

Agenda

Planning and regulatory committee

Date: **Tuesday 18 April 2023**

Time: **10.00 am**

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

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and regulatory committee - 18 April 2023 10.00 am](#)

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Agenda for the meeting of the Planning and regulatory committee

Membership

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

Agenda

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NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES	13 - 34
To approve the minutes of the meeting held on 15 March 2023.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 181943 - LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE	35 - 76
Outline planning application for up to 6 dwellings. All matters reserved apart from access.	
7. 212518 - LAND SOUTH OF YEW TREE FARM, RUCKHALL, COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX	77 - 90
Reserved matters following outline approval 191541 (Outline for three or four bedroom dwelling on a plot of land currently part of Hillcrest's garden).	
8. 204230 - PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND	91 - 116
Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling.	
9. 220783 - LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX	117 - 128
Proposed change of use of land and laundry/wash room to a bungalow (Retrospective) and for a new day/laundry room for existing traveller site.	
10. 230076 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG	129 - 136
Proposed detached garage to include garden room with home office above.	

11. DATE OF NEXT MEETING

Date of next site inspection – 6 June 2023

Date of next meeting – 7 June 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 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

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.

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

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Public transport links

The 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 The Kindle Centre, Belmont Road, Hereford, HR2 7JE on Wednesday 15 March 2023 at 10.00 am

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

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Clare Davies, Elizabeth Foxton, John Hardwick, Mark Millmore, Jeremy Milln, Felicity Norman, Ann-Marie Probert, Nigel Shaw and Yolande Watson

In attendance: Councillors Barry Durkin and Jonathan Lester*

Officers: Development Manager Hereford and South Team, Lawyer 1, Senior Lawyer*, Team Leader – Area Engineer*.

*denotes virtual attendance

70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dave Boulter and Tony Johnson.

71. NAMED SUBSTITUTES (IF ANY)

Councillor Nigel Shaw acted as a substitute for Councillor Johnson.

72. DECLARATIONS OF INTEREST

Councillor Ann-Marie Probert declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; the applicant was a close, known associate. Councillor Probert would leave the meeting for the duration of the item.

Councillor John Hardwick declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; the applicant was a known associate and as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor Yolande Watson declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; as a member of the Wye Valley AONB Joint Advisory Committee.

73. MINUTES

RESOLVED: That the minutes of the meeting held on 8 February 2023 be approved.

74. 214619 - LAND TO THE NORTH-WEST OF WESTHIDE, WESTHIDE, HEREFORDSHIRE, HR1 3RQ (Pages 17 - 18)

Councillor Paul Andrews left the committee to act as the local ward member for the following application.

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

In accordance with the criteria for public speaking Ms Green spoke on behalf of Withington Group Parish Council, Mr Rowlatt, local resident, spoke in objection to the application and Ms Isynova, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary, he explained that local concerns regarding the application concerned noise pollution, the loss of agricultural land and flooding from the site. It was suggested that the historic canal on site could be used to attenuate flooding issues. It was recognised that concerns regarding the application needed to be balanced against the need for green and renewable energy. The application represented a development on an industrial scale which would be in addition to the poly tunnels nearby. The scale of the proposed solar farm, the use of fencing and presence of CCTV added to the perception that this was an industrial-scale development. There were other locations in Herefordshire which were more suited to this type of development.

In accordance with the council's constitution the adjoining local Ward member spoke on the application. In summary he explained that 45,000 solar panels of 3 metres in height would have a negative impact upon the local community, agricultural land and the landscape. There had not been an adequate assessment of the impact of the cable to the national grid that that would run from the site to the Dormington sub-station. The term of the development of 30 years should not be considered not temporary and the impact of the solar farm over that period would be substantial. Agriculture would be undermined in the area with the loss of land having consequences on efforts to address food security. The noise emitting from the development would have a negative impact on the local community and the mechanism to deal with noise complaints was not sufficiently robust. The credibility of the biodiversity improvements arising from the development were queried. The impact on the quality of the land over the period of the development could not be accurately assessed. Despite the reduction in the scale of the application the proposed solar farm would still have an adverse impact on the landscape. The number of solar panels proposed and the height of the fence would have a detrimental impact on the landscape. A previous application for a solar farm, that was smaller in scale, had been refused by the local authority and at appeal due to its impact on the landscape.

The committee debated the application.

The committee considered that condition 13 concerning the noise management plan required strengthening. The interval at which the noise management plan was reviewed needed to be more frequent than the annual review proposed in the condition. Within the first 2 years of the development a review of the noise management plan every three months was considered appropriate and reasonable.

The committee felt that the impact of the local geology on the emission of noise from the site should be considered and referenced in the conditions.

The committee sought additional mammal gates, bat and bird boxes in condition 14. Mammal gates needed to be accessible by deer.

The local ward member was given the opportunity to close the debate. He explained that he welcomed the proposed change to condition 13 to strengthen the noise management plan. Assurance was sought that the size of the proposed development would not increase. Noise attenuation measures including a low noise inverter, a mud wall and a limit for noise from substations of 23 dB should be imposed on the site. Flooding should

be addressed by the use of bunds, a further pond or utilising the historic canal. Trees and hedgerow should be used to screen the site. Additional mammal gates and bat and bird boxes should be required on the development. The developer should be encouraged to restrict working hours between 9 and 5 Monday to Friday.

The adjoining local ward member was given the opportunity to close the debate. He explained that there had been a lack of debate and assessment of the significant impacts on the landscape posed by the development. An appeal inspector had previously ruled that a 10 hectare solar farm site had an unacceptable impact on the landscape. The changes proposed to conditions 13 and 14 to enhance the noise management plan and protect wildlife was supported. The site would have an unacceptable impact on local residents.

The development manager clarified that this planning application should be judged on its own planning merits and not a previous unrelated application.

A motion that the application be approved in accordance with the case officer's recommendation and including: a change to condition 13 to increase the frequency of a review of the noise management plan to every 3 months within the first 2 years of the development; and a change to condition 14 to increase the number of mammal gates, bird and bat boxes and to ensure mammal gates were suitable for deer; was proposed by Councillor Nigel Shaw and seconded by Councillor Ann-Marie Probert. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

That planning permission be granted subject to: the following conditions; a change to condition 13 to increase the frequency of a review of the noise management plan to every 3 months within the first 2 years of the development; a change to condition 14 to increase the number of mammal gates, bird and bat boxes and to ensure mammal gates were suitable for deer; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. Time limit for commencement (full permission)

2 The development shall be carried out in accordance with the deposited plans and drawings as stated below:

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. Within 1 month of the date of first export of electricity confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 30 year period from the date of the first export of electricity.

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

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

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

- 5** Within 6 months of the cessation of the export of electrical power from the site, or within a period of 29 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

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

Pre-commencement conditions

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

agreed in writing by the local planning authority.

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

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

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

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

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

8 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 91 metres in a north east direction and 121 metres in a south west direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

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

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

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

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

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

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

- 11 Compliance conditions
Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.**

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

- 12 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**
- Landscape Mitigation and Enhancement Plan**
 - Masterplan**

All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the commencement of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased will be replaced in accordance with the approved Landscape and Ecological Management and Maintenance Plan.

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.

- 13 Before the development is first brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded that have arisen) annually thereafter by 1 March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority before being implemented.

The noise management plan shall be made available for inspection by the Local Planning authority upon reasonable request.

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policy SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework

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

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

- 15 Prior to first export of electricity, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- Other conditions
16 At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-

limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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

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

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

- 18 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Landscape Mitigation and Enhancement Plan (Drawing reference 3352_L_GA_0_02 Revision D) shall be implemented upon commencements of construction works and hereafter maintained in full as stated for a period of at least 30 years unless otherwise approved in writing by the Local Planning Authority.

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

- 19 The SuDS details as shown and illustrated on the Conceptual Surface Water Drainage drawing (Rev P08) shall be implemented before the first use of the development hereby approved and hereafter maintained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in

determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. The Applicant is advised that should culverting of any of the watercourses be required for access to the Site, the Applicant will need to apply for Ordinary Watercourse Flood Defence Consent from the River Lugg Internal Drainage Board - <https://www.shiregroup-idbs.gov.uk/idbs/river-lugg-idb/asset-management/planning-consents/>.**

There was an adjournment at 11:31 a.m.; the meeting reconvened at 11:48 a.m.

Councillor Mark Millmore left the meeting at 11:48 a.m.

Councillor Paul Andrews resumed his seat as a member of the committee.

75. 222295 - AGRICULTURAL BUILDING, ADJACENT BERRINGTON BOWER, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY (Pages 19 - 20)

The senior 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. The senior planning officer explained that an additional condition was also necessary to restrict the occupancy of the building to holiday lets only.

In accordance with the criteria for public speaking Mr Bennett, spoke on behalf of Marden Parish Council, Ms Seamer, local resident, spoke in objection to the application and Mr Powell, applicant, 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 to the committee. In summary, she explained that previously applications on the site had been refused as the principle of development in the location was unacceptable. A number of objections concerned the retrospective nature of the application. It was explained that the site was outside the Marden neighbourhood development plan (NDP) and was accessed by busy roads. There was concern that the application added to the cumulative impact of other housing and agricultural applications locally. The impact on highways was unacceptable given the poor state of roads in the locality. It was explained that flooding in the area was an issue and there was concern that pollution from the septic tank at the development could enter local drainage channels. The proposed holiday let was very close to existing properties; noise and light pollution would affect local residents. The application would not encourage sustainable tourism as there was a lack of public transport and busy narrow lanes were not suitable for cyclists and walkers. The application was considered contrary to: Core Strategy policies RA2, RA3, RA5, RA6, LD1, LD2, SD1, SD2, SD3 and E4; Marden NDP policies M1 M2 M3 M12 and M14; and to the national planning policy framework paragraphs 8 and 11. The local ward member urged the committee to refuse the application.

