to have been influenced by the locality – the materials are in keeping with the surroundings and the differing form respects the adhoc way in which Welsh Newton Common has grown. The proposal is found to comply with policy SD1 of the Core Strategy and policy WNL5 of the NDP.

#### *Access and Highway Safety*

- 6.20 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 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 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)
- 6.21 The foregoing is reinforced through policy WNL1 of the NDP which states that *proposals will be required to maintain the area's sense of tranquillity, through careful and sympathetic design of access and consideration of traffic impacts on local roads.*

- 6.22 The proposed development does not present an unacceptable impact on highway safety and does not result in detrimental impacts in regards to capacity. With the proposal seeking permission for 2 x 3 bedroom properties, there is a minimum provision of 2 car parking spaces per dwelling detailed which are required to meet the standards contained within the highways design guide. The submitted block plan indicates this provision as well as turning areas so that any vehicle can enter the highway in forward gear. There are no objection raised by the Highways Engineer.
- 6.23 This proposal seeks to improve the overall access arrangements by comparison to the previously approved site by utilising an existing access to the paddock in the eastern boundary corner, off the main through road of Welsh Newton Common, rather than via the hedgerow along the south eastern boundary as approved in P204346.
- 6.24 It is noted that the access road will be of a longer distance for the two dwellings in this proposal (approx. 40 metres from the main road access), however there will be no removal of hedgerow due to the existing access being utilised. In addition the access road will run alongside the south eastern boundary hedgerow which will provide screening on the additional hard surfacing and will be of permeable paving to provide continued drainage. Visibility splays are demonstrated to be sufficient to meet requirements. Electric vehicle charging points will be conditioned.
- 6.25 With this in mind, as well as the proposed internal layout, the application is found to meet the aims of policy MT1 of the Core Strategy and WNL1 of the NDP.

#### *Ecology and trees*

- 6.26 Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.27 The application is accompanied by a Tree Report and Survey and Ecological Assessment and Mitigation Method Statement. The Council's Ecologist has viewed this and has states that nothing differs from the previous approval, but welcomes the amended access point ensuring that the existing hedgerow on the south eastern boundary is no longer lost to to provide an access point. With the site falling within the River Wye Special Area of Conservation (SAC) catchment, a Habitat Regulations Appropriate Assessment (HR AA) was completed as part of the previous approval, as no details have altered this HRA is still valid and concluded no likely significant effect, Natural England also confirmed this outcome.
- 6.28 With regard to the impacts on the trees on the site, the Council's Tree Officer has viewed the submission and does not object to the scheme. The site itself does not benefit from any Tree Protection Orders, but a condition ensuring those trees proposed to be retained, including the two mature beech trees near the access, will be attached to any approval as well as the development being carried out with the submitted tree survey and specifications of tree planting.
- 6.29 The proposal is found to comply with the aims of CS policies LD2, LD3, SD3 and SD4.

#### *Drainage*

- 6.30 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should



seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.31 Foul water will be disposed off using private treatment plants with outfall into soakway drainage fields. Surface water will be disposed off using a Sustainable Urban Drainage system. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site.
- 6.32 The drainage strategy has not been updated since the previous application and the Council's Land Drainage Consultant is content with the proposal. As such, it is considered that the requirements of Policies SD3 and SD4 would be satisfied subject to suitably worded conditions.

#### *Other matters*

- 6.33 It is acknowledged that development will cross Common land in order to gain access to the site. However, any such agreement would be the subject of a Section 38 consent under the Commons Act and separate to the granting of any planning permission. Notice was served in the newspaper as a result of there being no known owner of the Common and as such the planning application is valid and capable of being assessed. In addition, the Commons Registration Officer has no objection.
- 6.34 Welsh Water have identified that there are current capacity issues in regards to potable water within the immediate vicinity, however they do not formally object to this amended proposal but have stated that the applicant will need to undertake a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of the new water mains to serve the development.

#### *Conclusion*

- 6.35 The design of the dwellings are found to be in keeping with the variety of house types within Welsh Newton Common as a whole, they take reference from traditional proportions and materials. The dwellings also avoid issues of overlooking or loss of light for both future occupants and existing residents. The size and scale of the dwellings are in accordance with the NDP policies WNL5 and WNL4. The proposal is within the defined settlement boundary.
- 6.36 Given the lack of objection from highways, ecology, tree Officer, land drainage and Welsh Water the proposal is found to be technically compliant with all policies.
- 6.37 The local concerns are acknowledged and in the main can be dealt with via condition to protect the trees, ecology, residential amenity and drainage. The village of Welsh Newton Common is currently a defined settlement within policy RA2 of the Core Strategy, which is the adopted Local Development Plan, and therefore proposals need to be determined against current policy and cannot be considered against potential future policies that may arise from the revision of the Local Development Plan.
- 6.38 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development. The scheme will bring forward two policy compliant dwellings with the associated economic and social benefits that small developments in rural settlements support.



## 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. Time limit for commencement (full permission)
2. Development in accordance with the approved plans
3. Efficient use of water
4. Electric Car Charging Point
5. Samples of external materials
6. Removal of Permitted Development Rights – Class A, B and C
7. Prior to the commencement development updated details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of any of the buildings hereby permitted. The submission of an updated drainage strategy will need to include:
  - site specific calculations to accurately size the proposed surface water and foul water drainage features
  - Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.
  - Confirmation of groundwater levels

**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.

8. Prior to first occupation of any dwellings hereby approved details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to first occupation of any dwellings approved under this consent details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

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

10. The working methods scheme, mitigation and enhancement features relating to Dormice as detailed in the Dormice report by Natasha James on behalf of Wilder Ecology supplied December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.

**Reason:** To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

11. The ecological protection, mitigation, compensation and working methods scheme including for Great Crested Newts, as recommended in the ecology report by Wilder Ecology dated October 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.

**Reason:** To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

12. In addition to the secured Dormice mitigation-enhancement, prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements, FOUR bird nesting boxes, TWO insect hotels/invertebrate habitat boxes, and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain enhancement feature or boundary feature.

**Reason:** To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

13. Trees in accordance with plans – Welsh Newton Common Tree Report
14. Retention of existing trees (5 Yrs)

15. Remedial works
16. Visibility Splays - northbound 2.4 x 32m and southbound 2.4 x 36m
17. Access gates – 5m
18. Vehicular access construction
19. Parking – Single/shared private drives
20. Construction management plan
21. Secured cycle parking provision
22. Restriction of hours during construction
23. As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all surface water shall be managed through a Sustainable Drainage Scheme 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 SD4

24. As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all foul water shall discharge through connection to a new shared private foul water treatment system 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 SD4.

#### **INFORMATIVES:**

1. Application approved without amendment
2. Mud on highway
3. Private apparatus within the highway
4. Works within the Highway
5. Drainage other than via highway system
6. The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and

the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you with information relating to this process

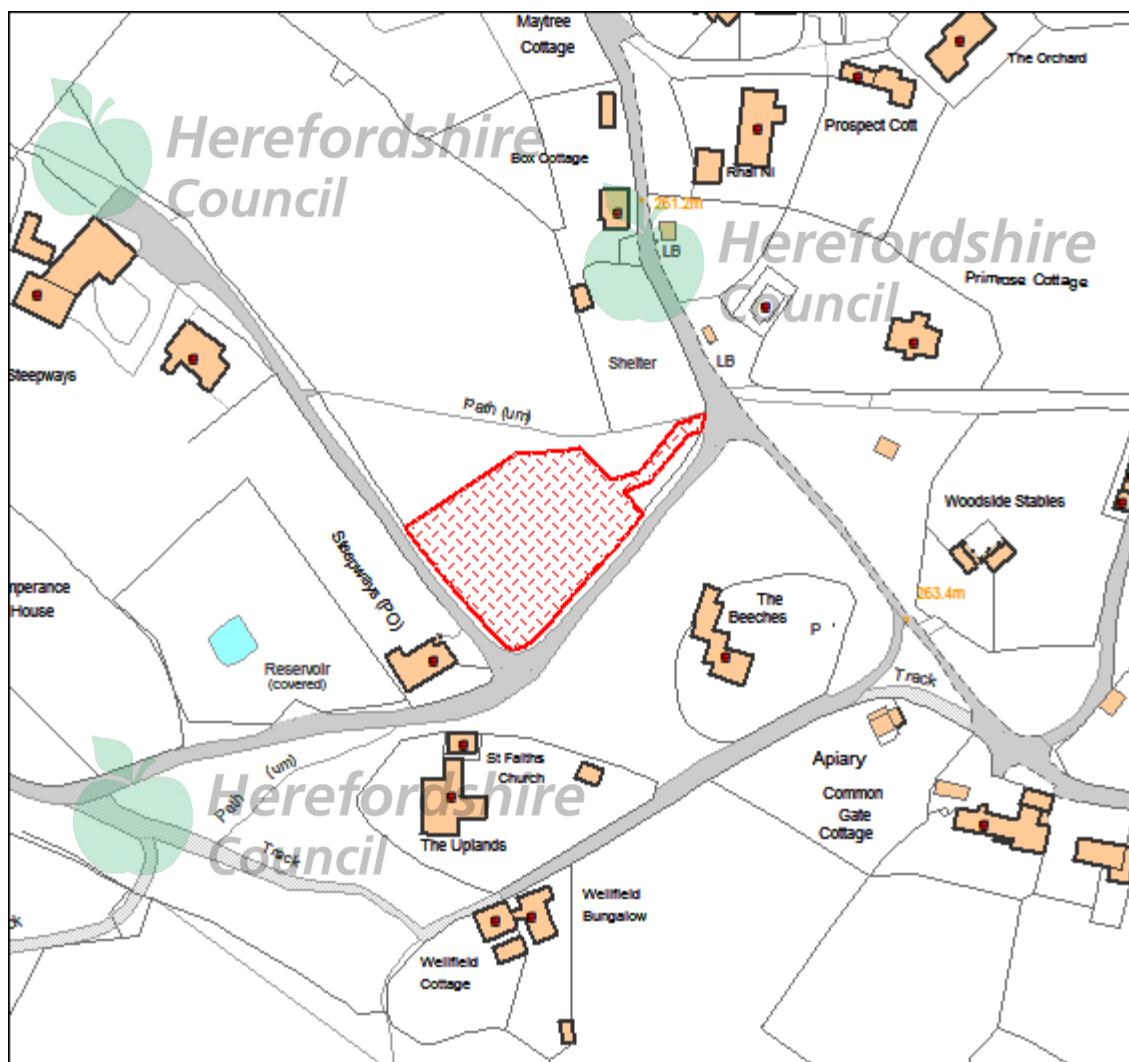
7. The proposed development is also crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Decision: .....

Notes: .....

**Background Papers**

None identified.



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**APPLICATION NO:** 222020

**SITE ADDRESS :** STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT

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Further information on the subject of this report is available from Mrs G Webster on 01432 261803



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>211147 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 150930 (PROPOSED DEVELOPMENT OF APPROXIMATELY 212 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS). FOOTPATH AND CYCLE LINK TO TOWN TRAIL. AT HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW</b></p> <p><b>For: Ms Francesca Evans, Barratt David Wilson Homes South Wales, Oak House, Village Way, Cardiff, CF15 7NE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211147">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211147</a>
<b>Reason Application submitted to Committee – Council Owned Land</b>	

**Date Received: 19 March 2021**

**Ward: Ross East**

**Grid Ref: 361100,223924**

**Expiry Date: 18 June 2021**

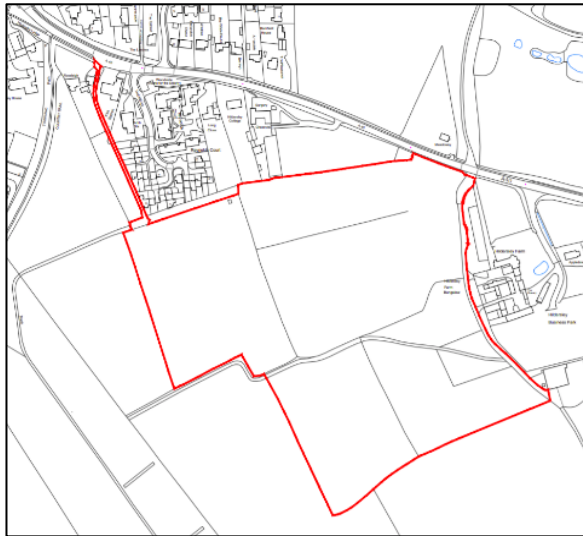
Local Members: Cllr Paul Symonds.