The committee debated the application.

The committee supported the inclusion of a condition to restrict the occupancy of the building to holiday lets only.

The committee sought additional conditions to include: the treatment of roof lights on the building to reduce light spill; the provision of an electric vehicle charging point at the holiday let; and the inclusion of a rainwater harvesting butt at the holiday let.

The local ward member was given the opportunity to close the debate. She provided a statement which was read to the committee and explained how the application was contrary to planning policies in the core strategy, the neighbourhood development plan and the national planning policy framework. It was explained that there were a number of local representations in objection to the planning application and the committee was urged to refuse the planning application.

A motion that the application be approved in accordance with the case officer's recommendation, and including: an additional condition restricting occupancy to holiday lets only; an additional condition for the treatment of roof lights on the building to reduce light spill; an additional condition for the provision of an the electric vehicle charging point at the holiday let; and a condition to include a rainwater harvesting butt at the holiday let; was proposed by Councillor Polly Andrews and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That planning permission be granted subject to: the following conditions; an additional condition restricting occupancy to holiday lets only; an additional condition for the treatment of roof lights on the building to reduce light spill; an additional condition for the provision of an the electric vehicle charging point at the holiday let; and a condition to include a rainwater harvesting butt at the holiday let; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01

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. Development in accordance with approved plans and materials

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 24.6; 24.4; 24.3; 24.5; 24.1; 24.2; Ordnance Survey map reference SO5250SE; letter from Townsend Water Engineering dated 3rd October 2022; untitled amended visibility splays) except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies SD1, LD1, SS6, LD2, SD3, SD4 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

3. 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 a minimum total of TWO bat boxes (or similar

features supporting bat roosting) and TWO bird nesting boxes (mixed types) and ONE Hedgehog 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.

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. 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 association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SD1, SS6, LD1-3.

5. Unless otherwise approved in writing by the planning authority all foul water, created by the development approved by this permission shall discharge through connection to the existing private, residential septic tank discharging to soakaway drainage field, as identified in the drainage information by Townsend Water Engineering dated 3 October 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 SD4.

6. There shall be no playing of amplified music or the use of a fire pit or fireworks outside at any time.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

7. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the holiday accommodation 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.

8. Within 3 months of the date of this permission the roof lights found on the north eastern roof slope are to be removed in their entirety and slates to match the existing slates are to be re-laid.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the north eastern and south eastern elevations of the property.

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.

11. The windows identified as a blind window on the north eastern elevation shall remain as such at all times unless otherwise agreed in writing by the local planning authority.

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.

INFORMATIVES:

1. IP2 – Application approved following revisions
2. 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.

- 3. When the wood burning stove is replaced, the new appliance must meet new EcoDesign standards which came into force on 1st January 2022.**

Only certain types of wood are suitable for burning and the wood must be dry. This means it should have a moisture content of less than 20%. If the applicant continues to burn his own wood, I suggest that a moisture meter is purchased. Any wood purchased by the applicant should be certified as 'Ready to Burn'. Using fuels that are approved and labelled as 'Ready to Burn' ensures compliance with the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 that outlaw the sale of wet wood and house coal, which are the most polluting fuels.

Councillor Paul Andrews left the meeting at 12:57 p.m.

Councillor Ann-Marie Probert left the meeting at 12:57 p.m.

76. 222316 - LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN (Pages 21 - 22)

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

In accordance with the criteria for public speaking Mr Rogers, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. He explained that the need for the development as an agricultural dwelling had been established and there was widespread public support for the application from the community and the parish council. The design of the development was agricultural in nature and would be sympathetic to the landscape. The building was close to the farm at which the applicant worked. It was proposed that the building would be set into the hillside and not as obtrusive along Much Marcle Ridge as other local houses; the impact on the landscape would be minimal. Utilities to the property would be provided by solar panels and bottled gas.

The committee debated the application.

The local ward member was given the opportunity to close the debate. There was a need for the agricultural dwelling which was less than 250 m away from the farm at which the applicant worked. The building would be set into the hillside by 2 metres and

surrounded by hedges and trees limiting the impact on the landscape. The proposed house was of a more sympathetic design than other houses along Much Marcle Ridge.

A motion that the application be refused in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Felicity Norman. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That planning permission be REFUSED for the following reason:

- 1. The proposed development, by reason of the isolated, skyline location of the site and associated erosion of the landscape character and visual amenity of the area, would cause significant harm to the natural, tree-covered character of Marcle Ridge. The proposal also fails to adequately safeguard mature trees to be retained and runs contrary to the policy requirement for agricultural workers' dwellings be sited so as to meet the identified functional need within the unit or in relation to other dwellings, most notably, by avoiding isolated locations or locations that could encourage farm fragmentation. Accordingly, the proposal conflicts with Policies RA4 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies ENV-1 and HSG-1 of the How Caple, Sollershope and Yatton Neighbourhood Development Plan and paragraphs 130 and 174 of the National Planning Policy Framework.**

Councillor Probert returned to the meeting at 1:35 p.m.

77. 224292 - 75 FOLEY STREET, HEREFORD, HEREFORDSHIRE, HR1 2SQ

Councillor Elizabeth Foxton left the committee to act as the local ward member for the following application.

The planning officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application. She explained that the extension blended sympathetically into the row of houses on Foley Street.

A motion that the application be approved in accordance with the case officer's recommendation was moved by Councillor Sebastian Bowen and seconded by Councillor Jeremy Milln. 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 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 (full permission)**
- 2. C07 – Development in accordance with approved plans and materials**

INFORMATIVES:

- 1. IP1 - Application Approved Without Amendment**

The meeting ended at 1.40 pm

Chairperson

214619 - THE INSTALLATION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY, TOGETHER WITH ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, CCTV, LANDSCAPING, ONSITE BIODIVERSITY NET GAIN AND PERMISSIVE RIGHTS OF WAY AT LAND TO THE NORTH-WEST OF WESTHIDE, WESTHIDE, HEREFORDSHIRE, HR1 3RQ

For: Ersun (Westhide SPV) Ltd per Mrs Clare Hillier-Brown, 1 Naish Farm, Broadway, Chilcompton, Radstock BA3 4ST

OFFICER COMMENTS

The following corrections are necessary to the Officer report

- In paragraph 1.10 of the report, the proposed attenuation basin should be identified as 10,691m² in capacity.
- In relation to paragraph 1.5 of the report the following listed buildings should be included:
 - Phoexic Cottage (Grade II) is located 741m to the south west
 - Thatch Cottage (Grade II) is located 622m to the south west
- In paragraph 2 there is a reference to Wellington Neighbourhood Development Plan which should read Withington.

NO CHANGE TO RECOMMENDATION

**222295 - PROPOSED CHANGE OF USE OF BUILDING TO HOLIDAY LET
AT AGRICULTURAL BUILDING ADJACENT BERRINGTON BOWER,
MARDEN, HEREFORD, HR1 3EY**

**For: Mr Powell per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford,
Herefordshire HR4 7RL**

OFFICER COMMENTS

During the committee site visit the blind window on the north-eastern elevation was noted. A further condition is now recommended to ensure that this window remains as a blind window in order to protect the amenity of the neighbouring property. The recommended condition is as follows:

The windows identified as a blind window on the north eastern elevation shall remain as such at all times unless otherwise agreed in writing by the local planning authority.

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.

CHANGE TO RECOMMENDATION

Add new condition referred to above

222316 - ERECTION OF AN AGRICULTURAL WORKERS DWELLING, INCLUDING A NEW GARAGE AND ASSOCIATED WORKS. AT LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN

For: Mr Rogers per Miss Yasmin Lokat, Nexus, Unit 1, Roushill, Shrewsbury, SY1 1PT

OFFICER COMMENTS

A correction is necessary to paragraph 1.1 of the report, which suggests that Foxhalls Farm lies 870m to the south-west of the site, when it is in fact around 250m 'as the crow flies'.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 APRIL 2023
TITLE OF REPORT:	181943 - OUTLINE PLANNING APPLICATION FOR UP TO 6 DWELLINGS. ALL MATTERS RESERVED APART FROM ACCESS. AT LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE For: Tatintune Ltd per Mrs Kate Girling, Canalside House, Brewery Lane, Skipton, BD23 1DR
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943&search-term=181943
Reason Application submitted to Committee – Re-direction	

Date Received: 23 May 2018

Ward: Backbury

Grid Ref: 361681,240701

Expiry Date: 1 November 2021

Local Member: Cllr John Hardwick

1. SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms an irregular shaped parcel of pasture land and sits the north of Old School Lane within the village of Tarrington – a village with development concentrated around the junction of School Road and the A438, 7½-miles west of Ledbury and 8-miles east of Hereford. It forms part of a larger parcel of land within the applicant's ownership. The southern boundary is defined by overgrown hedgerow and highway verge (with ditch) adjacent the unclassified road known as School Lane. Beyond on the opposite side of the carriageway is the Grade II-listed Tarrington Court. Public footpath TR3 runs north from Old School Lane within the retained parcel (just to the west of the application site), cresting the ridge before descending to the A438 Hereford – Ledbury road, to the north. The eastern portion of the site descends sharply towards the brook, which is in open channel. A TPO covers certain trees within the corridor. On the eastern side of the brook is the relatively recent development Church View. The Church of St Philip and St James (Grade II*-listed) is located on raised ground further to the east. There are views of the church from the public footpath TR3 and parts of the application site itself; particularly within the southern portion. The Grade II-listed Old Rectory lies a short distance southeast of the church. The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).
- 1.2 This application is made in outline with all matters reserved bar access, and seeks planning permission for the erection of up to 6no. dwellings. It should be noted that the number of dwellings has been revised down throughout the course of the application. The submitted proposed site plan has been updated to reflect this, although it is purely indicative at this stage. A single point of access would be taken off School Road. The existing PROW would be retained and surfaced between School Road and the A438, with tarmac to a width of 1.5-metres, with an access link indicated from the proposed residential development. The application suggests a mix of housing with 2no. 5-bedroom, 2no. 4-bedroom and 2no. 3-bedroom dwellings proposed.

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

2. POLICY

2.1 Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Ensuring Sufficient Housing Land Delivery
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
RA3	-	Herefordshire's Countryside
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
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
ID1	-	Infrastructure Delivery

2.2 National Planning Policy Framework 2021

Chapter 2	-	Achieving sustainable development
Chapter 4	-	Decision-making
Chapter 5	-	Delivering a sufficient supply of homes
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 15	-	Conserving and enhancing the natural environment
Chapter 16	-	Conserving and enhancing the historic environment

2.3 Tarrington Neighbourhood Development Plan

TAR1	-	Sustainable Tarrington
TAR2	-	Natural environment
TAR3	-	Historic environment
TAR4	-	Building design
TAR5	-	Housing delivery
TAR6	-	Settlement boundaries
TAR7	-	Housing size, type and tenure
TAR8	-	Land at School Road, Tarrington
TAR12	-	Transport
TAR14	-	Green infrastructure

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 was updated in 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 applications. In this case the relevant policies of the NPPF are considered to accord with the NPPF and therefore can be considered up to date.

3. PLANNING HISTORY

- 3.1 171165/O - Site to erect up to 15 dwellings. All matters reserved apart from access. Refused (30 June 2017)

4. CONSULTATIONS

Statutory Consultee Responses

- 4.1 Natural England – comment; -

- 4.1.1 28/2/23 – No objection, Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured.

Further advice on mitigation; -

This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition.

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.

The application states that the proposed development will be made nutrient neutral by purchasing credits to a constructed wetland installed at the Luston Wastewater Treatment Works. This constructed wetland has all the necessary permissions in place and has been agreed with Natural England.

The Local Authority has undertaken an appropriate assessment, which concludes that with the purchase of credits to this constructed wetland scheme, the proposal will not result in adverse effects on the integrity of the River Wye SAC. As the competent authority for the Habitat Regulations Assessment, it is Herefordshire Council's responsibility to ensure that the nutrient neutrality calculations are correct.

Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. The proposed nutrient neutrality mitigation measures must be secured as a part of the planning permission.

Other matters; -

Natural England's advice on this planning application is limited to the Habitats Regulations Assessment and the proposed nutrient neutrality. The Local Authority should satisfy itself that there are no other impacts on the natural environment, and reconsult Natural England if necessary.

- 4.2 Dŵr Cymru Welsh Water – comment; -

26/9/18 - We note that the application amends the previous to reduce the number of units from 15 to 9 and therefore we reiterate the comments made in our previous letter dated 15/06/2018.

15/6/18 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the information submitted as part of this application with particular focus on the Flood Risk Assessment reference C-05818-C dated January 2017. We acknowledge that formal percolation tests have not been undertaken on site, however the proposal intends to mimic greenfield run off rate and discharge into the adjacent brook.

We also note that the foul proposal intends to utilise a pumping station and connect south east into School Lane. The topography would suggest that a gravity solution may be possible into a manhole chamber at the junction of Church View and School Road. We would encourage that this option is explored and discussed further with our engineers as part of the Adoption Agreement.

Notwithstanding the above we have no objection to the principles of the drainage and request that if you are minded to grant planning permission that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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

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

Internal Consultee Responses

- 4.3 Principal Natural Environment Officer (Landscape) – comment; -
4/1/23 - The current proposal for up to 6 dwellings, located in the south east corner of the site is acceptable in landscape terms. This is in accordance with Core Strategy Policy LD1.

I note, however, that this is an outline application and I do not endorse the proposed layout or large scale of the proposed dwellings. These should be completely reconsidered at reserved matters stage. For example, as shown, the road dominates and creates too much hard surfacing, the boundary planting is limited and doesn't reflect the contours, a mix of building size and footprint would better reflect the character of the village. At reserved matters stage the following information would be required:

Landscape led masterplan

Provide a scheme that takes into consideration context, solar gain orientation and pedestrian connectivity, with a strong emphasis on creating a green and healthy environment (amenity, biodiversity, recreation and leisure). Successful streets and housing are those associated with trees. The development should take into account climate resilience, aim to be carbon neutral and provide biodiversity net gain. Consider incorporation of food growing into existing and new developments, through the creation of roof gardens and / or growing spaces, increasing community food growing through allotment provision or edible landscapes. The landscape design should be fit for purpose and fit for place and enhance green and blue infrastructure.

Tree and hedgerow survey

Provide a topographical survey, arboricultural method statement and relevant documentation as per BS5837:2012 'Trees in relation to design, demolition and construction – recommendations'. This should clearly identify all existing trees and hedgerows and then show those that are to be retained and protected and any that are to be removed. Retaining trees on site will help to promote viable habitats and enriched places to live. It will also help to identify requirements for proposed trees and hedgerows.

Groundworks

For all sloping sites a topographical survey should be provided, together with existing and proposed levels. Site sections should demonstrate how new development will work with the existing landscape sensitively, so that the terrain can appear natural. Any cut and fill earthworks should be marked on the plan. Where possible avoid the use of retaining walls and utilise gentle slopes where vegetation will establish and contribute to green infrastructure (usually 1:3 or more). If retaining walls are used, consider a material that is fitting with the vernacular of the region and the new development.

Landscape scheme

Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. This should include:

- Provide hard landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with existing and proposed levels. Indicate external paving, lighting, fencing, walls and other external elements. Provide a written specification of materials (type, sizes and colours).
- Provide a soft landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with trees, planting and seeding areas set out. Provide a written specification setting out species, size, quantity, density and cultivation details.

Landscape management and maintenance

Landscape management is the care of land to ensure that landscapes can fulfil needs and aspirations in an effective and sustainable manner for present and future communities of users. Identification of who is responsible for the long term landscape management is important, particularly for areas of public open space or communal use. A schedule of landscape maintenance for a period of 10 years shall be submitted to ensure the future establishment of the overall landscape scheme.

Drainage and water management

Provide a proposal that integrates water management, landscape amenity and useable open space, such as ponds, attenuation basins and swales (refer to Sustainable Drainage Systems (SuDS) Handbook www.herefordshire.gov.uk for guidance). Consideration could be given to water butts and rain gardens to capture roof water and hard surface runoff. Specify porous pavements to reduce road storm water runoff.

Material and colour design

Provide as part of the design and access statement, the external material and colour selection strategy. Utilise the local reference, Malvern Hills Areas of Outstanding Natural Beauty, Guidance on the Selection and Use of Colour.

www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/guidance_on_colour_use_screen-1.pdf

Lighting

Design of external lighting and lighting spill should take account of the relevant dark skies in and around Herefordshire, as well as the visual effect on countryside character, visual impacts and urban village settings. The design of any lighting infrastructure should be co-ordinated with the wider scheme in order to integrate with the new palette of materials.

- 4.3.1 7/5/19 - Further to my conversation with the case officer I would recommend the developer realign the hedgerow to create a single line native hedgerow, in-keeping with traditional hedgerow planting and add a number of native hedgerow trees to filter views of the proposed hedgerow.
- 4.3.2 23/11/18 – I have seen the amended plans, I am disappointed to see that the recommendations I have made in terms of landscape have not been introduced into the scheme:
- A linear hedgerow boundary to the north of the development to resemble a field boundary.

- Orchard planting within the gap to the north of the development.

These recommendations would reinforce the landscape character and reduce adverse visual effects, creating a high quality scheme which will assist in its assimilation into the surrounding landscape and village of Tarrington.

- 4.3.3 11/9/18 - I have seen the amended plans and note that the scheme has now been reduced to 9 units upon this site, resulting in built form being brought back off the northern section of the site; from a landscape perspective this is welcomed.

My only comment in respect of what is now proposed is in relation to the treatment of the northern site boundary. Its current layout is rather awkward and could become visually prominent from the nearby PROW. I would recommend two courses of action; either the introduction of a landscape buffer to reduce any harmful visual effects; this might take the form of orchard planting or alternatively the revision of the boundary line in order that a hedgerow could be planted to resemble the form of a linear field boundary.

- 4.3.4 12/7/18 - I have seen the indicative layout and read the Landscape and Visual Impact Assessment dated March 2018. The proposed layout does not appear to differ substantially from the previous application P171165/O having made extensive comments as part of the landscape consultation I would therefore refer the case officer to my earlier comments.