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

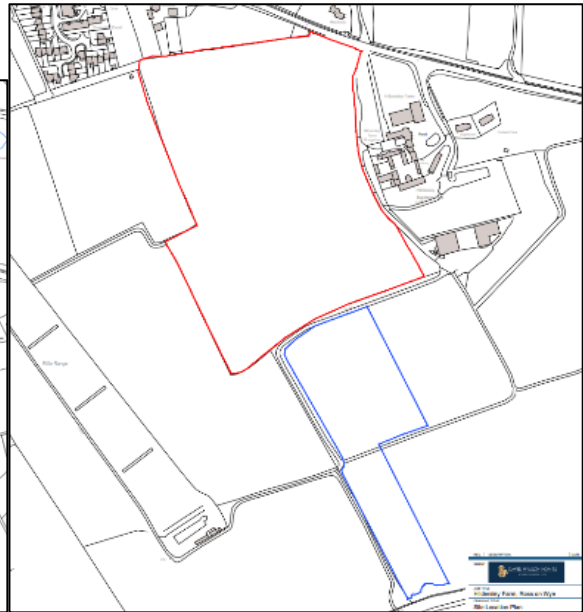
- 1.1 The wider site subject of the application is around 11 hectares in extent and is located to the east of Ross on Wye, adjacent the A40 which forms the northern boundary and from where access to the site is made. This site benefits from extant outline planning permission for the erection of *around* 212 dwellings (Application 150930).
- 1.2 Reserved Matters Approval (Application 210374) in respect of appearance, landscaping, layout and scale was granted in March 2022 for the residential development (210 dwellings) appearance. Construction has commenced.
- 1.3 It is noted the Reserved Matters Approval relating to the dwellings was on a red edge area that was reduced from that of the Outline Planning Permission. It excluded the Council and Ministry Of Defence owned land that lay to the west. The plans inserted below compare the original Outline Planning Permission and land that was included in the reserved Matters Approval for the residential element. Notably the parcel to the west and the link from the site to the A40 were not included.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781



Outline Planning Permission Site Location (Red Edge)



Reserved Matters Site location (Red Edge)

1.4 This application seeks Reserved Matters Approval (for matters relating to appearance, scale, landscape and layout) for the footpath link from the development site, across the Council owned parcel of land to the west and onto the existing private access. This is detailed on the block plan inserted below. Whilst the Outline application detailed this link on the concept masterplan the Outline Planning Permission did not require the inclusion of or the delivery of this route as part of any planning condition.



Proposed route of foot / cycle way link



Concept Masterplan (Outline PP)



- 1.5 The northern section of the route proposes the repair and resurfacing of the existing surfaced access. The southern section of the route proposes a new 3m wide footpath / cycleway with a tarmac finish with proposed meadow grass with wildflowers to both sides (approx. 7m either side). For clarity, a section, between the northern and southern elements is owned by the Ministry of Defence (see their comments in section 5 below)

## 2. Policies

### Herefordshire Local Plan – Core Strategy

- 2.1 The following Core Strategy Policies are considered to be relevant:

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
RW1	-	Development in Ross on Wye
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable Design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality
ID1	-	Infrastructure delivery

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

### Ross-on-Wye Neighbourhood Development Plan

- 2.2 The Ross-on-Wye Neighbourhood Development Plan Was made on the 7<sup>th</sup> June 2021 and forms part of the Development Plan. The following policies are considered to be relevant:

Policy A1: Active Travel

Policy A2: Walking and Cycling

### National Planning Policy Framework

- 2.3 The following sections of the National Planning Framework are considered to be relevant:

2. Achieving sustainable development
3. Plan Making
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communities
11. Making Effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

### 3. Planning History

3.1 The site has the following associated planning history:

Application No.	Description of Development	Decision
222396/AM	Proposed non-material amendment to condition 18 of planning permission 150930 (Proposed development of approx. 212 dwellings including affordable housing, public open space and associated works) - to vary condition wording to "Prior to the occupation of any dwelling, the Noise Mitigation measures set out in Section 6 of Environmental Noise Assessment, Hildersley Farm, Herefordshire (5252/ENS1_Rev 4) must be implemented in fully".	Approved 12 <sup>th</sup> December 2022
222247/XA2	Discharge of Conditions 7 of 210374	Approved 14 <sup>th</sup> July 2022
221976/XA2	Discharge of Condition 11 of 210374	Approved 8 <sup>th</sup> August 2022
221572/XA2	Discharge of Conditions 2,4,5,8 and 9 of 210374	Approved (2, 4, 5, 9) 19.10.22
221378/XA2	Discharge of Condition 8 of 150930	Undetermined (awaiting consult responses)
221260/XA2	Discharge of Conditions 3 and 6 of 210374	Approved (3) 20.6.2022 (6) 8.8.2022
210374/RM	Reserved matters approval for 210 residential units following outline approval 150930/O  (Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works).  <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210374">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210374</a>	Approved with conditions and Deed of Variation.  30 <sup>th</sup> March 2022
210369/XA2	Discharge of Conditions 5, 6, 7, 9, 12, 15, 17 and 18 of 150930	Approved 5, 7, 9, 11, 12, 15, 17 – 12.5.2022 6 (Partial) 18 (amended by 222396/AM)
150930/O	Proposed development of approximately 212 dwellings including affordable housing, public open space and associated works  <a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150930">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=150930</a>	Approved with conditions and Section 106 agreement.  28 <sup>th</sup> March 2018

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Defence Infrastructure Organisation (DIO) on behalf of the Secretary of State for Defence. *(Representation received 4<sup>th</sup> May 2021)*

1. We thank the Council for the opportunity to comment on the above planning application. The Defence Infrastructure Organisation (DIO) manage the Defence Estate on behalf of the MOD. Please find set out below specific representations submitted on behalf of the Secretary of State for defence. Please note that these comments should be read in addition to those provided by colleagues in respect of MOD safeguarding interest. The comments set out below relate to wider MOD estate related interests.
2. The DIO, on behalf the MOD, object to the route as proposed in application P211147/RM for the following reasons:
  - 2.1 The above application proposes a footpath and cycle link that crosses land owned as Freehold by the MOD, please see map attached (inserted below) No agreement has been obtained from the MOD for this access and I can confirm that no such agreement would be forthcoming from the MOD, rendering the link unachievable as proposed.
  - 2.2 The northern part of the proposed route is the MOD's only ROW onto Ross Ranges site. This is a real concern for the site user, who drive onto the Range with a variety of military vehicles. The access road is very narrow so combining a vehicle access with a pedestrian and cycle route especially with children using the same route, raises the possibility of an accident, which of course, no one wants.
  - 2.3 The MOD also have security concerns regarding the access route, as contained in my objection letter dated 24<sup>th</sup> March 2021, to the following planning applications:

210369 – Application to discharge planning conditions attached to outline permission reference 150930 and 210374 – Reserved Matters application for 218 dwellings.

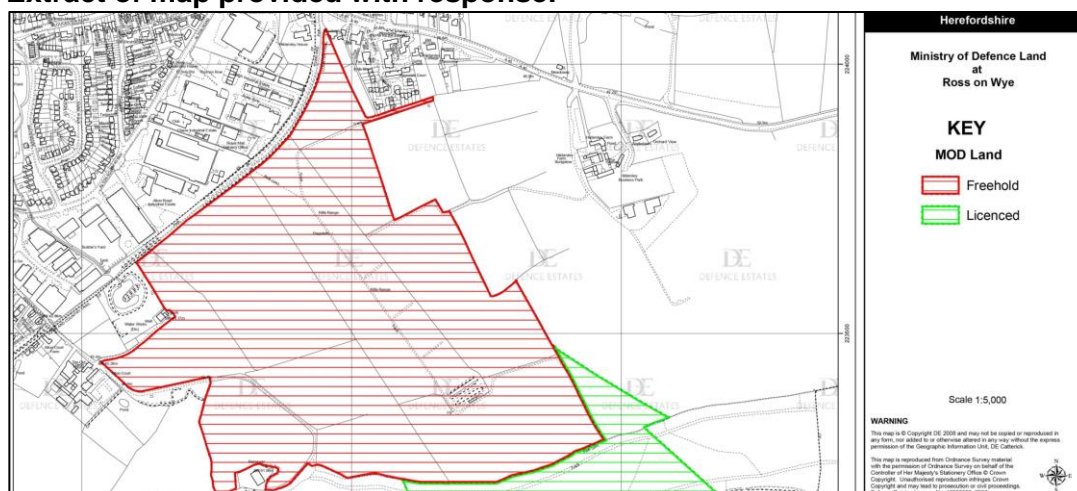
Paragraph 2.6 is repeated below:

I must repeat the concerns that the MOD has regarding the impact on the Military unit who train on Ross Ranges. Security and anonymity are of the utmost concern to this Military Unit. The plan for residential dwellings will inevitable increase the amount of foot traffic in the locale, including along the main access route to the Range. Therefore, the risk of direct contact with the residents in increased, which raises the risk of security compromise the unacceptable levels.

#### 3. Conclusions

- 3.1 The DIO, on behalf of the MOD, object to the route as proposed in application P211147/RM for the reasons in paragraph 2 above.

### Extract of map provided with response:



#### 4.2 Defence Infrastructure Organisation (DIO) on behalf of the Secretary of State for Defence. (Representation received 16<sup>th</sup> June 2021)

I write in relation to the email dated 25th May 2021 from Zoe Aubrey, of Barratt Homes in response to the MOD's representation on this application.

In that representation, dated 4th May 2021, I stated:

*2.1 The above application proposes a footpath and cycle link that crosses land owned as Freehold by the MOD, please see the map attached. No agreement has been obtained from the MOD for this access and I can confirm that no such agreement would be forthcoming from the MOD, rendering the link unachievable as proposed.*

I will not repeat the contents of the Barratt Homes letter of 25th May 2021, but will simply state that, whilst a third party may apply for planning permission on land that they do not own, that does not give them rights to the land or to implement their proposals. Therefore, given the contents of the MOD's objection, the Footpath and Cycle link cannot cross MOD land.

### Internal Council Consultations

#### 4.3 Team Leader Area Engineer comments:

It is noted that this reserved matters application sets out the proposal for a link to join the reserved matters layout currently in the planning process under application number 210374.

In providing a response on this application there are parallels with the comments made under the adjacent application. The first of these relates to the deliverability on this link, which relies upon MoD land. This is important because of the comments made by the MoD relating to the use of the access to the Ross Ranges as a sustainable link.

*"Whilst the principle of residential development at Hildersley Farm has been established, I must repeat concerns that the MOD has regarding the impact on the Military Unit who train on Ross Ranges. Security and anonymity is of the utmost concern of this Military Unit. The plan for residential dwellings will inevitably increase the amount of foot traffic on the locale, including along the main access route to the Range. Therefore the risk of direct contact with the residents is increase, which raises the risk of a security compromise to unacceptable levels."*

As a result, it appears extremely unlikely that this link is deliverable.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

There is mention in the covering letter about the S106 agreement related to the outline permission at the adjacent site. The content of the heads of terms for the section 106 contributions has been reviewed. The dedicated cycle route to the north is not included in it as a scheme as this would have been delivered as part of the developments on-site works due to it forming a fundamental part of the overall access strategy, as such funding would not have been specifically secured through the s.106. This is clearly set out by both the transport assessment and travel plan, as it is an integral part of providing a sustainable travel route to the wider amenities of Ross on Wye. The LHA will defer to the obligations manager on the wording of the S106 and the schemes that the “Transport Contributions” relate.

In relation to the specific details of the proposal, the layout plan indicates that there is already a footway/cycleway along the length. This is incorrect and no public route exists along the route set out on the layout drawing, the result of this is that the deliverability of any link would need to resolve the legal rights of access across this land in the ownership of both Herefordshire Council and the MoD. This further complicates the assessment of deliverability.

The widths of the existing route are not clearly set out, although it is noted to be less than 3m for much of its length. This constrained width will make the inclusion of street lighting challenging, particularly as the columns will reduce this width and vehicular access to the ranges is required.

The proposal does not deal with the drainage of the path, this is important because the low spot is circa 8m from the A40 junction and in wet weather ponding might occur, resulting in ice formation during cold spells. Further investigations will need to be undertaken to determine whether it is possible to drain this low point without crossing 3<sup>rd</sup> party land.

It is noted that the existing HC land is to be crossed to join to the layout. This joins the layout at a sub-optimal position for providing direct desire line based routes for all plots. A connection that joins to the north western corner would provide a more direct link for all residents.

The LHA is not of the opinion that the scheme is deliverable from the submitted information and as it is unclear if this can form a legal route for the public to pass and re-pass do not feel that it can support the needs of the adjacent development. Further details on the deliverability of the route is required.

**4.4 Environmental Health Service Manager (Noise / Nuisance) comments:**

Whilst there is not necessarily an overriding reason to raise an objection with respect to nuisance it is not clear to me if consideration has been given to the provision of fencing etc. to the existing cycle/footpath . to provide some privacy , and also mitigate noise from increased numbers passers-by, to the adjoining residences

**4.5 Principal Natural Environment Officer (Ecology) comments:**

This application appears to solely relate to the creation of a footpath-cycle link between approved (outline) development and the existing “Town Trail” and comments are made on this basis.