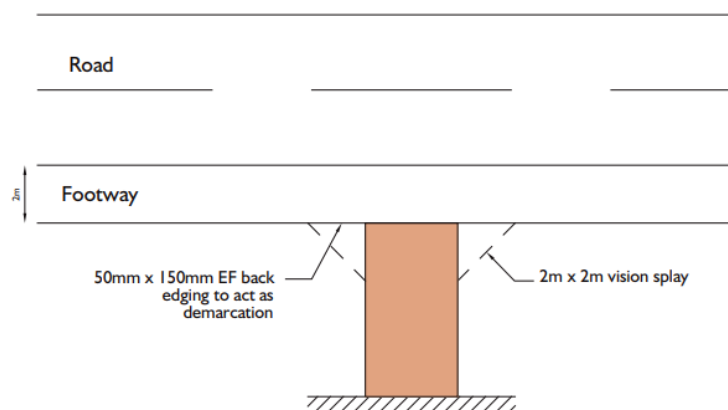
4.4 Transportation Manager – comment;

- 4.4.1 22/2/21 - Conditions: CAP (2.4m x 43m at vehicular access, 2m x 2m and 65m inter-visibility at PROW access onto A438), CAE, CAJ, CAP (PROW and footway works along A438), CAT, CB2

Informatives: I11, I06, I09, I45, I08, I07, I05, I43, I51, I35

4.4.2 15/1/21 –

- The 2m x 2m pedestrian vision splays are incorrectly drawn, one should be on each side of the path rather than the centre of the path, please see extract from our Highway Design Guide below (it is shown on a driveway but it is the same arrangement as a footpath).



- As shown for the uncontrolled crossing point a visibility splay should be provided where the footpath emerges onto the A438 to ensure that pedestrians who don't use the designated crossing location still have adequate visibility.
- A connection from the proposed development to the PROW is welcomed, however, in order for the footpath connection to be adopted by the LHA it has to connect onto an adopted road, not a private drive. In addition, the link would be better placed along the northern boundary of plot 2 because then residents would not have to walk south to join the link only to head back north along the PROW.

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

- The LHA confirm that it is acceptable for the PRoW to have a tarmac surface and a width of 1.5 and that the LHA would look to adopt the PRoW (subject to technical approval).
- As this is an outline application and the layout is a reserved matter the LHA has not commented on the internal layout. However, it should be noted for the reserved matters application that the LHA would not adopt a road with vertical features such as speed cushions etc. or surfaces such as block paving.

4.4.3 19/8/20 - The plan provided highlights that the PROW is proposed to be of hoggin construction/surface. The local highway authority would prefer the path to be of a tarmac construction. This would enable the LHA to adopt the path and formally add it to its list of streets which would result in the LHA maintaining the path rather than the landowner.

In addition, visibility splays (2m x 43m) should be demonstrated where the path meets the A438 to ensure appropriate visibility for pedestrians. A gate that enables access for all users, including those in a wheelchair/mobility scooter, should be placed where the PROW meets the A438 and School Road.

It is also noted that there is no direct connection from the development site to the PROW, this should be provided to enable a safe and convenient route for the residents.

With regards to the query about the gap between adopted highway land and the wall at the back of the existing footway along the A438, it would appear that this is just down to inaccuracies associated with OS mapping. The extent of the adopted highway does extend to the back of the existing footway so any improvements/upgrades would be within highway land rather than third party land.

4.4.4 26/4/19 - It is noted that the applicants have had discussions regarding upgrading the PRoW to the west of the site to include a Hoggin surface. Further details regarding these proposals are required before the local highway authority is able to comment further.

4.4.5 4/12/18 - Further to our response dated 16/11/18 the local highway authority has no further comments to make in relation to the most recent landscape plan.

4.4.6 25/7/18 -
Traffic Generation

The Transport Statement (TS) associated with this development demonstrates trip generation analysis. The document shows that the trip generation associated with this development is likely to be around 8 two-way trips in the AM and the same in the PM. Therefore, it is not considered that this level of development will have a significant impact upon the public highway but due to the available widths, parked cars and poor forward visibility, without the appropriate level of mitigation. This is a concern.

Site Location and Access

The existing site takes access from the 30mph single-track school road. This is the only access road to the site. The nearest principle road is the A438. The observed traffic flow and speeds on this road are low, the 85th percentile speeds shown in the TS are 18.5mph and 22.9mph. There is no public footway at school road. The proposal sets out the provision of several measures for pedestrian facilities as part of the development. However, these works will be off site. Therefore, the works will be subject to a section 278 agreement. A PROW also runs adjacent to the site, providing a secondary pedestrian route.

Visibility

43m of visibility is achievable in both directions at the main site access. This is appropriate to the standards set out in Manual for Streets 2. This visibility is more than satisfactory for the 85th percentile speeds set out in the TS.

Drainage

The developer should ensure that no surface water runs off on to the public highway because of this development.

Waste Collection

Further details of the waste collection areas should be provided by the applicant.

Proposed Improvements

The drawings do not address the previous concerns as set by Adrian Smith

Conclusion

The transportation department has objects to this application, based on the following:

The concerns on the pedestrian access and the conflict with parked vehicles that led to the transport officer recommending a refusal in the previous application for this site (171165) have not been adequately addressed in the revised plans.

4.5 Principal Natural Environment Officer (Ecology) – comment; -

4.5.1 24/3/23 - The supplied updated Preliminary Ecological Assessment (August 2022) and Reptile Survey report (October 2022) both by Focus Ecology refer.

These identify that there is a small population of Slow Worm on the wider development site area but that with relevant risk avoidance measures and appropriate management of retained areas of land there is no identified detrimental effect on the maintenance of the populations of Slow Worm (or any other Protected Species) at a favourable conservation status in their natural range.

As identified in the supplied reports further ecological advice and support may be required by the applicant and their contractors to ensure future development and construction operations do not breach national regulation and legislation and the statutory protection of all wildlife they secure. This higher statutory legislation and regulation is over and above any planning considerations or regulation. This applies in particular if development operations are delayed and the opportunistic and highly mobile nature of wildlife will need to be considered.

To secure best practice relevant at the time planning permission is being determined a condition to secure relevant ecological methods as detailed in the supplied ecology reports is requested.

Ecological Protection

The ecological protection and working methods scheme as detailed in the preliminary ecological appraisal (August 2022) and Reptile Survey Report (October 2022) by Focus Ecology shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all 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.

As this is an outline permission it is appropriate to request that final details of proposed 'hard' biodiversity net gain enhancements are secured by condition and be based on final layout and details approved for actual construction. A relevant condition is suggested.

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency

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. Any street lighting required should be compliant with all best practice guidance and council guidance and only consist of direction, 'warm' LED luminaires with a multi-stage dimming system compatible with existing council street lighting.

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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

4.5.2 28/2/23 – HRA completed. This is accessible on the Herefordshire Council website via the following link; -
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943

4.5.3 21/11/18 - Previous comments and suggested Biodiversity Enhancement Condition are still relevant.

I note that the landscaping plan appears to indicate the inclusion of thorny species in hedgerow planting adjacent to pavements/footways – this is contrary to Para 2.14 'landscape' the Council's Highways and new development design guide https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development . The landscaping plan should be reviewed against this document and any relevant amendments made and requisite management plans supplied.

4.5.4 4/10/18 - All previously relevant comments as regards foul water. Surface water and ecology working methods are still applicable and the Condition request for 'hard' biodiversity enhancements is still appropriate

- 4.5.5 11/7/18 - It is noted that Foul Water will be managed through connection to the local mains sewer system and this has been accepted as possible and acceptable by Welsh Water. Surface Water will be managed through onsite SuDS with final discharge to local watercourse as required. Based on these methodologies being secured as part of approved plans there are no identified Likely Significant Effects on any SSSI or SAC.

The PEA by Focus Ecology is noted and appears relevant and appropriate. Based on the PEA recommendations a fully detailed and comprehensive Ecological Mitigation and Enhancement Strategy should be requested for approval as a Reserved Matter –this should include all general ecological working methods as well as specific details for Dormice and Great Crested Newts. Full details and locations of all ‘hard’ biodiversity enhancements should be supplied.

Nature Conservation – Enhancement

Prior to commencement of the development, a Ecological Mitigation and Enhancement Strategy as outlined in the recommendations in the ecological report by Focus Ecology dated February 2017 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. The scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Green Infrastructure proposals should be fully detailed including full species/variety lists with rootstock information where relevant. The majority of trees and shrubs should be native species unless an occasional specimen ‘exotic’ is appropriate. In line with HC Highway Design Guide NO thorny or spikey species should be planted within 3m of any highway, footway, cycleway or public right of way.

Any undersowing or seeding of open space should wherever possible incorporate appropriate native wildflower seed. All planting and seeding should be accompanied by a thorough 5 year establishment and replacement plan. As part of the s.106 agreement for the in perpetuity management of the public openspace/amenity areas a detailed 20 year (minimum period) management plan should be supplied for approval. The applicant should take in to account when developing their management plan for the landscaping and green space (as should be required to be supplied at Reserved Matters and through s.106) the more specialised and labour intensive management that a new orchard, especially a Traditional ‘standard’ Orchard requires and that the plan for this area should include a work and pruning schedule for at least 20 years to ensure the ‘standard’ trees are managed to full establishment and tree structural development. The under-seeding/planting/management of the orchard floor and ground flora is as important as the trees to local wildlife and this should be carefully planned and fully detailed as part of Reserved Matters (s.106) submissions. If the Orchard is to be managed by the local community the provision of appropriate tools, equipment, PPE, Insurance cover and assistance with utilising the produce; along with regular training sessions (in perpetuity to allow for changes in volunteers) led by professional/highly experienced orchardists; MUST be included as part of the proposed management scheme and funding for it identified. If commercial management of the orchard is proposed then consideration of fruit types and varieties to support commercial management must be undertaken and a long term commercial management agreement required to be in place through a s.106 agreement in order to secure the in perpetuity management of the Orchard area.

- 4.6 Principal Building Conservation Officer – comment;

- 4.6.1 9/2/23 - The application has been amended since its original submission, and I am providing comments on the latest amended plans Revision B – 08.08.2022, my comments are in respect of setting of heritage matters only.

I duly note the comments made by Matthew Knight on 22 June and 02 August 2018 in respect of the initial proposal for up to 15 dwellings, and his concerns referenced in that response.

I duly acknowledge the subsequent amended proposal as identified in the subsequent site plan (unnumbered) from September 2018 and the subsequent response from Matthew Knight on 13 September 2018 for a proposal of 9 houses and the removal of his previous objection. However I duly note that given the nature of the site the preference for a full application to have been submitted and that if approved the Reserved Matters application should consider the form, layout and characteristics of buildings within the village and wider area, and a heritage statement would be required as identified by the built heritage officer in the pre-planning application advice dated 23 January 2015.

The amended plan from September 2018, for which no built heritage objections were raised was for 9 dwelling units centred around a spine road.

The current proposal is for 6 houses in approximately the same location as the previous plan. However I note the previous concerns raised by the built heritage officer on 22 June 2018 in respect of the initial proposal for the development of the entire site and in particular the upper parts of the site and particularly the housing the NE of the site.

Whilst the current proposal is for 6 houses at the lower roadside section of the site, it is not readily apparent from the revised plan the intention for the remainder of the site. The access road appears to end with what appears to be the potential/ intention to extend into the area previously applied for and subsequently deleted from this application. The concerns raised previously by built heritage officers in respect of the development in the NE of the site is duly noted and acknowledged, and as such concern remains in that the proposed layout suggests that this is merely part one of a larger phase of development. Whilst duly noting the amended site plan Revision B – 08.08.2022, and the reduction in numbers to 6 there does not appear to be a corresponding site location plan with the application site edged red indicating the reduction in the site to be developed. As such clarification is sought that if this application is approved that the original site edged red on the original location plan would also be approved? It is also noted that the site edged red exceeds the allocated site within the Tarrington Village Neighbourhood Development Plan and as such the rationale for an access road to land not allocated for housing given Policy TAR6 and TAR8 of the Tarrington NDP is not readily understood at this point given the reduction in numbers to 6 houses as per the NDP.

I would have to refer to the concerns previously issued by built heritage in respect of the development of the NE of the site as the latest plan suggests a subsequent extension into the north of the site. Noting the road layout proposed I would have to maintain concerns previously raised, however not to the 6 houses themselves, but merely the uncertainty in respect of the Northern section of the site.

However I can confirm that there is no objection to the 6 houses in themselves as indicated on Revision B – 08.08.2022, which could be designed in a manner that would not affect the setting of heritage assets. Whilst acknowledging that this is an outline application with all matters reserved, I would at this point comment that any subsequent Reserved Matters application would need to consider the form, layout and characteristics of buildings within the village and wider area, and in that regard it appears that the rear of plots 6 and 5 would face School Road, which is not characteristic of the village which have development fronting the road. It is requested that the design, materials, size, scale and layout of the village is taken into due regard when producing the reserved matters application.

With the ambiguity in respect of the northern section of the site I am unable to support the application at this time. However, further clarification in terms of the remainder of the site could allay those concerns, in respect of the northern section of the site, an amended landscaping plan

to replace the Landscaping Master Plan drawing number 1470 L 1 B to reflect the current scheme and the reduction in houses shown and a landscaping plan reflecting these changes. Ideally the area to the north not being built upon could be orchard planting which would be appropriate especially as it is noted that the traditional orchard indicated on Landscaping Master Plan drawing number 1470 L 1 B is actually outside the application site as indicated on the submitted location plan, ideally it would be within the application site edged red.

I would be grateful if consideration could be given to the amended landscaping plan to reflect the reduction in the size of the development, and clarification in respect of the use of the northern section of the site, and I look forward to amended plans in due course.

- 4.6.2 2/8/18 – Recommend refusal / request further information In their current form the application submission documents illustrate less than substantial harm to the setting of heritage assets. The layout of buildings on the site combined with topography means that these would detract from the setting of listed buildings near by. Policy 196 of the NPPF would apply. Attention is drawn to policy 193. Following the Historic England GPA 3 on setting we would request amendments to the layout and heights of the buildings to the NE of the site to mitigate against harm to the setting of heritage assets. We would ask that the height of this row of buildings is reduced in scale and height or preferably removed. The orientation of the building diagonally across the slope also would form a visual distraction from the setting of the Farmhouse to the NE.

The proposals are for a housing development of 15 homes on a site in the centre of Tarrington. The development is on the E side of the field with a landscaped area to the W.

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

The site is not a Conservation Area, however there are a substantive number of listed buildings to the W, S & E of the site:

- Stables formerly to E of Stoke Edith House, Grade 2, C18
- Stoke Edith Park, Grade 2 Registered Park & Garden. (400m to W)
- Lays Farm Various Grade 2 buildings including Hop Kilns, Barns & Diary (250m to W)
- Barn, Cider House & Stables N of The Vine, Grade 2 (70m to W)
- Barn, Stables and Outbuildings to Brook House, Grade 2 (20m to N)
- Barn & Cider House to NW of Swan House, Grade 2 (15m to E)
- The Old Rectory, Grade 2 (110m to E)
- The Church of St Phillip and St James, Grade 2* (125m to E) C12 origins.
- The Foley Arms, The Willows, Foley Cottage & The Forge, all Grade 2 (>100m to N)
- Tarrington Court, C16/17 Timber Frame House, Grade 2 with separately listed Cider House &
- Hop Kilns,
- Swan House & Shire Cottage, Grade 2, (70m to SE)

The topography of the site is such at it slopes downwards to the N & E. Pre-application advice on the site has been given, ref 150130. The topography, the inter-visibility of Listed Buildings, the separation the site forms between groups of buildings and the prominence of the Church Tower were all noted as key considerations and it was noted that the setting of the Church and other listed buildings would be compromised if the site was to be developed.

The height of proposed buildings on the site and their roofscape would alter the nature of views from the village and buildings within it.

Whilst views out from the adjacent listed buildings are limited, either because of intervening buildings or landscaping or because buildings are orientated to be 'internal';" This doesn't take into account the potential inter-visibility of assets and the site and each other, and the appreciation of the listed buildings as groups forming a cohesive character which is intrinsic to their setting and significance.

Whilst care has been taken to avoid development on the upper parts of the slope to the W, allowing a green buffer to the W, the development would still have an impact upon the appreciation of Heritage Assets, as the roof slopes and upper sections of the properties would be visible from the village, altering its intrinsic character as a place with views out to undeveloped land above the settlement. This would be particularly noticeable to the NE of the site. However it should also be noted that as an Outline application it is not possible to fully determine the potential impact of proposals.

The housing to the NE of the site is potentially problematic, it is felt that there would less than substantial harm to the setting of the Barn, Stables and Outbuildings to Brook House as the intervening vegetation is a narrow band and in winter would not form a visual barrier. It is noted that Brook House, a later building, is not separately listed. These buildings are considered to have moderate/low level of significance and the contribution of the wider agrarian landscape is a minor aspect which contributes to that significance.. Whilst the proposed site itself as an area of open space, formerly an orchard and it contributes to the setting of the buildings, there is no evidence that the use of the proposed site is directly linked to the former function of these listed buildings at Brook House. Therefore it is felt that the harm caused by the buildings to the those aspects of the setting which contribute to the setting is at the lower end of less than substantial. It is noted that cases such as Barnwell Wind Farm highlight the requirement to give great weight to the conservation of heritage assets, however in this case it is felt that by following the methodology within the Historic England GPA no 3 on setting, that this harm can be mitigated by reducing the height of the buildings proposed and their orientation to avoid the awkward relationship to slope aspect.

As an outline application in a rural area, there is the opportunity for either a more in depth application or any reserved matters application to respond to the character and local distinctiveness of Tarrington, with the aim further reinforcing this distinctiveness. This should not preclude a contemporary approach to context, something which is encouraged. The design of the proposed dwellings should respond to the local character by not just adapting the form and layout etc to the landscape, and orientation, but also by looking at the materiality of local buildings and other characteristics such as span/depth, solid to void ratio etc. There would be a preference for a full rather than outline application and we would recommend that pre-application discussions should be entered into before the submission of any revised application.

- 4.6.3 22/6/18 - Request further information: In their current form the application submission documents illustrate less than substantial harm to the setting of heritage assets. The layout of buildings on the site combined with topography means that these would detract from the setting of listed buildings near by. Following the Historic England GPA 3 on setting we would request amendments to the layout and heights of the buildings to the NE of the site to mitigate against harm to the setting of heritage assets. We would ask that the height of this row of buildings is reduced and that they are re-orientated to respond to topography to avoid the slightly unresolved stepped terrace which runs at an angle to the slope.

The proposals are for a housing development of 15 homes on a site in the centre of Tarrington. The development is on the E side of the field with a landscaped area to the W.

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Councils Planning Archaeologist, Julian Cotton.