There are no ecology objections to the proposed development – If the actual construction is not fully considered and managed under a Construction Environmental management Plan (see [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan) for a guide on considerations) – then a separate pre-commencement CEMP should be secured for all works proposed under this application. This is to ensure all local populations of protected species and wider ecological interests and habitats are fully considered and appropriate working methods and mitigation measures are secured.

#### 4.6 Land Drainage comments:

We have been consulted on the above planning application, and have no objections to the proposed footpath/cycleway. The amount of surface water runoff is likely to be negligible and runoff into the adjacent grassed areas.

### 5. Representations

#### 5.1 Ross on Wye Town Council

Members object to the application due to the reasons stated/objection made by the Ministry of Defence

5.2 One letter of representation has been received that states: the strain on Ross on Wye facilities is already immense. Inadequate doctors, dentists, schools, supermarket road and this will add more pressure.

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=211147](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211147)

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

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

### 6. Officer's Appraisal

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Ross on Wye Neighbourhood Development Plan.

6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (NPPF) 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.

#### **Principle of Development**

6.3 The site benefitted from outline planning permission under 150390 for all matters reserved except for access. Following approval of the OPP for the site, it was included in the NDP and the site is denoted as a Commitment Site and within the proposed settlement boundary of the Ross on Wye Neighbourhood Plan. No specific policies are attributed to this site in the NDP. The associated residential element of this proposal has both Outline and Reserved matters Approval. Associated planning conditions have been discharged and works have commenced on site.

6.4 The outline Planning Permission was underpinned by a Master Plan, also shown below –



Outline Planning Permission 150930 revised Illustrative Masterplan – Drawing Number 503  
Revision H



- 6.5 The illustrative layout associated with outline planning permission 150930, established and set the parameters of developable areas as regards to noise and amenity as relates to the adjoining Ministry of Defence facility which discharges ammunition. It also detailed the access to the site.
- 6.6 The Reserved Matters application for the residential element utilised the reduced red line as detailed above and omitted land originally identified to deliver a pedestrian and cycle link, open space and landscaping that were included and assessed in relation to the approval of the outline planning permission. The excluded areas were land outside of the 'option' of the application and in 3<sup>rd</sup> party ownership.
- 6.7 Following discussions with the applicants in respect of the sites connectivity and links this current Reserved Matters application was submitted relating to the pedestrian / cycle link only. Access was a matter considered at outline stage. This application seeks Reserved Matters approval in respect of Layout, Appearance, Scale and Landscaping of that foot / cycle link only. The Town and Country Planning (development Management Procedure) (England) Order 2015 defines these matters these definitions are included within the assessment below.

### **Access**

*“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;*

- 6.8 The matter of access, as described above was considered at Outline Planning Permission stages and this proposed cycle / pedestrian route was identified and considered as part of the Outline Planning Permission. The decision having been taken by Planning Committee in March 2017.

Committee report can be read at: <https://myaccount.herefordshire.gov.uk/documents?id=9084a012-0402-11e7-ad1b-0050569f00ad>

## *Delivery*

- 6.9 One of the aspects of the Outline Planning Permission was the delivery of a cycle and pedestrian route as required by policy RW2 of the Core Strategy. The proposal indicated the option of the route that is now proposed but also made provision for the delivery of this connectivity on the northern side of the A40 that would have been incorporated into and delivered as part of the 'Model Farm' employment site proposals to the north of the A40 that had been progressing at the time.
- 6.10 Officers can confirm that the delivery of a foot / cycle way that would serve the above development was intended and progressed as a Section 106 scheme. It was not expected to be delivered by the developer directly. No conditions were attached to the Outline Planning Permission requiring the delivery of a cycle / footway to serve the site.
- 6.11 Officers acknowledge the representation from the Ministry of Defence, that makes clear their objections and position in respect of ownership and access rights. Officers would confirm that the granting of this reserved Matters Approval would not override any requirement for consent or agreement from the MOD for the proposed foot / cycleway to be constructed or cross their land or any access rights. However, if approval is granted, this legal issue may be a matter that could be resolved between parties at a later date. This proposal is therefore advanced to approval in the knowledge of this matter.
- 6.12 Acknowledging the expected difficulties in delivering this off road route that came about during the processing of the associated residential Reserved Matters (210374) application negotiations and discussions officers and the applicants were undertaken. As a result several steps were taken to ensure that connectivity in some form between the Strategic site and the town and its services, could be delivered.
- 6.13 These were as follows:
1. Request that the applicant submit the Reserved Matters for the foot / cycleway that is before members for consideration. Officers confirmed with Herefordshire Council Property Services and the Cabinet Member that the proposed route and concept was acceptable before inviting this application. This followed the previously identified route and concept. Whilst acknowledging the objection and comments of the MOD this would retain the option should the required access agreements be subsequently agreed with them.
  2. A deed of variation to the Section 106 agreement was sought to widen the scope of use of the agreed Section 106 contribution that related to transport so that the contribution could be used for an alternative scheme along the A40 (south) to provide a foot / cycleway extending from the proposed site vehicular access to the recently improved and delivered cycle / footway connections to the west. The applicant undertook some feasibility work and consulted with the Local Highway Authority on these proposals before these changes were advanced and before the Reserved Matters were approved.

The approved internal layout of the residential development also facilitates both options.

The Section 106 (and Deed of variation) confirms that the contribution for Transport Facilities means some or all of the following:

- a) A contribution to upgrade A40 southern footpath for shared use between the fire station and eastern access point by Hildersley Farm to tie in with Model Farm active travel accesses.
- b) Upgrading the bus stops for Hildersley including real time information to full specification bus stops. The bus stops should also include secure cycle parking.



- c) Upgrading of the existing bus stop/shelter adjacent to the fire station including secure cycle parking.
- d) A contribution toward a formal crossing at A40 end of the 'Town and Country' trail to allow access to Hildersley which will link in with the northbound shared use path along the A40 towards the Tanyard Lane development and enhance the safer route to school network.
- e) Traffic regulation order for waiting restrictions around Ashfield Park Primary School.

Deed of variation dated 29 March 2022 - Amendment to Definition - inserting the following words after point e:

- f) the provision of a footpath and cycle link to the town centre trail,
- g) footpath improvements on southern side of A40 towards Ross on Wye town centre;
- i) the provision of a pedestrian crossing on the A40

Original Section 106: <https://myaccount.herefordshire.gov.uk/documents?id=01d6b4fa-0506-11e8-80b4-0050569f00ae>

Deed of Variation: <https://myaccount.herefordshire.gov.uk/documents?id=874bc945-b3e6-11ec-baf1-0050569f00ae>

- 6.14 The Section 106 contribution was a pre-commencement payment requirement and this payment of £375,409.51 of has been received by the Council who can progress delivery in line with the legal agreements and in liaison with the ward (and adjoining ward ) members.

#### **Matters Reserved Matters for consideration**

*“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.*

*“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

*“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.*

*“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;*

- 6.15 In terms of layout, comments made by the representative of the MOD above in respect of the potential impacts on safety of this route with conflict between MOD vehicle movements and pedestrians. This is also a matter raised and subsequently considered as part of the Outline Planning Permission.
- 6.16 The committee report (March 2017) considered Criterion 6 of Policy RW2 of the Herefordshire Local Plan - Core Strategy that related to; *new pedestrian and cycle links from the area towards the town and nearby employment site, to ease road congestion and limit CO2 emissions.*

6.17 In response to this the Committee Report states:

*6.23 The comments from the Council's Transportation Manager acknowledge the need to provide improvements between the site, town centre and employment areas, and this is reflected in the recommendations made and the projects identified in the Heads of Terms Agreement to improve connectivity and sustainable transport within the local area.*

*6.24 Some concerns have been raised that the use of the track will bring pedestrians and cyclists into conflict with vehicles that currently use it to access the firing range. However, on the basis of the information that has been made available to the Council, it would appear that the firing range is used 4-5 times a month by a limited number of vehicles. The track is not currently conducive to use by vehicles at high speeds and any risk of conflict between motorised vehicles, pedestrians and cyclists is marginal.*

*6.25 The use of the track offers a convenient and obvious direct connection to the town in accordance with this criteria of policy RW2 and also policy MT1 of the Core Strategy. Distance may be a prohibitive factor for some and personal choice will ultimately dictate whether people do walk or cycle rather than use private modes of motorised transport, but the scheme will put these opportunities in place.*

*Conclusion*

*It is your officers' opinion that the scheme complies with this criterion.*

- 6.18 Reflecting on the above, officers would conclude this more detailed proposal now presented as part of the layout does not alter the Councils position on the matter. The part of the site to which this concern relates has not been altered or amended and would have been of the same width and nature when these comments were considered and made. Officers advise, from visiting the site, that there is also good forward visibility along this length of the proposed route and that from the northern section to which this relates is around 185m in length. Officers would continue to concur with the appraisal above.
- 6.19 Officers are now satisfied that the requirements of the Herefordshire Core Strategy policies SS4, MT1 and RW2 and the Ross on Wye Neighbourhood Development Plan A2 continue to be met in supporting opportunities to walk and cycle. .
- 6.20 CS policies RW1 and RW2 and the wider development policies are underpinned by Policy LD1 of the Core Strategy *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 into its surroundings.
- 6.21 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also 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.
- 6.22 The southern part of the route through the site follows that previously identified on the concept plan. It has a wide corridor with 7m landscaped areas either side of the 3m wide cycle / footway offering biodiversity value and enhancement in the form of the continued green corridor. The land either side of this is in council ownership (being a former sports field) and there are no proposals in place for these areas at this time. It is likely that boundary fencing will be required to demark this route. The layout, appearance and landscaping proposals of these are considered to be appropriate and a condition is suggested to agree more specific detail before construction as well

as future management and maintenance agreements. The requirements of policy LD1, LD2 and RW2 of the Herefordshire Local Plan Core Strategy.

#### *MOD Personnel Security*

- 6.23 The comments of the MOD in respect of safety of military personnel have also been considered and regard has been had to the control that the MOD have in terms of ownership and delivery (as above). Access to and from the range is described as being normally by vehicle. The range itself is screened by existing trees that lie to the western boundary of this parcel of land that can be seen on the aerial photograph below. These trees lie to western boundary of the Council owned site, and eastern boundary of the MOD owned site with additional trees and hedges forming the southern boundary. Views afforded of the range are limited at this point.



- 6.24 Officers are satisfied that the requirements of the Herefordshire Core Strategy policies SS4, MT1 and RW2.

#### *Amenity*

- 6.25 The Core Strategy notes the protection of residential and local amenity is essential to ensuring local communities are and remain sustainable. Amenity considerations include such issues as privacy, and noise. The proposed scheme reflects the aims of the Outline Planning Permission and no new issues have been raised in relation to impact upon amenity of local residents.
- 6.26 As per the comments from the Councils Environmental Health Officer, increased movements need also to be considered and officers would concur that ensuring details of boundary treatments are submitted, especially to the northern section of the route, is necessary. There is a mixture of boundary treatments along the route and a condition is recommended. This will ensure matters of privacy and noise mitigation are controlled and considered as part of the design and construction phase (via the section 106 delivery)
- 6.27 Officers are also conscious that lighting may be required for the foot / cycleway, details of any lighting (position and specification) are sought by condition as suggested below.
- 6.28 As such, the proposals, with the appropriate conditions would ensure compliance with policies SD1 and RW2 of the Herefordshire Local Plan – Core Strategy.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

*Highway Specification, Drainage and construction phase*

- 6.29 The comments of the Highways Engineer (Local Highway Authority) in respect of concerns about width and technical specifications for lighting and drainage have also been considered. Land drainage have confirmed they have no specific concerns, but officers would conclude that the technical specifications, including both lighting and drainage can be controlled via planning conditions to ensure compliance with policies SD1, SD3 and MT1 of the Core Strategy.
- 6.30 The Council Ecologist has also confirmed no objection, but requested a condition in respect of a Construction Environmental Management Plan that would ensure compliance with policy LD2 of the Core Strategy.

*Other matters*

- 6.31 Whilst matters of scale are for consideration, this proposal does not have any particular matters for consider against this criteria.
- 6.32 The objection from the local resident is noted. This relates primarily to the principle of development which has already been established through the grant of earlier permissions.

*Conclusion*

- 6.33 The proposal is considered consistent with the aspirations of RW2 of the Core Strategy and the outline planning permission, and consistent with the development plan overall. Officers consider that the design approach is appropriate within the wider context and that this would provide an option to deliver connectivity from the residential development and the wider area. Conditions are suggested below that are also required to ensure compliance with the Development Plan.