The site isn't a Conservation Area, however there are a substantive number of listed buildings to the W, S & E of the site:

- Stables formerly to E of Stoke Edith House, Grade 2, C18
- Stoke Edith Park, Grade 2 Registered Park & Garden. (400m to W)
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- Barn, Cider House & Stables N of The Vine, Grade 2 (70m to W)
- Barn, Stables and Outbuildings to Brook House, Grade 2 (20m to N)
- Barn & Cider House to NW of Swan House, Grade 2 (15m to E)
- The Old Rectory, Grade 2 (110m to E)
- The Church of St Phillip and St James, Grade 2* (125m to E) C12 origins.
- The Foley Arms, The Willows, Foley Cottage & The Forge, all Grade 2 (>100m to N)
- Tarrington Court, C16/17 Timber Frame House, Grade 2 with separately listed Cider House &
- Hop Kilns,
- Swan House & Shire Cottage, Grade 2, (70m to SE)

The topography of the site is such at it slopes downwards to the N & E. Pre-application advice on the site has been given, ref 150130. The topography, the inter-visibility of Listed Buildings, the separation the site forms between groups of buildings and the prominence of the Church Tower were all noted as key considerations and it was noted that the setting of the Church and other listed buildings would be compromised if the site was to be developed.

The height of proposed buildings on the site and their roofscape would alter the nature of views from the village and buildings within it.

Whilst views out from the adjacent listed buildings are limited, either because of intervening buildings or landscaping or because buildings are orientated to be 'internal';" This doesn't take into account the potential inter-visibility of assets and the site and each other, and the appreciation of the listed buildings as groups forming a cohesive character which is intrinsic to their setting and significance.

Whilst care has been taken to avoid development on the upper parts of the slope to the W, allowing a green buffer to the W, the development would still have an impact upon the appreciation of Heritage Assets, as the roof slopes and upper sections of the properties would be visible from the village, altering its intrinsic character as a place with views out to undeveloped land above the settlement. This would be particularly noticeable to the NE of the site. However it should also be noted that as an Outline application it is not possible to fully determine the potential impact of proposals.

The housing to the NE of the site is potentially problematic, it is felt that there would less than substantial harm to the setting of the Barn, Stables and Outbuildings to Brook House as the intervening vegetation is a narrow band and in winter would not form a visual barrier. It is noted that Brook House, a later building, is not separately listed. These buildings are considered to have moderate/low level of significance and the contribution of the wider agrarian landscape is a minor aspect which contributes to that significance.. Whilst the proposed site itself as an area of open space, formerly an orchard and it contributes to the setting of the buildings, there is no evidence that the use of the proposed site is directly linked to the former function of these listed buildings at Brook House. Therefore it is felt that the harm caused by the buildings to the those aspects of the setting which contribute to the setting is at the lower end of less than substantial. It is noted that cases such as Barnwell Wind Farm highlight the requirement to give great weight to the conservation of heritage assets, however in this case it is felt that by following the methodology within the Historic England GPA no 3 on setting, that this harm can be mitigated by reducing the height of the buildings proposed and their orientation to avoid the awkward relationship to slope aspect.

As an outline application in a rural area, there is the opportunity for either a more in depth application or any reserved matters application to respond to the character and local distinctiveness of Tarrington, further reinforcing this. This should not preclude a contemporary approach to context, something which is encouraged. The design of the proposed dwellings should respond to the local character by not just adapting the form and layout etc to the landscape, and orientation, but also by looking at the materiality of local buildings and other characteristics such as span/depth, solid to void ratio etc.

4.7 Principal Natural Environment Officer (Trees) - comment;

4.7.1 15/01/19 - Previous comments regarding the need for a method statement where the attenuation pond has potential to put constraints on the protected trees still stands but can be supplied at reserved matters.

The available ground at the north of the site can now be used for planting, the Landscape officer has suggested an orchard and I am not adverse to this but I would also consider planting a mix of native woodland species.

Providing a form of tree planting will soften the impact of the development and make it more compliant with policies LD1, LD2 & LD3 of the Herefordshire Core Strategy.

4.7.2 28/9/18 - The reduction in the size of the site removes the concerns I previously raised regarding the trees at the northern end of the site.

There is still the potential that the attenuation pond will encroach slightly into the Root Protection Area of the trees on the eastern boundary. The finer details of the positioning and size can be dealt with at reserved matters.

The tree planting which was proposed at the west side of the boundary now seems to have been disregarded, are there any plans to plant an orchard or other types of tree planting?

4.7.3 15/6/22 - Having read the comments submitted by my predecessor I am in agreement with his request for more information regarding the topography:

“The topography of the site is varied and to be able to assess the viability of the scheme, I will require additional information regarding the levels as existing and once completed (especially close to existing trees).”

I have some reservations regarding the 4 units at the north of the site, they have a north facing aspect and would look towards a hedge/copse consisting of maturing trees. I would suggest that avoidance be given to developing so close this corner of the site and reduce the amount of units to 2.

The proposed buffer planting in this corner is also going to cause annoyance with the inevitable increased size and shading provided by the trees.

I also reiterate the comments made by my predecessor:

“Lockhart Garratt’s arb Impact plan (D16-2959) indicates that the main conflicts from the development will be to moderate quality G10 (proposed attenuation pond and pump station to be constructed in close proximity) and the construction of a garage within the root protection area (RPA) of moderate quality T11. These impacts could be managed through working methodology (AMS) and site supervision (project Arboriculturist) but it is unclear to the extent of level change required to allow these features to be implemented.”

The trees which the attenuation pond will be in close proximity to are protected by Tree Preservation Order 296/A1 therefore their protection is important.

I notice on the Arboricultural Impact Assessment - 16-2863 5491 D01 that the attenuation pond slightly pinches into the RPAs of some the trees. Therefore, I assume it would be straightforward to slightly move the location of the pond or reduce it is size to avoid the RPAs.

Finally, I am not in total agreement with the proposed orchard at the west of the site. If this is going to be harvested commercially then I would not have any objections. If however it is for the benefit of the community then I would suggest that part of the site is used as an orchard but a large proportion could be used to create a small woodland comprising of a mix largely native species and a smaller percentage of exotic species or possible varieties of natives.

4.8 Open Spaces Planning Officer – comment;

4.8.1 2/10/18 - Open Space Requirements: Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards.

It is noted that this proposal is for 9 houses. This is below the threshold for an off-site contribution in accordance with the SPD on Planning Obligations.

On Site POS/Orchard/Pond: It is noted that the proposed site plan includes a large area for POS.

It is noted that the proposed site plan includes incidental areas of green space (badged as POS), a fairly large orchard area and a pond, which might be an existing pond or one to be provided as part of SuDs. Any proposed open water on residential development sites should be designed with health and safety in mind.

Future management: any on site provision, including the pond, orchard and POS and any associated infrastructure will require suitable management and maintenance arrangements in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

The Council's SuDS Handbook provides local and national advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity

4.8.2 14/618 - Open Space Requirements: Core Strategy Policies OS1 and OS2: Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community. In this instance the following evidence bases apply.

- Herefordshire Play Facilities Study 2012 and Investment Plan 2018

Off-Site Children's Play Contribution: In accordance with the SPD on Planning Obligations an off-site contribution would be sought from market housing only as follows:

- 2 bed: £965
- 3 bed: £1640
- 4+ bed: £2219

The contribution would be used in accordance with the Play Facilities Investment Plan which includes 2 play areas in Tarrington. The nearest play area is located at the Lady Emily Community

Village Hall and is the larger of the 2 play areas providing a medium sized play areas for both infants and juniors set within a recreation/amenity green space. It is within reasonable access from the proposed site both being accessed off School Road, although it is noted that there is not a footpath link along all of the road between these points. It provides wooden play equipment and although still in reasonable condition it is an aging site with only a few years useful life left and would benefit from additional investment. It is owned and managed by the Village Hall Committee. It would be worth consulting the Village Hall Committee to establish their priorities for improvements.

On Site POS/Orchard/Pond: For a site of 15 houses the policy requirement for POS would be very small and offer little recreation value and not normally supported on-site. It is noted that the proposed site plan includes incidental areas of green space (badged as POS), a fairly large orchard area and a pond, which might be an existing pond or one to be provided as part of SuDs. Any proposed open water on residential development sites should be designed with health and safety in mind.

Future management: any on site provision, including the pond, orchard and POS and any associated infrastructure will require suitable management and maintenance arrangements in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use

The Council's SuDS Handbook provides local and national advice and guidance on the inclusion of SuDs on new development. The applicant should seek further advice from the Council at the earliest opportunity

4.9 Housing – comment;

4.9.1 2/10/18 - Further to my comments on 4th July 2018, due to a reduction in the number of units on this site, there is no longer a requirement to provide affordable housing. However, I would advise that my comments in relation to the open market stand.

4.9.2 5/7/18 - There is a requirement for the applicant to provide 35% affordable housing which equates to 5 units which has been evidenced in this application. I would look for the units to be intermediate tenure.

I appreciate that this is an outline application with the mix to be agreed at reserved matters stage, however, Policy H3 ensures that there is an appropriate range and mix of housing that will contribute to the creation of balanced and inclusive communities, by providing housing to meet the needs of all households including the elderly, young families and single people and by ensuring that housing is capable of being adapted for people in the community. This is a requirement for both the open market and affordable housing.

To give an indication of an appropriate mix, below is a breakdown of unit requirements for this site.

Open Market	Affordable Housing
5% 1 beds	33% 1 bed
22.9% 2 beds	37% 2 beds
54.5% 3 beds	26.9% 3 beds
17.5% 4+ beds	

In order for me to support this application and I would look for a condition which would ensure that any reserved matters submitted would reflect the above mix with a S106 to ensure local connection for the affordable housing.

4.10 Minerals and Waste – comment;

4.10.1 12/9/18 - No further comments to add.

4.10.2 18/6/18 Thank you for consulting me on the above application. I can confirm that there are no known minerals on the site and therefore no conflict with policy M5 of the HUDP.