**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. C07 - Development in accordance with the approved plans**
- 2. Non Standard Condition**

**Prior to the commencement of development to which this application relates, the following details and specifications shall be submitted to and approved in writing by the Local Planning Authority:**

- **Surface finishes**
- **Drainage details**
- **Lighting proposals (including specifications)**
- **Boundary treatments**

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

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policies**

**SD1, SD3, RW2 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3 CAT – Construction Management Plan**
- 4. CKM – Construction Environment Management Plan**
- 5. CA1 – Landscape Scheme**
- 6. CA2 – Landscape Maintenance Plan**

**INFORMATIVE:**

- 1. Application Approved Following Revisions**

**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.**

**As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

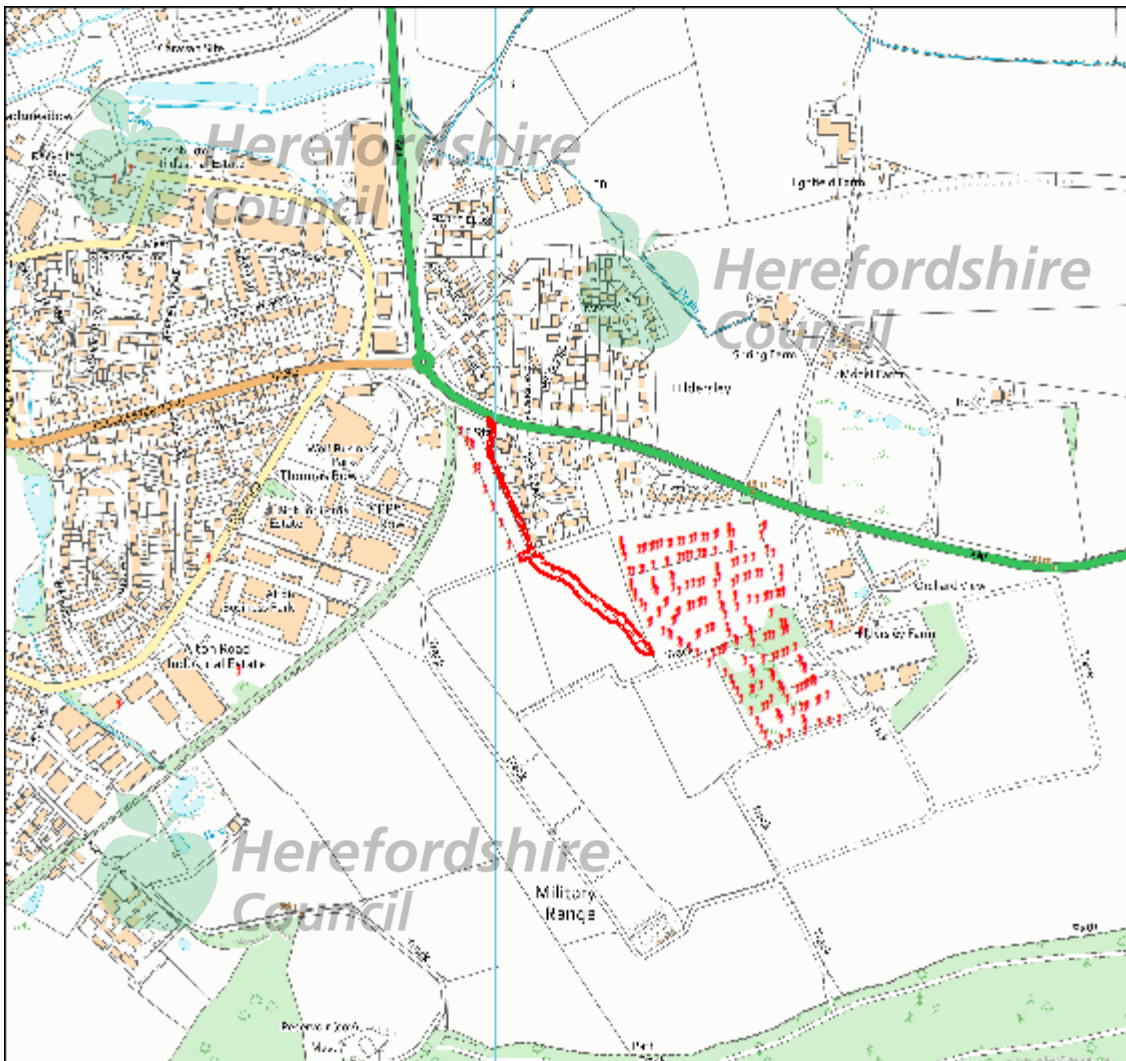
Decision: .....

Notes: .....

.....

**Background Papers**

None identified.



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**APPLICATION NO:** 211147

**SITE ADDRESS :** HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD,  
HILDERSLEY, HEREFORDSHIRE, HR9 7NW

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<b>204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND</b>  <b>For: Mr &amp; Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230</a>
<b>Reason Application submitted to Committee – Re-direction.</b>	

**Date Received: 2 December 2020**

**Ward: Hampton**

**Grid Ref: 352268,256775**

**Expiry Date: 23 April 2021**

Local Members: Cllr J Harrington

#### **UPDATE**

This application was considered by the Planning and Regulatory Committee on 9 February 2022. The committee resolved to approve the application, subject to a satisfactory drainage strategy and the imposition of conditions.

A Foul Drainage Strategy was submitted in February 2022, outlining that the proposal would deal with foul water generated by the development through a connection to an existing private system which comprises a septic tank that discharges to a drainage field. The system is gravity-fed and therefore, does not require the assistance of pumps to operate effectively.

Noting that the proposed caravan would be removed, which is understood to connect to the existing system, the septic tank is confirmed to have sufficient capacity for the provision of the one-bed dwelling proposed. Noting that BBLP do not object to the details of the proposed foul drainage strategy, the Planning Ecology Team have reviewed the additional information with respect to determining the potential impact on river water quality, specifically the SAC designated site. They are now in a position to confirm that the existing arrangement and ground discharge is compliant with the current neutrality criteria and therefore, subject to safeguarding conditions securing the foul water drainage arrangements, no adverse impact on the SAC is identified.

Notwithstanding the above, the proposed development would support an intensification of the equine holding and the number of horses on the site which would, in turn result in an increase amount of horse manure.

The supplied Foul Drainage Strategy makes reference to the site occupying 100 horses. No evidence of this has been supplied and officers would strongly contest this claim when having regard to the scale of the holding and the land owned/rented by the application. As set out within the report below

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

at Paragraph 6.11, it has been estimated that the enterprise has capacity for 24 horses, although it is noted that the Planning Ecology Team use a more conservative estimate of the capacity of the site. Regardless, the extent of the holding does not have sufficient capacity to accommodate 28 horses to be housed permanently on the site.

As explained by the updated Planning Ecology comments, there is no certainty that the additional horses would be coming to the site from within the hydrological catchment of the River Lugg as to be able to demonstrate that the generated manure is already accounted for within the catchment and therefore, nutrient neutral catchment wide.

With the above in mind, officers have not been able to screen the application through the Habitat Regulations positively and therefore, the application is returned to the Committee for consideration given that the previous resolution cannot be fulfilled.

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

- 1.1 The application site relates to a parcel of land comprising an equestrian yard to the north of the village of Stoke Prior and is associated with Priory Farm, which lies 350 metres to the south and within the village. The site, together with land and buildings at Priory Farm itself, is used in connection with the operation of the Priory Farm Equine Centre; a rural enterprise which offers livery and a range of training and tuition to a broad range of clientele requirements. There are 8.47ha of owned land with a further 4.05ha rented, the latter situated to the immediate northeast of the yard.
- 1.2 The yard comprises a large steel portal framed building which is used as stabling facility. It is set within an extensive area of hardstanding which serves as an equine yard and clamp yard. There is a static caravan stationed on the site although this does not benefit from a residential use and is instead use for office, storage and support for the general operation of the yard. The applicant confirms that this is connected to an existing private foul drainage system. There are a number of other transient lock-up type containers positioned on the site.
- 1.3 The yard is situated upon a shelf which overlooks the village of Stoke Prior. It is bound by post fencing and is generally well screened by hedgerow and deciduous tree species. The land to the south is characteristic of equine pasture, laid to grass and slopes notably towards Priory Farm. Within this land holding, a stoned access road provides access to the yard through Priory Farm and is taken from the C1112.
- 1.4 This application is made in full and seeks planning permission for the re-development and enhancement of the existing yard. The proposal includes erecting a portal framed lean-to building to the front (northern elevation) of the existing stable building, the provision of an indoor riding arena measuring 24 metres by 12 metres, sitting under a pitched roof with a ridge height of 6.3 metres. A stable is also proposed to the western side of the site, occupying the area currently laid to hardstanding and used as a clamp yard.
- 1.5 The second element of the proposal includes the erection of a seminar room, together with a one bedroom equine workers dwelling which would attach to the eastern elevation of the existing stable building. It would be a single-storey building essentially providing 'studio' accommodation which along with the neighbouring seminar room, would provide w/c and shower facilities.

## **2. Policies**

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

The following policies are considered to be relevant to the application; -

SS1 - Presumption in favour of sustainable development

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



- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- RA1 - Rural housing strategy
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Wastewater treatment and river water quality

## 2.2 National Planning Policy Framework (NPPF)

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

## 2.3 Humber, Ford and Stoke Prior Neighbourhood Development Plan (HFSPNDP)

The plan was 'adopted' on 18 August 2016 and therefore, it now forms part of the development plan. The following policies are considered to be relevant to the application; -

- HFSP1 - Promoting a sustainable and thriving community
- HFSP2 - Development strategy
- HFSP3 - Meeting housing needs
- HFSP4 - New homes in Stoke Prior
- HFSP8 - Design criteria for housing and sites
- HFSP11 - Highways and transport infrastructure
- HFSP12 - Developing and supporting local business
- HFSP16 - The natural environment
- HFSP17 - Protecting local heritage

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

### **3. Planning History**

- 3.1 183431/F - Proposed change of use of land for the siting of a mobile home (for an equestrian worker) (Retrospective) and the erection of two new stable buildings. Appeal – Split Decision (the erection of two new stable buildings allowed; mobile home dismissed).

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Welsh Water – no objection**

As the applicant intends utilising a septic tank facility, we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### **4.2 Forestry Commission England – standing advice**

#### **4.3 Natural England**

Internationally and nationally designated sites

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

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### European Site – River Wye SAC

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that the proposal will result in adverse effects on the integrity of the sites in question. Natural England agrees with the assessment conclusions.

Following the recent Coöperatie Mobilisation judgement (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17 ), proposals that would increase phosphate levels in the River Lugg part of the River Lugg SAC are deemed to be having an adverse effect on integrity.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of Regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within Regulation 64. Specific guidance about these tests can be found at: <https://www.gov.uk/government/publications/habitatsand-wild-birds-directives-guidance-on-the-application-of-article-6-4>

#### Internal Council Consultations

### 4.4 **Transportation Manager**

#### **10 February 2021 – further information required**

It is noted that the proposal is to provide a redevelopment of the site to include a new indoor arena, stabling and a dwelling associated to the workforce of the site. In highways terms the movements associated to the proposals are a key consideration and movement numbers have not been supplied. This is an important factor in developments such as this so the cumulative impact on the highway network can be appropriately assessed in accordance with the NPPF.

In terms of the workers facilities it is beneficial if cycle parking is provided for both the dwelling and for staff and visitors making journeys to the facility, to ensure this is provided condition CB2 is recommended in the event that permission is granted.

The Design and access statement makes mention of an alternative access for larger vehicles. Clarification on the need for this is required to ensure that that additional access point is either considered as part of this application or set out as not required.

Following provision of traffic movement forecasts against current levels as a result of the site redevelopment and clarification on the alternative access, the LHA will finalise a comment on this application.

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.

#### **22 April 2021 – no objection**

The provided information is considered appropriate to address the previous highways query and the data is considered acceptable to indicate the proposed usage of the facility. There are no highways objections to the proposal.

Condition CB2 should be applied to deliver the required secure cycle parking to allow active travel trips to and from the facility for users as required.

### 4.5 **Conservation Manager (Ecology)**

#### **30 May 2022 – Objection**

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

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

Notes and comments in respect of HRA appropriate assessment

Intensification of use

The applicant provides in their supporting statements that the existing 16 stables were fully occupied – so the existing baseline maximum occupation is 16 'permanent' horses.

The supplied foul drainage strategy by Garry Thomas ref FG004 dated February 2022 makes reference to 100 horses currently occupying the site although no actual data to support this has been supplied and the current stable accommodation and land area can support significantly less than this stated 100.

The stated area of land available to the equestrian use is a total of 12.2 Hectares (owned or agricultural tenancy agreement) the British Horse Society guidance is 0.4-0.6 Ha of land per horse. This would accommodate the 16 horses and potentially a small increase (subject to Nutrient Neutrality being achieved) but not the 100 horses referred to in the drainage strategy as the current baseline to try and demonstrate a reduction in horses on site as part of Nutrient Neutrality.

HRA must be based on certainty and the current certainty is provided by the available stabling capacity – 16 'permanent' horses.

The current application proposes an increase in stabling to allow a maximum total of 28 horses to be 'permanently' held on the site. This is an intensification/increase of 12 'permanent' (regular overnight accommodation) horses over existing levels and a proportionate increase in manure created across the holding/enterprise will be created. This additional manure has a phosphate content that will have pathways into the River Lugg SAC hydrological catchment.

There is no certainty that the additional 12 horses will come from existing facilities in the Lugg Catchment where their manure created could be demonstrated to be neutral catchment wide. There is no certainty that can be legally secured or monitored through planning that even if the additional 12 horses moved within catchment that additional horses would not be brought into the catchment to fill the 12 vacant stable units created elsewhere in catchment.

It is unlikely that the shipping of additional manure created out of catchment as is currently stated can be demonstrated for the lifetime of the development with required certainty, monitoring and enforcement; and certainty that the moved manure will not have effects on designated nature conservation sites at the receptor site/locality has not been demonstrated. (eg River Teme SSSI is currently failing its conservation status and water quality assessments due to excess nutrient levels)

No scientifically and legally certain evidence of Nutrient Neutrality has been demonstrated for the proposed development and associated expansion of existing equine activity at the site, or its use over the lifetime of the development.

Until such time as nutrient neutrality for the additional/intensification of 'permanent' can be demonstrated with certainty for the lifetime of the proposed development there is an identified Adverse Effect on the Integrity of the River Lugg SAC due to nutrient pathways.

The council's – now superseded by Natural England's, Phosphate Calculator, has only been designed and modelled to calculate P loading based on additional domestic foul water flows created by new residential developments and not for use to demonstrate farming nutrient neutrality.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Foul Water (from additional residential accommodation proposed)

It is noted that the current stated intention is to drain additional domestic/residential foul water from the proposed development into an existing Septic Tank that discharges (as required) to a soakaway drainage field on the applicant's land.

Other than existing surface water flows that are misdirected to this septic tank there is no indication of any other foul water flows that may be connected to it.

The supplied additional drainage information by H+H Drainage confirms the capacity of the existing tank and that the outfall is currently compliant with nutrient neutrality criteria.

Once the issues around nutrient neutrality from increased equestrian usage have been demonstrated the final HRA appropriate assessment can be completed.

To ensure the residential/domestic foul water and stated foul water scheme are secured relevant conditions are suggested:

Habitat Regulations (River Lugg (Wye) SAC) – Foul Water Water

Unless otherwise approved in writing by the planning authority, only foul water created by the residential dwelling permitted under this permission shall discharge through connection to the existing private foul water systems (Septic Tank) discharging to a soakaway drainage field on land under the applicant's ownership. ;

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, SD4.

### Habitat Regulations (River Lugg (Wye) SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water created by the existing impermeable surfaces on the site and all new surface water flows created by the equine development and operations permitted under this permission, shall discharge through connections to a Sustainable Drainage System located on land under the applicant's ownership, as detailed in the surface water report by H+H Drainage dated 1st February 2022. ;

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, SD4.

### General Ecology Comments

The previous general ecology comments made 25/05/2021 still appear relevant and appropriate and remain valid.

### 25 May 2021 - Objection

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

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Lugg (Wye) SAC'. Natural England; the statutory nature conservation body, advise that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

The proposal here is for ONE new permanent dwelling with associated creation of additional foul water flows. The application also includes development to support the intensification of horse stabling and horse numbers held on the site.

The following notes refer:

- A connection to an existing septic tank is proposed in the supplied D&A – but no further details have been supplied in support of the application.
- The LPA does not have any detail or supporting evidence to provide the legal and scientific certainty required by the HRA process.
- The applicant has not supplied a professional drainage report to confirm the existing system has capacity with relevant BS6297 percolation and ground water testing – and associated

detailed plan of foul water proposal and location of testing sites in relation to soakaway drainage field.

- The drainage report should also clearly demonstrate the proposed system is fully compliant with the '6 criteria' in respect of drainage systems in the Lugg SAC as detailed in the council's guidance on their website:  
[https://www.herefordshire.gov.uk/downloads/download/2039/development\\_in\\_the\\_river\\_lugg\\_catchment](https://www.herefordshire.gov.uk/downloads/download/2039/development_in_the_river_lugg_catchment)
- The proposed development would appear to support a significant intensification of the equine holding and number of horses potentially present on site. This intensification would generate additional manure which is a source of nutrients, including phosphates that could enter the Lugg SAC hydrological catchment.
- A fully detailed manure management plan should be supplied – including details of how the manure will be stored and managed such that there is no additional leaching or run-off into the Lugg catchment at any time.
- A detailed, legally securable scheme for disposal of the manure such that it is clearly demonstrated there are no pathways for any additional phosphates to enter the River Lugg SAC hydrological catchment under any circumstances (nutrient/phosphate neutrality).

Once the additional information on foul water management and how additional manure will be managed such as to demonstrate complete nutrient neutrality within the Lugg SAC catchment the LPA can look to progress the required HRA process. The required 'full' appropriate assessment will require a formal 'no objection' consultation response from Natural England PRIOR to any grant of planning consent.

The LPA as the competent authority is at this time and based on supplied information only able to conclude that there would be an adverse effect of the integrity of the River Lugg (Wye) SAC.

Therefore at this point in time on the basis of the information provided I find that the proposed development would harm - have an adverse effect on the integrity – of a designated 'higher status' nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity.

At this time there is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (SS1, SS6 and LD2 also apply); 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; Wildlife & Countryside Act (1981 amended) and NERC Act considerations.

Further ecology comments subject to satisfactory outcome of required HRA.

The proposed works and changes to the access are not identified as likely to have any significant ecological effects and the LPA has no reason to consider that there are likely to be any effects on 'protected species from the proposed development. The applicant and their contractors in respect of both the building works and changes to the existing farm access have their own legal duty of care to wildlife protection as afforded by the Wildlife & Countryside Act that lies above any conditions the LPA could include; with any breach being investigated by the local Wildlife Crime Officer from West Mercia police. A relevant informative is suggested for inclusion on any planning consent granted.

#### Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal

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protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that further advice from a local professional ecology consultant is obtained.

As identified in supporting information and as identified in the NPPF, council's core strategy polices and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver a secured, net gain in local biodiversity potential. A detailed plan showing locations and detailing the specification of all biodiversity net gain features including but not limited to enhancing Bird nesting and Insect populations should be secured through condition.

CNS based on Std condition CKR (modified to Brexit) is relevant  
To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of 'permanent' Bat roosting, bird nesting, hedgehog home and pollinating insect breeding enhancements and full specifications, maintenance and management arrangements of all proposed planting and soft landscaping, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. All tree and shrub planting associated with the development must only consist of locally characteristic, native species and demonstrate climate change and pest-pathogen resilience.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

#### 4.6 **Conservation Manager (Landscapes)**

##### **No objection subject to conditions**

This is a desk based response. The site falls within the landscape character type timbered plateau farmlands. The area of woodland to the west is known as Croft Gate Coppice, an ancient and semi-natural woodland. This, together with a smaller woodland block to the south, is also a deciduous woodland priority habitat. A public right of way runs from the south west to the north east of the site. The landform rises noticeably from the village, including part of the main Priory Farm, up to the proposed site and continues to rise slightly to the north east.

Landscape character – Comparing the existing and proposed site plan, the area of hard standing will not be increased. The amount of built form will increase, but this is balanced with the removal of 'cluttered' small scale elements that are not of rural character. The fencing required to define paddocks will alter the character of the field. The new indoor arena building is considered to be large scale and will certainly extend the built form into open countryside. The location, however, benefits from the existing access and infrastructure and will not be isolated. The increase in built form should be offset by other landscape character enhancements, such as the tree and hedgerow planting that is briefly mentioned in the Design and Access Statement (DAS). It is a shame that the existing site plan does not show any of the existing hedgerows or trees or confirm that they will be retained. The Council's aerial photograph from 2015 shows a small woodland block to the northwest corner of the site, however the proposals plan show this area as a paddock. Overall, with suitable retention and management of existing trees and hedgerows, together with



mitigation planting, it is not considered that this increase of built form or introduction of paddocks is extensive enough to adversely affect the overall landscape character.

Visual impact – The surrounding woodland and sloping topography means that the site is fairly well screened from public viewpoints, other than the nearest public footpath. It is not clear how the public footpath will be accommodated across the proposed paddocks, for example whether gates or styles would be required within any fencing. It is agreed that the proposed buildings are of a suitable agricultural appearance and therefore will not have a significant negative visual impact, however consideration of planting to the west of the large arena may help to soften views of it.

Mitigation / conditions – Section 8 of the DAS confirms that adjacent trees and hedgerows will not be lost and that new trees will be planted. It is a shame that none of these details have been included in the plans or given any further details. The proposals should be linked to the biodiversity enhancement scheme. The whole landholding should be considered, such as reinforcing the orchard or woodland character along the south end of the access track, as well as new native hedgerows with oak tree planting as recommended for the landscape character type. If the application is to be approved then conditions are requested to address this (CK3, CK4 and CK5), such as:

- Protection for trees and hedgerows during construction, in accordance with BS5837:2012.
- A soft landscape scheme, showing the location of all planting on plan and a written specification of details.
- A hard landscape scheme, detailing all proposed hard surfaces, boundary treatments, gates and other infrastructure including lighting (which should be minimal to respect local dark skies).
- Implementation to be carried out in the first planting season.
- A maintenance plan for 10 years to ensure establishment and overall objectives are met.

Conclusion – I agree with the inspector's decision about the site in September 2019 (appeal ref: APP/W1850/W/19/3226137) that the proposed stables courtyard, with the now suitably designed accommodation building, would not have an unacceptable effect on the character and appearance of the area. I find that the new indoor arena does considerably extend built form in the immediate area, but with mitigation planting this would be seen as an extension of the existing infrastructure. These comments are provided with reference to Core Strategy Policies LD1 on landscape character and LD3 on green infrastructure.

#### 4.7 **Building Conservation Manager**

##### **No objection**

I made a visit to this site to consider the application for a new equestrian, arena stables and workers dwelling.

The site is remote from the village and the nearest listed building and is well screened by tree planting so there will be no adverse impact on any heritage assets and therefore no reason for me to object to the proposed development on heritage grounds.

#### 4.8 **Public Right of Way Manager**

##### **No objection**

Providing public footpaths SP1 and SP2 are not affected/obstructed, PROW will not object to the application.

#### 4.9 Land Drainage Engineer

##### **28 February - No objection subject to conditions**

The Applicant proposes the construction of a new indoor equine arena, improved stabling and a new single storey, 1-bedroomed workers dwelling to replace a caravan. The site covers an area of approx. 12.26ha and is currently an equine livery and training facility. An ordinary watercourse flows beneath part of the southern section of access road. The topography of the site slopes down from approx. 118.5m AOD to 115.5m AOD within the main part of the proposed site, and the surrounding land falls to the south, with a height of 77.2m AOD at the beginning of the sites access road.

##### Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the area of the site proposed for development is located within the low probability Flood Zone 1. The Planning Application has been supported with a Flood Risk Assessment.

The small watercourse crossing the access road at the south of the site has not been included in the EA Flood Map for Planning, which does not consider the potential risk associated with watercourses with small catchments. The FRA has made use of the Surface Water Flood Map as a proxy to identify the potential risk posed by this small watercourse. The risk is currently associated with the small watercourse passing through an existing culvert beneath the access road. When the capacity of this culvert is exceeded, water could back up and spill over the access road. In the 1 in 100 year surface water scenario, the access road could flood to depths of 300mm – 900mm, which could affect access and egress to the site. The effect of larger flood events on access and egress should be considered.

It may be necessary to consult Herefordshire Emergency Planners where safe access cannot be achieved or where the development may place an additional burden on the emergency services. The FRA promotes a maintenance approach to mitigate flood risk to the access road through regular checks of the culvert to ensure the free flow of water under the access road and for blockages to be removed when identified, however it is recognised that this will not remove the risk of flooding in this location.

The development itself is to be carried out on land that sits within FZ1, and significantly upslope (30m+) of the area of flooding, therefore there is no need for enhanced flood mitigation measures, such as raising finished floor levels.

##### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site of the proposed development is not at risk of surface water flooding, however, see previous section for details of surface water risk identified to the access road.

##### Other Considerations and Sources of Flood Risk

The FRA prepared to support the planning application has included an assessment of risk associated with all sources of flooding, in accordance with the NPPF. The risk of flooding to the identified development is low.

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

### Surface Water Drainage

We understand that the surface water currently enters the foul drainage system, which has a discharge to ground. Proposals for the new development incorporate separate SuDS techniques. No infiltration testing has been undertaken at the site, despite previous requests. The hierarchy of discharge states that a discharge to ground must be sought in the first instance. As a drainage field is used to discharge foul water to ground, the ground conditions are likely to be viable for discharge of surface water to ground. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques is a viable option.