4.11 HC Waste and Recycling – comment;

4.11.1 20/6/18 - Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

4.12 Public Rights of Way – comment;

4.12.1 5/1/21 - It is our understanding that Herefordshire Council Highways will adopt the public right of way if it is tarmacked, and will then be responsible for its maintenance (as opposed to PROW). If this is the case, we have no objection.

4.12.2 31/5/18 - Public footpath TR3 would not appear to be affected by the development. No objection.

4.13 HC Education – comment;

4.13.1 26/5/18 - The educational facilities provided for this development site are Ashperton Primary School and John Masefield High School

Ashperton Primary School has a planned admission number of 25. As at the schools Spring census 2018:-

7 year groups are at or over capacity- YR=28, Y1=30, Y2=30, Y3=26, Y4=30, Y5=28, Y6= 30

John Masefield Secondary School has a planned admission number of 150. As at the schools Spring census 2018:-

3 year groups are at or over capacity- Y7=152, Y8=163, Y9=177

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

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

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	SEN	Total
2+bedroom apartment	£117	£1,084	£1,036	£87	£89	£2,413
2/3 bedroom house or bungalow	£244	£1,899	£1,949	£87	£138	£4,317
4+ bedroom house or bungalow	£360	£3,111	£4,002	£87	£247	£7,807

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore

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

likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

5. REPRESENTATIONS

5.1 Tarrington Parish Council – comment

5.1.1 18/1/23 - Tarrington Parish Council at their meeting on Monday the 9th January 2023 resolved to support this amended application but ask for clarification on who will be responsible for the maintenance of the open spaces, the trees, hedges and vegetation shown on the Site Plan, Revision B 08.08.2022. Members also asked for clarification on the future ownership of what could be considered communal assets.

5.1.2 12/1/21 - The parish council welcomes the plans to improve the PROW surface, enabling access for all users. The parish council would like to consider the detailed design of the path (material, proximity to the hedge etc) when available.

5.1.3 12/6/18 - The Parish Council support this application but would like clarification on, firstly the future ownership and responsibility of ongoing maintenance of all the boundary hedges, and secondly, the flood risk from existing drainage and run-off and with increased hard standing the increased flood risk - whether the applicant is intending to channel into existing ditches or use an attenuation pond is unclear.

5.2 Public comments; The application has been subject to numerous rounds of consultation reflecting the successive revisions of the application. The comments can be summarised as follows with reference to the respective rounds of consultation – and the nature of the development consulted on.

5.2.1 5/1/23 (Outline planning application for up to 6 dwellings. All matters reserved apart from access) **Note** – this is the revised scheme currently under consideration.

19 comments objecting; -

- Existing flooding issues
- The stream adjacent to the site cannot accommodate existing flows and floods on a regular basis
- Sewage system does not have sufficient capacity to accommodate the proposed development
- Attenuation basin proposed is insufficient
- School road is not capable of absorbing the traffic impacts of development – no footpath and verges are uneven / unsuitable for pedestrians
- Traffic survey that took place in 2018 should be disregarded as was undertaken during heavy snow and the device was damaged by snow plough.
- Pedestrian refuge areas would not be of any benefit
- Tarmacked footpath is uncharacteristically suburban and would not solve any pedestrian issues – pedestrians would continue to use School Road.
- Footpath should not be within the site
- NDP process was not properly followed with the requisite local consultation
- Tarrington has met its housing targets – there is no demand for further housing.
- No affordable housing proposed, as identified as a request of local residents.
- Houses would be too large and not sympathetic to the open rural character of the site.
- Size of the site should be that as indicated within the NDP (0.44ha and not 0.66)
- Noise impact from the pump which would be close to residential properties.
- Adverse impact on tourism
- No consideration to address the risk of increased traffic to cyclists
- Proposal would not accord with Policy TAR7 of the NDP in terms of the type and mix of housing proposed.

5.2.2 19/1/21 (Outline planning application for up to 9 dwellings. All matters reserved apart from access (amended site location plan / improvements to PROW))

13 comments objecting; -

- Additional traffic will be created from the development – roads are unsuitable for further development
- Increased risk of flooding
- Existing sewerage system is unable to accommodate the proposed development (lack of capacity)
- Tarrington has already achieved required housing numbers and does not need further housing development
- Development out of character and would harm setting of listed buildings
- Adverse impact on tourism
- Tarmacking of the footpath would be out of keeping
- Tarmacking the footpath could compromise the agricultural viability of the land
- Tarmacking of footpath could increase surface water runoff and lead to increased flooding around the A438 Tarrington Arms junction.
- Improved footpath would not improve connectivity
- Site should not include footpath
- Pedestrian refuge area is not realistic and would not improve pedestrian safety

1 comment neither in support or objecting; -

- Improvement of the dangerous access from the footpath to the A438 is welcomed
- Concerns about increased traffic and impact on the A438 Tarrington Arms junction remains.
- Additional sites which are seeing new housing in Tarrington are less problematic

5.2.3 20/11/18 (Outline planning application for up to 9 dwellings. All matters reserved apart from access (amended landscaping masterplan))

18 comments objecting; -

- Amended landscaping plan delineates the area to the north, suggesting the developer will apply to build additional houses here in the future.
- The northern part of the field, because of its topography cannot be developed without affecting the setting of listed building houses.
- The northern part of the field should be used for open-space or, as an orchard.
- 6 homes is the maximum that should be built in the southeastern corner of the site, as indicated in the formation of the Tarrington NDP.
- Additional traffic will be created from the development – roads are unsuitable for further development
- Tarrington does not benefit from a doctors surgery, schools or shops.
- Application form has not been amended – still refers to 15 houses.
- No consultation has taken place with the local residents.
- Lack of footpath access to the main road
- Provision of pedestrian refuge details highlights the unsuitability of the road.
- Vehicles parking on road make it in effect single carriageway through the centre of the village.

8 comments in support; -

- Development would provide houses in an appropriate location.
- Located within walking distance of village hall, church and pub.
- Disappointed that so few dwellings are proposed when more could be accommodated

- Views of the village have been comprehensively recorded throughout the NDP process.

5.2.4 11/9/18 (Outline planning application for up to 9 dwellings. All matters reserved apart from access)

28 comments objecting; -

- The northeast portion of land could still be developed, resulting in a cumulative total of 15.
- Supporting documents still refer to 15 dwellings – this could just form ‘Phase 1’?
- Proposal does not demonstrate the local highway network can absorb the traffic impacts of the development
- Houses should be built off the main road – similar to Bartrestree and Lugwardine.
- The scheme does not have respect / is not sympathetic to the areas sensitive landscape character
- Built form is still far too north not to have landscape / heritage impact
- Site is only capable of accommodating 6 houses – a sensible quantum.
- Permission has already been granted for 17 houses on field adjacent to A438
- Does not address how DCWW Tarrington Wastewater Treatment Works has capacity to serve the development.
- Surface water from development would end up in Tarrington Brook, increasing the risk of flooding when also taking account of impacts of climate change.
- Drainage features too close to the neighbouring residential properties.
- Developer has not consulted with the local community.
- Positioning of sewage pumping station could have adverse impact on residential amenity through noise.
- Housing is not affordable – removed from the scheme.
- Reduced scale of development would still generate considerable risk to other road users which would discourage active travel / cycling (LACF)

1 comment neither in support or objecting; -

- Pattern of development is preferable to ribbon – which would move the centre of the village.
- Unfortunate there is no opportunity to build affordable homes.

7 comments in support; -

- Small number of houses next to a fairly recent estate
- Would be away from the main road
- Would provide family homes within the local community
- Villages considered this is the most appropriate site for development
- Tarrington NDP has been a community-led process
- Site is within the centre of the village and adjacent to its main built up farm

5.2.5 30/5/18 (Outline planning application for up to 15 dwellings. All matters reserved apart from access)

41 comments objecting; -

- Traffic report appears inaccurate with regards to traffic movements along School Lane – it was undertaken during heavy snow.
- Flooding – surface water and from the stream / Tarrington Brook.
- Ground conditions are such whereby infiltration techniques would not be viable
- Insufficient infrastructure (schools, roads, post office, doctor, shops, swifts, swallows).
- Sewage system not capable of accommodating further development (DCWW Treatment Works)
- Road through the village is too narrow to accommodate the development.

- Junction with A438 is dangerous
- School Lane used by large agricultural vehicles as well as local residents exercising / for amenity
- Insufficient parking within the development would exacerbate the existing serious issue of parking in the village
- Public transport is limited and does not offer flexible journey options
- Vehicle speeds and nature of roads are not conducive to cycling
- Impact on wildlife (buzzards, owls, foxes, great crested newts)
- 15 houses is too many; 5 would be more preferable.
- Site is very prominent
- Inappropriate density – would create a suburban form of development
- Adverse impact on the setting of Grade II-listed buildings (Brook House).
- Unacceptable negative impact on landscape character – supported by professional and independent Landscape Report.
- Development should be reduced and focused to the southeastern corner of the site.
- Views of residents ignored by the Parish Council and the developer.
- Potential for noise from drainage pumping systems
- Drawings do not show secure covered cycling parking (LACF)
- Increased vehicle movements would discourage active travel (LACF)
- Application does not meaningfully or substantially address the previous reasons for refusal.

1 comment neither in support or objecting; -

- Given the objection to the application – why are the Parish Council not taking a proactive approach in supporting the views of the village?

6 comments in support; -

- Proposal accords with the Tarrington NDP
- Houses would provide a good mix
- Enhance the character of the area
- The only site which the 2009 and 2015 SHLAA has recognised as being suitable
- Is well accessed by road and public rights of way.
- Would bolster local service provision – i.e local public house.
- Would be no loss to Grade 1 agricultural land.