The current surface water proposals comprise an attenuation system with a discharge to an existing ditch which leads to a local watercourse, the location of which is unclear. The total impermeable area is 1332m<sup>2</sup>. The attenuation has been sized for a 1 in 100yr + 40% CC event. Assuming no infiltration, the required storage volume is 57.71m<sup>3</sup>. Wrapped attenuation crates are proposed with an inspection chamber located immediately upstream. It is stated that this attenuation method allows infiltration to ground when possible. A controlled discharge will be limited to 5l/s, however the greenfield runoff rate has not been calculated. A drainage layout plan should be submitted to clarify these arrangements. The Applicant must own the land where the proposed ditch outfall is proposed.

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

If soakage is not viable for the use of infiltration techniques, only then can the current proposals to discharge to a ditch/watercourse, be accommodated as part of the surface water drainage strategy.

The hardstanding equine areas are proposed to drain separately to the roof water, to a catch pit. This is proposed to be emptied regularly. We assume the water from these areas will enter the attenuation system. We are unsure whether these areas have been included in the impermeable area used to size the attenuation features. This should be clarified.

### Foul Water Drainage

The existing foul drainage arrangements include a septic tank which discharges to a drainage field. We note that the surface water from the existing development also drains to this system. The septic tank holds 26,000 litres, which equates to a 5.5m x 2.5m horizontal circular tank. The drainage field is laid as a 17m long linear single perforated drain and has been confirmed to be in good working order. The system is a gravity-fed and the septic tank is located to the southwest of the building and hardstanding. We understand that the septic tank and drainage field have a consent from the Environment Agency.

We understand that foul water only from the proposed 1 bed residential development will connect into the existing foul water system. The proposals involve the removal of an existing caravan, which we assume connects into the foul drainage system anyway. The drainage report has confirmed that the septic tank has the capacity to accommodate any additional capacity from the proposed single 1 bed dwelling. An overestimated potential population of 5 (should be 3 persons for a 1 bed) has been used to estimate the flows and loads. Building Regulations state a capacity of at least 2,700 litres with 15 litres per additional person is required. We estimate that a minimum capacity of 3,450 litres is required despite the document stating 2,850 litres is required- this is incorrect as it only allows for 1 additional person. However, the capacity of the existing septic tank is more than sufficient.

It was noted that no dip pipes are currently fitted in the septic tank and these are required.

Overall Comment; -

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

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Provision of a revised detailed drainage strategy (if required) that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features.

## **16 February 2021 - No objection subject to conditions**

### Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

In accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The FRA should clarify the extent and depth of fluvial flood risk within the site boundary and consider the potential effects of climate change. The FRA should also identify how flood risk to the proposed development has been minimised, how the development has been made safe, and how the impacts of the development on people and property elsewhere have been avoided. The Applicant should also give consideration to any minor watercourses that could pose flood risk to the development as well as anecdotal evidence.

The provided FRA has considered all sources of flood risk and has demonstrated that the risk of flooding to the proposed site is low. There has been some risk of flooding to the access road identified.

The small watercourse crossing the access road at the south of the site has not been included in the EA Flood Map for Planning, which does not consider the potential risk associated with watercourses with small catchments. The FRA has made use of the Surface Water Flood Map as a proxy to identify the potential risk posed by this small watercourse. The risk is currently associated with the small watercourse passing through an existing culvert beneath the access road. When the capacity of this culvert is exceeded water could back up and spill over the access road. In the 1 in 100 year surface water scenario, the access road could flood to depths of 300mm – 900mm. Will affect access and egress to the site. The effect of larger flood events on access and egress should be considered. It may be necessary to consult Herefordshire Emergency Planners where safe access cannot be achieved or where the development may place an additional burden on the emergency services.

The FRA promotes a maintenance approach to mitigate flood risk to the access road through regular checks of the culvert to ensure the free flow of water under the access road and for blockages to be removed when identified, however it is recognised that this will not remove the risk of flooding in this location.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

### Surface water flood risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site of the proposed development is not at risk of surface water flooding, however see previous section for details of surface water risk identified to the access road.

### Other considerations and sources of flood risk

The FRA prepared to support the planning application has included an assessment of risk associated with all sources of flooding, in accordance with the NPPF. The risk of flooding to the identified development is low.

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches.

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

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

### Surface water drainage

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should strive to provide betterment be restricted to the pre-development Greenfield values as far as practicable. For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

The Cranfield University Soils Map identifies the soils within the proposed development area to be 'freely draining, slightly acid loamy soil' thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable

option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

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

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Discharge of surface water to an ordinary watercourse may require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event.

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

### Foul water drainage

The applicant proposes the removal of an existing caravan and for the new workers accommodation and seminar room toilets to be connected to the existing septic tank. The expected flows to the new septic tank will need to be calculated using British Flows and Loads and confirmation that the septic tank has the capacity to manage those flows will need to be provided.

As there is not a foul public sewer in this area, the Applicant will be required to complete a Foul Drainage Assessment (FDA) form and submit this as part of any forthcoming planning application. The FDA form can be found on the GOV.UK website at this link: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The Applicant should demonstrate that proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

- If infiltration testing results prove soakage is not viable, outfall to a watercourse or ditch with a non-seasonal constant flow may be permitted following approval from an ecology representative in relation to phosphate levels.

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

### Overall comment

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

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with standing advice.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

## **5. Representations**

### **5.1 Humber, Ford and Stoke Prior Parish Council**

Strongly support the application. Council noted that the proposals would improve the appearance of the site beyond its current state and that the buildings would be finished in typical agricultural style but with good quality materials. In particular past concerns regarding mobile home would be resolved as the mobile home would be removed as part of these proposals.

Concerns about flooding are paramount in Stoke Prior. The flood risk assessment submitted as part of the application contains a number of recommendations which Council expects will be made conditions should Herefordshire decide to grant consent.

Council sought re-assurance that the traffic load and timing would not be significantly increased by these proposals. The applicant was able to confirm that the scale of equine operations would be much lower than in the recent past so deliveries of hay, fodder etc. would not increase much beyond current levels and would be lower than in former operations. Council is also aware that the nearby school has a daily, rather intense, traffic pattern which it would be ideal if deliveries to the site could avoid these school pick-up/drop off times.

In previous applications Council had strongly supported the growth of this important rural business and, given the improvements in this application, would again strongly support the application. Such development is encouraged under Policy HFSP12 in the Neighbourhood Development Plan.

5.2 To date, a total of 22 letters of support have been received. The comments can be summarised as follows; -

- Important to support local enterprise and new jobs
- Improving equine safety by 24 hour surveillance
- Appearance of the yard would be improved
- Demand for new stables
- Would not impact upon the residents of Stoke Prior
- Need for extra housing for younger people
- Lack of facilities and one is needed which is equidistant from Ledbury, Ludlow and Hereford

5.3 In addition, 1 letter of objection has been received. The comment can be summarised as follows; -

- Proposal would be intrusive within the surrounding landscape
- Not in accordance with policies as stated within the refusal of previous application and appeal
- Impact on the local highway network
- Application if approved would be used to justify a new, larger dwelling at a later date

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=204230](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230)

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

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

## 6. Officer's Appraisal

### Principle of development

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

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

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy and the adopted Humber, Ford and Stoke Prior Neighbourhood Development Plan (HFSPNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 Excluding a very small amount of the application site (the access via Priory Farm off the C1112), the application site lies outside of the settlement boundary for Stoke Prior as prescribed by policy HFSP4 of the HFSPNDP. Indeed, the area for where development is proposed, including the new equine workers dwelling, is situated approximately 320m north of the main, built-up part of the village. Therefore, in planning terms, the site is considered to be open-countryside whereby new,



market housing is not supported in accordance with the requirements of Core Strategy policy RA2 and policies HFSP2 and HFSP4 of the HFSPNDP.

- 6.4 Of particular relevance is Paragraph 80 of the NPPF which states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply, as set out within the Council's Core Strategy at policy RA3. In order for the Local Planning Authority (LPA) to assess whether or not there is an 'essential need', evidence must be provided to demonstrate a need in order to qualify for a rural worker's dwelling. This echoes the tenets of Policy RA3 which lists exceptions to new residential development in an open-countryside, including dwellings for rural workers, where they would support an established rural enterprise and would accord with Policy RA4.
- 6.5 The rural enterprise in question relates to the Priory Farm Equine Centre which is understandably very different in nature and character to more common rural workers dwellings that are predicated on an often larger, agricultural enterprise. As such, the enterprise here is somewhat unique and therefore, comparisons cannot easily be made with other similar rural enterprises.
- 6.6 However, it is understood that the enterprise is well-established and following the retirement of the applicant, the day-to-day responsibility of the running of the business falls to the groom manager, who presently lives in rented accommodation elsewhere within the village of Stoke Prior.
- 6.7 The enterprise operates as one, using facilities at Priory Farm and at the yard. According to the submitted details, the business currently has provision for the stabling of 16 horses. The proposal looks to increase the provision of stabling at the yard by up to 12 horses that would come forward instead of the stabling for 8 horses as approved following the Inspector's decision in respect of P183431/F. On this basis, there would be provision for 21 horses at the yard along with the provision that stands in and around Priory Farm itself.
- 6.8 It is accepted that the applicant is now retired from the business and therefore is no longer actively involved in the day-to-day operation of the business and, that they reside at Priory Farmhouse, away from the yard where an increase in stabling provision is proposed. The position of the applicant which are corroborated by the received letters of support is that an on-site dwelling is required in order to attend to sick and injured horses, foaling and other emergencies as exemplified in some of the received comments.
- 6.9 Great regard is given the Inspector's decision for 183431/F where the provision of a temporary dwelling for the groom manager was dismissed. It was concluded that given the groom manager would be on site during the day, checks on animals prior to departure in the evening would be sufficient to limited medical issues. The Inspector was also unconvinced that systems could not be put in place to monitor the site out of hours, allowing the responsible worker to respond in an expedient manner during the night.
- 6.10 The nature of the enterprise is somewhat changed from the time of previous consideration. In the first instance, reduced weight can be attributed to the reliance of supervision afforded through Priory Farmhouse since the applicant is now retired from the day-to-day operation of the enterprise. Additionally, the land holding has increased since the consideration and determination of the previous application and notwithstanding the increased stabling provision proposed for the yard, the enterprise will have increased capacity in respect of animal numbers.
- 6.11 To this end, agricultural advice previously provided to officer's set out that that 1.5 acres of land is required for the first horse and then an acre per horse thereafter, plus an acre or two enable reseedling and resting/rotation for good pasture management. On the basis that the holding has increased by 13 acres since the previous application was considered (from 17 – 30 acres), the enterprise benefits from capacity for around 8 additional horses (in line with the increased stabling

provision allowed at the previous appeal). Therefore, it can roughly be estimated that the enterprise has capacity for 24 horses.

- 6.12 Noting this rather limited expansion in the enterprise, officers remain unconvinced that the essential need of the business cannot continue be met by the groom manager who lives in accommodation, albeit temporary but within Stoke Prior itself meaning they are always within 5 minutes of the site. Furthermore, the aid of security/monitoring systems have not been properly discounted or proven to be insufficient by the applicant.
- 6.13 Notwithstanding the above however, policy RA4 of the Core Strategy requires consideration be given to any other accommodation that could meet any identified essential need to be close to the operating business. It is acknowledged that the applicant is retired and that case law concludes it unreasonable to expect the applicants to move out of their matrimonial home to give way for the required rural worker. However, Priory Farmhouse is subdivided (NC2005/0839/F refers). At the time of considering the previous application, the unit of accommodation was subject to a short-term occupancy agreement and the Inspector corroborated the view of the Council insofar that it could not be easily discounted as being unsuitable to meet the essential need. Since the decision of the Inspector and the submission of this application, the applicant confirms that their son has moved into the dwelling as to live separately to them. On the basis that the Inspector found that a presence at Priory Farm to be suitable to meet the needs of the enterprise and aware of the applicant's obvious dissatisfaction of the current housing arrangements of the groom manager (static caravan within village), it must be questioned as to why consideration was not given to placing them here or if it was, what concluded it as not being suitable. Also of note is that as the groom manager would be responsible for both sites, wherever the dwelling is situated would mean that they are not 'on-site' out of hours in the other location.
- 6.14 As such, on the basis of the existing provision of stabling at both locations (taking account of extant permission), having regard to the existing size of the land holding and noting the availability of suitable accommodation within the existing holding which has been found to be situated as such that it can meet the needs of the rural enterprise, the case for a new dwelling within the open-countryside is wholly unsubstantiated. The principle of the new dwelling is therefore contrary to Core Strategy policy RA3 and RA4 and policies HFSP2 and HFSP4 of the HFSPNDP.
- 6.15 In respect of the wider redevelopment of the yard which includes further stabling and arena facilities, policy RA6 lends its support to land based enterprises, recognising that they may be located outside settlements and within open-countryside, as per this case. At the local level, policy HFSP12 states that the development of rural businesses will be supported. The economic benefits of the existing enterprise are appreciated although given the extent of the land holding, the existing stabling facilities and the view that the needs of the business can be met in existing accommodation, the proposal is unlikely to accrue any notable further benefits in the social and economic sphere. Indeed, whilst the provision of the enhanced training facilities at the yard would enhance the overall quality of the offering provided by the training centre, there is not considered to be any convincing justification for a further four stables (over the already allowed 8) when taking into account the availability of land to support such horse numbers.

### **Impact on residential amenity**

- 6.16 The yard area where development is proposed is situated circa 130 metres to the north of the nearest residential property (Grovefields) and given the existing development and operations on the site, it is not considered that the relatively modest intensification and small residential use would result in any alterations to the amenity of the property. Therefore, no conflict with policy SD1 of the Core Strategy or policy HFSP8 of the HFSPNDP is identified.

### **Siting, scale and design**

- 6.17 Policy HFSP8 of the HFSPNDP builds on the requirements of Core Strategy policy SD1 insofar that proposals should incorporate locally distinctive features and traditional materials. Proposals should be appropriately scaled to respond positively to surrounding development.
- 6.18 In this case, the proposed new buildings would be consolidated within the existing parcel of land and the area of hardstanding would not increase in size. The scale of the proposed buildings is, in general terms, considered to be appropriate and the design, whilst functional, would be befitting of its intended function and not particularly uncommon for equine establishments in rural settings. For instance, the stables would be low in height and constructed from timber boarding, clearly reading as a building purposes for the housing of horses. The proposed studio and dwelling would be attached to the existing stable building/proposed portal framed lean-to and would appear subservient in scale. Therefore whilst not possessing a domestic character per se, it would not be visually offensive within this specific context of an operational equine yard.
- 6.19 Therefore, the proposed buildings whilst rather uninspiring in respect of their design, would not be out of character when having regard to the existing development on the site and they would be situated as to visually relate to one another. Therefore, no conflict with policies HFSP8 and SD1 of the development plan is identified in this respect.

### **Impact on landscape**

- 6.20 Together with the requirements of Core Strategy policy SD1, policy HFSP12 of the HFSPNDP sets out that proposals for new business development should be in scale with the character of the area and settlement and should not adversely affect landscape character. It also specifies amongst other things that proposals should avoid obtrusive external storage and paraphernalia. Policy HFSP16 of the HFSPNDP requires proposals to not adversely affect landscape character through where appropriate, including measures to conserve, restore or enhance sites.
- 6.21 As set out in the comments made by the Council's Landscape Officer, the proposal would increase the built form of the site notably; this largely being as a result of the proposed sizeable indoor riding arena to the north of the existing buildings. However, despite the site's elevated position which sits above Stoke Prior, it does benefit from established tree and hedgerow infrastructure which helps to reduce the overall prominence of the site. The submission makes reference to the retention of all trees and hedgerows on and bounding the site together with further planting and although limited details of this have been supplied, it is considered that this could be appropriately secured through appropriately worded planning conditions appended to any approval.
- 6.22 Officers also recognise that the existing site suffers from a number of temporary containers/lock-ups (including static caravan) which adds clutter to the site and sits rather negatively within the surroundings. The removal of this paraphernalia through the provision of purpose built buildings should negate the need for the presence of these articles, enhancing the appearance of the site.
- 6.23 Furthermore, given the suitably designed nature of the proposed buildings which would be distinctly agrarian/equestrian in character, the increase in built form, even in the absence of enhanced screening, would not appear out of character in the rural surroundings.
- 6.24 With the above in mind, the proposals are not considered to be such which would result in any undue impact on the otherwise open and attractive landscape character, according with the requirements of Core Strategy policy LD1 and policy HFSP12 and HFSP16 of the HFSPNDP.

### **Impact on heritage assets**

- 6.25 Along with the expectations of policy LD4 of the Core Strategy, policy HFSP12 of the HFSPNDP sets out that proposals for new business development should affect heritage assets. The site in

this case is notably distant from the nearest heritage assets; Grade II listed Pear Tree Cottage which lies circa 250 metres to the southwest and Grade II listed 'The Priory' (Priory Farmhouse) which lies circa 330 metres to the south of the site. Noting the comments of the Council's Conservation Officer, it is not considered that the proposals would result in any harm to these or the wider historic environment.

### **Access and highway safety**

- 6.26 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 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 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.
- 6.27 Policy RA6 of the Core Strategy sets out that proposals which relate to the diversification of the rural economy should ensure that traffic movements can be safely accommodated within the local highway network, re-iterated at the local level through policy HFSP12 of the HFSPNDP. Indeed, the principle is well established within the NPPF where it sets out that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or where 'the residual cumulative impacts of development are severe'(NPPF para. 111).
- 6.28 Given the proposal includes increased and enhanced facilities at the site together with the provision of a new dwelling, the Transportation Manager requested further details in respect of vehicular movements to and from the site, as to be able to ascertain the cumulative impacts of the proposal. The details submitted by the applicant also provided clarity to a second point of access off the C1112 which is suitable for larger vehicles, rather than negotiating the track via the Priory Farm point of entrance. Having reviewed the submitted details, taking account of the relatively modest increase in the scale of the enterprise and noting the comments from the Transportation Manager, it is not considered that proposal would result in any unacceptable impact on the local highway network in accordance with the above mentioned policies and the principles as found within the NPPF.

### **Ecology and drainage**

- 6.29 Policy HFSP16 of the HFSPNDP states that proposals should contribute towards the ecological network and green infrastructure of the area with measures to support the biodiversity value of designated and local sites and also to add to the extent of local natural and wildlife assets where possible, generally echoing the requirements of Core Strategy policy LD2.
- 6.30 The Planning Ecologist has reviewed the submission and considers that the proposed development would not result in any significant ecological effect on general wildlife within the locality and protected species. The applicant would be reminded of their legal duty of care to wildlife protection. Furthermore, as required by Core Strategy policy LD2 and the NPPF, biodiversity net gain can be secured through appropriately worded planning conditions appended to any approval.
- 6.31 The site in this instance also lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site.

The obligations are embodied with Core Strategy policies LD2 and SD4 along with policy HFSP14 of the HFSPNDP, as well as the guidance established within the NPPF.

- 6.32 The River Lugg, which is a tributary of the River Wye and forms part of the SAC designated site, is currently failing its conservation targets on phosphate levels. This as a result of water pollution from 'point' source, particularly sewage outlets, and 'diffuse' source, particularly from agricultural run-off. As such, with limited exceptions, it is not currently possible to allow further development which results in the increased generation of phosphates.
- 6.33 In this case, the proposal would look to deal with foul water generated by the development through a connection to an existing private system which is believed to involve a septic tank. However, no professional drainage report has been supplied which confirms that the existing system has capacity and that the soakaway drainage field conforms with the criteria as set out within the latest Herefordshire Council position statement in respect to development within the River Lugg catchment.
- 6.34 Furthermore, the proposed development would support an intensification of the equine holding and the number of horses on the site which would, in turn result in an increase amount of horse manure. No details have been supplied with respect as to how this would be managed and therefore, together with the absence of details about foul drainage, it is not possible to conclude that there would be no likely significant effects on the River Lugg/Wye SAC.
- 6.35 Technical matters relating to foul and surface water drainage have not been supplied at this stage. However, in line with the comments made by the Council's Land Drainage Engineer, it is considered that these matters could be secured through safeguarding conditions appended to any planning approval to ensure accordance with Core Strategy policy SD3 and SD4

### **Flood Risk**

- 6.36 The applicant has submitted a Flood Risk Assessment (FRA) and although it is noted that the site proposed for development is located within Flood Zone 1, part of the access through Priory Farm is within Zones 2 & 3. The FRA sets out maintenance to ensure regular checks of the culvert to prevent any blockages which may impeded the free flow of water under the road, especially during periods of heavy rainfall. On the basis that access can also be achieved from the C1112 close to The Woodhouse, it is not considered that the proposal is unacceptable in flood risk terms.

### **Conclusion**

- 6.37 The proposal is for a new dwelling and enhanced equine facilities and stabling at land associated with Priory Farm, Stoke Prior. There are no overriding identified issues in respect of the expansion of the site since it would support a rural land based enterprise with there being no adverse impacts on the surrounding landscape.
- 6.38 However, noting the site includes the provision of housing, the site is divorced from the nearest settlement (Stoke Prior) which has been identified as an appropriate location for new housing growth within the Core Strategy and a settlement boundary prescribed by the HFSPNDP. The site is therefore considered as being unsustainable in a locational sense for open market housing, and the application consequently falls to be considered against the exceptional circumstances set out by Core Strategy Policies RA3 and RA4 and at Paragraph 80 of the NPPF.
- 6.39 The application has been made on the premise that the new dwelling is required to satisfy sustained essential functional need to have a rural worker live permanently on the site to manage the existing and proposed enlarged equestrian centre. However, since it has been found that the site can be managed from Priory Farm, no substantive evidence has been supplied to demonstrate why the groom manager has not or could not be placed within the separate dwelling formed through the subdivision of the house. Further, as the applicant is retired from the day-to-

day running of the business, the groom manager would be responsible for both sites and therefore notwithstanding the view that the enterprise can indeed be managed during the day with checks last thing in the evening aided by security systems, it is considered that the proposal fails to address the very reasons for which the application is predicated on i.e – having an out of hours presence close to the animals. The application therefore fails to accord with Core Strategy policy RA3 and RA4 and policy HFSP2 and HFSP4 of the HFSPNDP.

6.40 It has not been possible to demonstrate that the proposal would not have an adverse impact upon the integrity of the River Lugg / River Wye SAC through the generation of additional phosphates through an intensification of the equine enterprise. This adverse impact would be contrary to the requirements of the Conservation and Habitats and Species Regulations 2017 and policies LD2 and SD4 of the Core Strategy and policy HFSP14 of the HFSPNDP.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

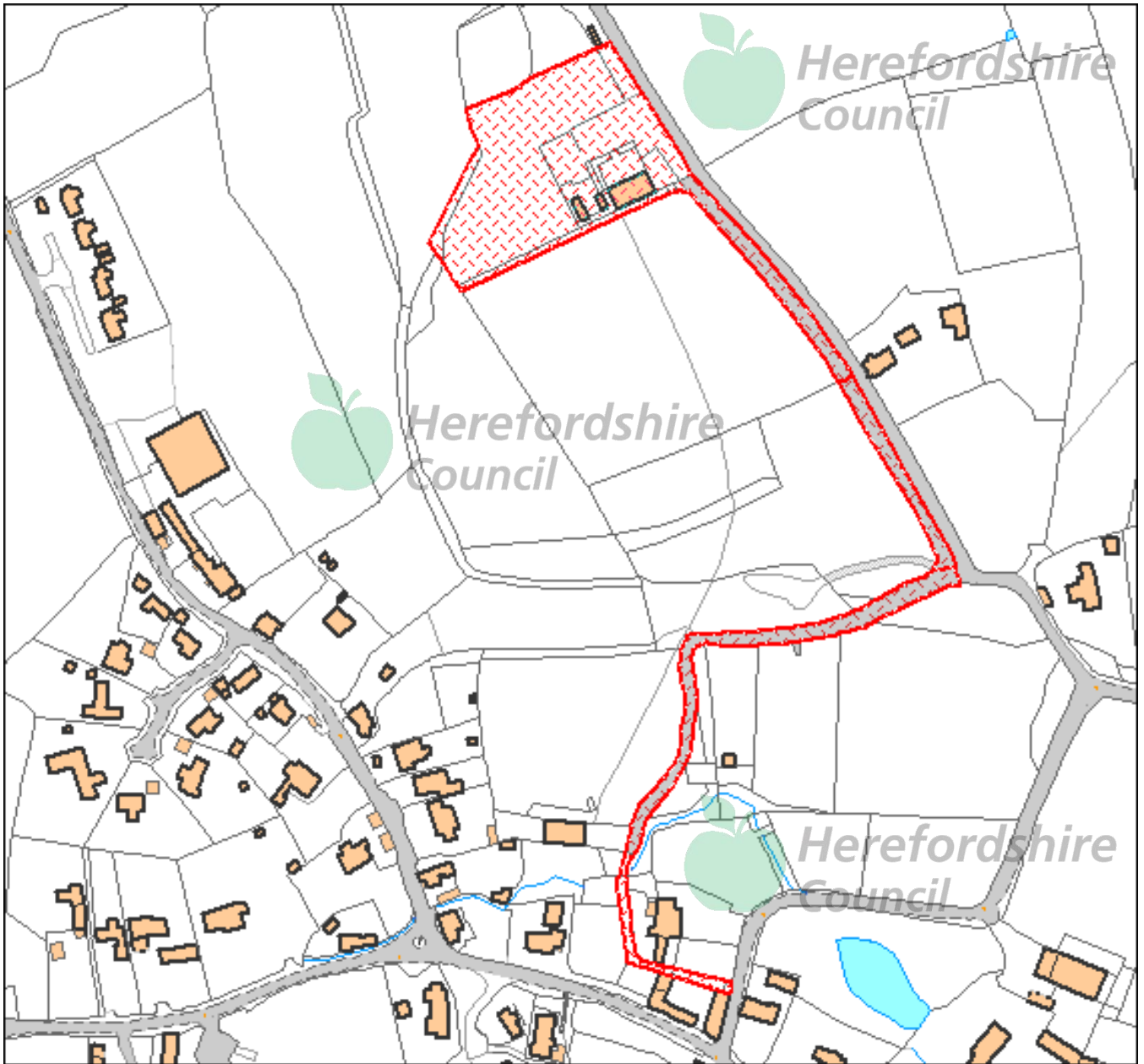
- 1. The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC) and the nature of the proposal triggers the requirement for a Habitat Regulations Assessment to be undertaken. Under the Regulations there is a requirement to establish with certainty, and beyond all reasonable scientific doubt, that there will not be any adverse effect on the integrity of the River Wye SAC. The River Lugg sub-catchment however suffers from the effects of point source and diffuse water pollution and phosphate levels in the river have already exceeded conservation objectives. The proposal in this case would add to this through the generation of additional phosphates through an intensification of the equine enterprise (increased amounts of manure) and it is not possible to demonstrate, for the lifetime of the development, how and where generated manure would be managed and, that it would not have any detrimental effects on other designated sites outside of the River Lugg hydrological catchment. As such, the Local Planning Authority is unable to conclude that the development would not have an adverse effect on the integrity of the River Lugg / River Wye SAC. As a result, the proposal cannot be positively progressed through the Habitat Regulations Assessment process as required by The Conservation of Species and Habitats Regulations 2017 and is hence contrary to policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, policy HFSP14 of the Humber, Ford and Stoke Prior Neighbourhood Development Plan and the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out within the National Planning Policy Framework.**

Decision: .....

Notes: .....

**Background Papers**

None identified.



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**APPLICATION NO:** 204230

**SITE ADDRESS :** PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND

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





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<b>222785 - PROPOSED REMOVAL OF EXISTING EXTENSIONS AND CONSTRUCTION OF NEW SINGLE STOREY SIDE/REAR EXTENSION AT CORNER HOUSE, MONNINGTON ON WYE, HEREFORD, HR4 7NL</b>  <b>For: Mr &amp; Mrs Jones per Mr Andrew Baker, Walnut House, Wellington, Hereford, Herefordshire HR4 8AZ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222785&amp;search-term=222785">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222785&amp;search-term=222785</a>
<b>Reason Application submitted to Committee – Councillor application</b>	

Date Received: 18 August 2022

Ward: Castle

Grid Ref: 337469,243593

Expiry Date: 13 October 2022

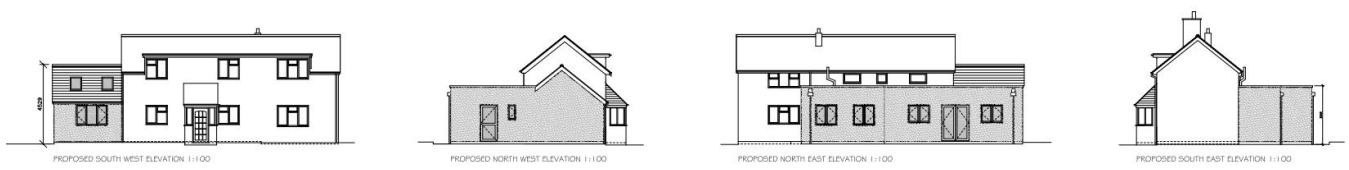
Local Member: Cllr Graham Jones

**1. Site Description and Proposal**



1.1 The property is located in Monnington-on-Wye and occupies a position on the corner of an unclassified road. The property faces apple orchards and is located further back from the road. Currently the front elevation has a dilapidated lean to and car port that are connected to one another adjacent to the host property.

1.2 The proposal is to remove the varying ridge heights and create a more uniform 1 storey roofline and create a wraparound extension that will create a more practical living space.



Further information on the subject of this report is available from Kam Roopra on 01432 260000

## 2. Policies

### 2.1 Herefordshire Core Strategy

- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SS1 - Presumption in favour of sustainable development

### 2.2 Staunton On Wye Neighbourhood Development Plan

SOWG 1-Restriction of Development  
SOWG 2- Protection and Enhancement of Green Infrastructure

### 2.3 National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development  
Chapter 4 – Decision-making  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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

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

## 3. Planning History

### 3.1 None identified

## 4. Consultation Summary

### 4.1 Internal Council Consultations

### Ecology

Based on supplied and available information, there are no specific likely effects on protected species identified as part of the proposed development. The works to remove existing chimney are at a slightly higher risk of impacting any Bat roosting/access points but not to a level that the LPA considers there is any significant likely effects and has no reason to request any additional information as part of the planning process but a relevant advisory note is requested. The applicant and their contractors have their own statutory duty of care in respect of wildlife protection under the Wildlife & Countryside Act that sits above any planning requirements.

### Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species (roosts whether bats are present or not), Badgers, 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 is advised that advice from a local professional ecology consultant is obtained.

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Further information on the subject of this report is available from Kam Roopra on 01432 260000

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present at the site. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested:

### **Protected Species and Dark Skies**

At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches be installed or operated in

## **5. Representations**

### **5.1 Staunton on Wye Parish**

The Staunton on Wye Group Parish Council does not object to the application but notes that insufficient information has been provided to determine whether the application conforms to the Staunton on Wye Neighbourhood Development Plan.

In particular the applicant should provide information concerning water management from the new extension (NDP policy SOWG1), the incorporation of energy efficient components and the use of materials which blend with surrounding buildings (NDP policy SOWD2)

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=222785&search-term=222785](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222785&search-term=222785)

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."*

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

### **6.2 The application is for the demolition of the existing lean to and car port to renovate and create a uniform wraparound single storey extension. The new extension will benefit from a pitched roof that will be subservient to the host dwelling.**

### **6.3 There is no loss of parking as a result of this work and neither will there be an impact on the local traffic. Therefore according with Herefordshire Core Strategy MT1.**

- 6.4 There is no loss of amenity to the neighbouring properties as the proposed development is single storey extension, which accords with Herefordshire Core Strategy policy LD1.
- 6.5 The proposed works require no removal of trees or hedges and therefore there is no impact to the local biodiversity and as such accords with Herefordshire Core Strategy LD2.
- 6.6 As the condition of the current façade is irregular and in poor condition it is considered that the renovations will result in a visual improvement to cottage and the immediate locality, therefore in accordance with Herefordshire Core Strategy LD1.
- 6.7 The parish council have commented that they do not consider that sufficient information has been provided to determine whether the proposal are compliant with NDP policies, particularly in respect of efficient water management, energy efficiency and material choice.
- 6.8 The proposal seeks to replace existing kitchen and shower room facilities and the plans show that the extension will connect to an existing septic tank. The proposal will not result in any intensification in terms of water usage and, given current Building Regulation requirements, is likely to be more efficient in this regard than the existing facilities. Officers are satisfied that the proposal is policy compliant in this regard.
- 6.9 Due to the location of Corner House, the proposal includes a Flood Risk Assessment. The property itself and the proposed extensions are located in Flood Zones 2 & 3. The finished floor level of the proposed extensions will match that of the existing house, in order to facilitate the future proofing of the accommodation as the owners grow older, providing flexible accommodation should a ground floor bedroom be required. Therefore, the existing flood risk within the property will not be increased.
- 6.10 The overall increase in floor area provided by the proposed extension, when the demolition of the existing areas is taken into account, is 17m<sup>2</sup>. Officers are of the view that this is small in scale meaning that there will be no demonstrable increase in flood risk to third parties. On this basis the proposal is considered to be compliant with policy SD3 of the Core Strategy and SOWG1 of the NDP.
- 6.11 It is noted that policy SOWG2 of the NDP *encourages* the use of energy efficiency and renewable energy components. and The proposal does not include any renewable energy elements, and current policy does not require this. Moreover, the applicants agent has provided additional information in this regard, advising that, due to the aspect of the rear extension, solar panels would not be effective. The front elevation roof pitch to the proposed side extension is very small in size and incorporates two roof windows, so again, solar panels would not be suitable.
- 6.12 With regard to energy efficiency, the proposed extension will be required to comply to current Building Regulation requirements. Accordingly officers are satisfied that the proposal is policy compliant in respect of both matters.
- 6.13 Finally, with regard to materials, the information provided on the application form advises that the extension will be faced and roofed using materials to match the existing cottage. This can be confirmed through the imposition of a suitably worded condition.

In conclusion, officers are of the view that the proposal accords with the Development Plan and accordingly the application is recommended for approval.

**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. C01 - Time limit for commencement
- 2. C06 - Development in accordance with the approved plans
- 3. C14 - Matching external materials (extension)

**INFORMATIVE:**

- 1. IP1
- 2. I30

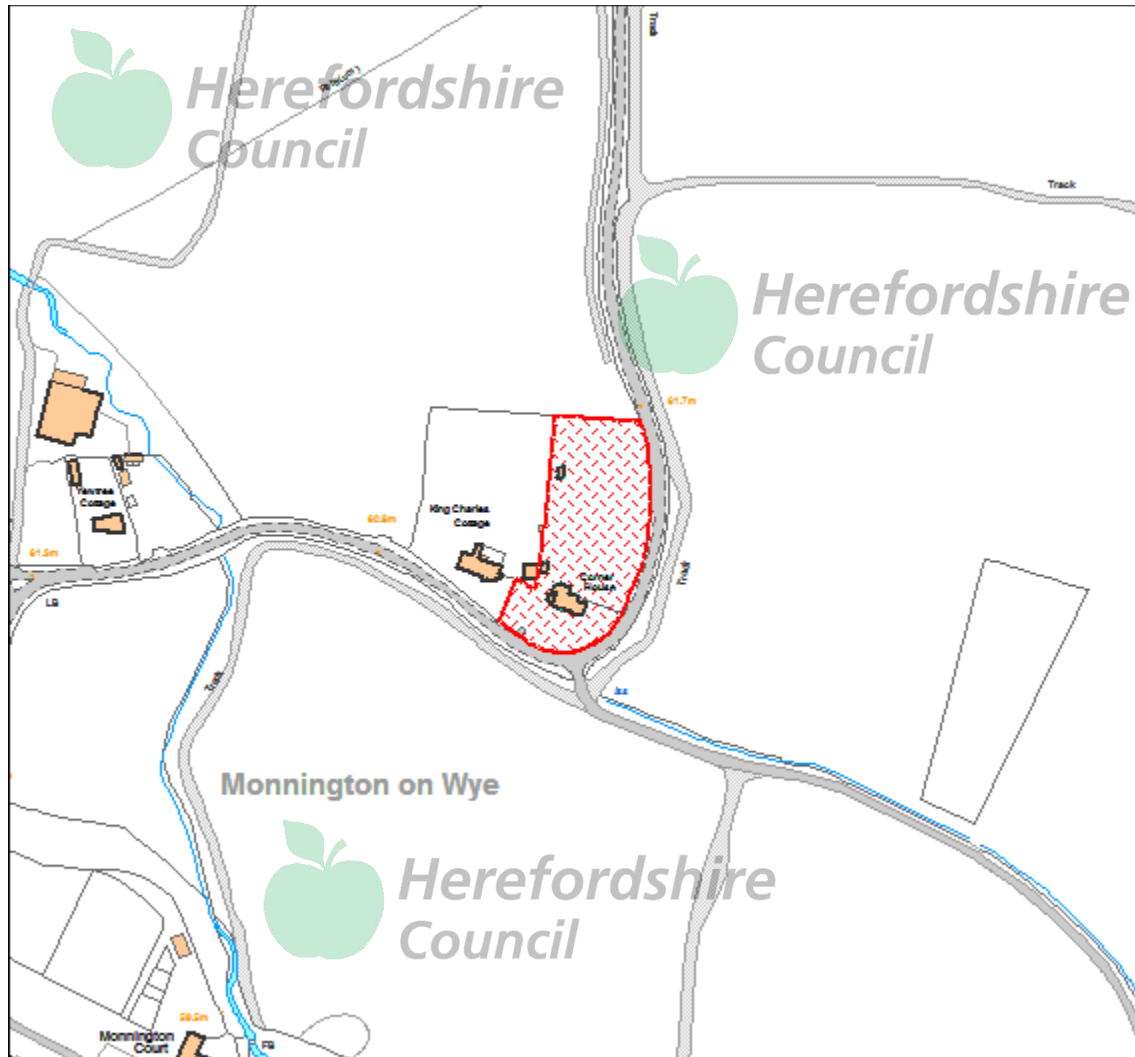
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 222785

**SITE ADDRESS :** CORNER HOUSE, MONNINGTON ON WYE, HEREFORD, HEREFORDSHIRE, HR4 7NL

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