The full comments are accessible on the Herefordshire Council website via the following link;

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181943&search-term=181943

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

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 Tarrington Neighbourhood Development Plan (Tarrington NDP) which was adopted on 14 April 2022, following a successful referendum. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in 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 applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 6.4 At Policy RA1 of the Core Strategy, growth targets are set for each of Herefordshire’s Housing Market Areas (HMA) in order to provide a minimum of 5,300 new dwellings over the plan period to 2031. It emphasises that new dwellings will be broadly distributed across the county’s rural areas. On the basis that different areas within the county have differing housing needs, constraints and requirements, the indicative housing growth target varies between HMAs. Tarrington is located within the Hereford HMA which has a growth target of 18%, equating to 1,870 new dwellings. For Tarrington, this translates to 41 new dwellings and it is of importance to attribute weight to the fact that these targets are not minimums, and should not act as a ceiling to which further sustainable housing growth should be precluded. As of April 2022, taking account of existing commitments and the site allocation within the Tarrington NDP, this totals 45 dwellings.
- 6.5 Policy RA2 of the Core Strategy states that in order to maintain and strengthen locally sustainable communities within Herefordshire’s rural areas, sustainable housing growth will be supported in or adjacent to recognised identified settlements. This is to enable development which would bolster existing service provision and improve facilities and infrastructure, meeting the needs of local communities. Tarrington is named as a rural settlement which will be the main focus of proportionate housing growth within the Hereford HMA. As prescribed by the aforementioned policy, Neighbourhood Development Plans (NDPs) will serve to allocate land for new housing, or otherwise demonstrate delivery in order to provide the requisite levels of housing to meet the set targets for housing growth across Herefordshire.
- 6.6 Policy TAR5 of the Tarrington NDP states that new housing will be provided to meet the minimum growth target as set out within Policy RA1 as referenced above. It states that further housing will be delivered through inter alia, allocating land for housing development at School Road, Tarrington. As well as this, a settlement boundary is provided for Tarrington to define the planned limits of the village. Policy TAR6 of the Tarrington NDP requires that new housing and other development which is within the boundary will be supported – where it is in accordance with the plan’s other policies. This corroborates, as required, with the expectations of Policy RA2 of the Core Strategy, which sets out that new housing development shall be located within, or adjacent to the main built-up part of the settlement.
- 6.7 Policy TAR8 of the Tarrington NDP sets out that Land at School Road, Tarrington is allocated for housing development. The preamble advises that the site has capacity for around six dwellings although this is not prescribed within the policy. Policy TAR8 continues to underline that proposals which meet site-specific requirements will be supported. The application site comprises the entirety of the area as indicated within the policies map, but it also includes the Public Right of Way TR3 from its junction with School Road north to the A438. That said, the extent of proposed housing would be contained within the allocation.

- 6.8 In terms of the site-specific requirements of Policy TAR8 of the Tarrington NDP, this application is made in outline with all matters reserved except access. Although, during the course of the application, varying layouts have been supplied which have sought to indicate how the site could be developed – when having regard to the sites constraints through suggestive layouts and landscaping, it should be stressed that these are purely illustrative. The proposal demonstrates the means of access, with the acceptability of this discussed in the following sections however, the details of the scheme in terms of layout, scale, appearance and landscaping would be considered through the submission of any forthcoming reserved matters application.
- 6.9 The application proposes the erection of ‘up-to’ six dwellings. This has been revised down from the maximum of fifteen previously proposed but the description of development allows for flexibility for fewer dwellings to be developed – should site specific constraints (or other reasons) prohibit the maximum number coming forward as the reserved matters stage.
- 6.10 At this stage, officers do not have any concerns about the capability of the site to accommodate six dwellings. Indeed, during the course of the application and throughout the preparation of the Tarrington NDP, it has been recognised that the southeastern portion of wider land area owned by the applicant (which now forms the application site corresponding with the allocation) is notably less sensitive with respect to landscape and heritage constraints. It is lower-lying with limited long-distance inter and co-visibility. Any proposed built form would sit contiguous to more recent development which forms Church Close to the immediate east and on the opposite side of Tarrington Brook, responding in a positive manner to the established settlement pattern.
- 6.11 Officers acknowledge some local concern with respect to the process in which the Tarrington NDP has been prepared and later adopted. That said, it is not for the development management process to review or revisit the plan-making stage. Rather, it is to consider and determine planning applications in accordance with development plan, unless material considerations indicate otherwise. The planning-system is plan-led and the development plan comprises the Core Strategy *and* the Tarrington NDP. It is the view of officers that the proposal provides a commensurate level of housing, adjacent to the main built form of Tarrington, a named settlement for growth within the Core Strategy, therefore implying it is *broadly* sustainable. The site is wholly within an allocation for housing considered to have capacity for around six dwellings – as prescribed within the Tarrington NDP.
- 6.12 With the above in mind, the proposal is considered to accord with the requirements of Core Strategy Policy RA2 and Policy TAR8 of the Tarrington NDP.

Housing mix

- 6.13 Policy TAR7 of the Tarrington NDP sets out that proposals for new housing must demonstrate, subject to viability considerations, that they provide dwellings of a type, size and tenure that positively contribute to meeting the latest assessment of housing needs, and include affordable housing in accordance with the requirements of Core Strategy Policy H1. This policy also echoes the expectations that are set out within Policy H3 of the Core Strategy with respect to mix.
- 6.14 In accordance with Policy H1, as the scheme is for less than 10 dwellings, it is not possible to secure on-site affordable housing or otherwise, contributions for off-site provision.
- 6.15 The latest assessment of housing needs is set out within the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA). The site lies within the Hereford Rural HMA whereby the following housing mix by tenure size is recommended;
- 5% 1-bedroom
 - 20% 2-bedroom
 - 50% 3-bedroom

- 25% 4+-bedroom

6.16 The application at this stage proposes 2no. 5-bedroom, 2no. 4-bedroom and 2no. 2- bedroom dwellings. Officers would note that the mix is at present disproportionately skewed towards larger properties. However, to ensure accordance with Policy TAR7 which is informed by the latest HMANA, a condition is recommended which ensures that the final housing mix when submitted as part of any forthcoming reserved matters application is appropriate. This should include either 1no. or 2no. 2-bedroom dwellings, 3no. 3-bedroom dwellings and 1no. or 2no. 4+-bedroom dwellings.

Siting, scale and design

6.17 Policy SD1 of the Council's Core Strategy states that development should create safe, sustainable, well integrated environments for all members of the community. Development should make efficient use of land and taking into account the local context. Policy TAR8 of the Tarrington NDP states that residential development on the School Road site will be supported where the materials are specified which reflect the local character and vernacular, including the appropriate use of stone, timber and brick. Within the Tarrington NDP, further prescriptive building design requirements are set out within Policy TAR4.

6.18 These prevailing policy requirements echo the principles relating to good design as set out within the NPPF, namely at Paragraph 130.

6.19 This application is made in outline and therefore, except for access, all matters are reserved for future consideration. This would include the scale, layout, appearance and landscaping, as defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Successive and revised indicative site layouts have been submitted throughout the application process, contextualising how residential development could come forward on the site with respect to the proposed location of the singular vehicular access off School Road.

6.20 The description of development is for 'up-to six' dwellings and this provides sufficient flexibility in the operative part of the permission to allow numbers to be reasonably revised down, if necessary, to ensure that the detailed reserved matters scheme meets all policy requirements, in terms of the design and overall layout of the site. This would also relate to the size of the units to meet housing needs, as above stipulated.

6.21 It is considered that at this stage, there is no reason or evidence which suggests that a development of up-to six dwellings would be difficult to accommodate in a fully policy compliant manner. The application has already been successively revised to reduce the quantum of housing proposed, reflecting on the sites constraints. Any forthcoming reserved matters application would need to continue to take account of these constraints and policy requirements in a positive manner, reflecting the sites edge of settlement and rural context in order to maintain local distinctiveness.

Landscape impact

6.22 Noting the expectations of Policy LD1 of the Core Strategy, Policy TAR8 of the Tarrington NDP states that the development of the School Lane site shall provide hedgerows to the western and northern boundaries of the site to protect the rural character of the site. It also requires the provision of a buffer zone within the east of the site to serve to protect the brook and bankside habitat and enable sustainable drainage.

Policy TAR2 of the Tarrington NDP, inter alia, requires that development should ensure that proposals respect the prevailing landscape character, including associated important views, trees, and hedgerows and local features of interest.

- 6.23 Policy TAR4 of the Tarrington NDP also states that development should retain existing features. provide for new landscaping which is in keeping with the prevailing landscape character in order to integrate new buildings into their surroundings and to support green infrastructure and the Herefordshire ecological network.
- 6.24 Tarrington is not subject to any special or nationally recognised landscape designations. That said, the application site is open pasture bounded by development but nonetheless a site that has a greater relationship to the rural landscape – especially further to the north and west. It is undeveloped but there is inter-visibility with development adjoining, namely Church Close.
- 6.25 The topography of the site which features a dome/crest to the northwest of the site and area proposed for residential development affords views down into adjoining orchard and the rear of the Brook House complex and longer distances across the the floor of the valley drained by the River Frome.
- 6.26 As set out, Public Right of Way TR3 runs parallel to the west of the area proposed for housing and is across land within the applicants ownership but also forming part of the application site in this instance. From the footpath, Church View is visible, as well as the church tower.
- 6.27 The application has been significantly revised throughout its course. Fundamentally, the quantum of development has been reduced down to a maximum of six dwellings, contained within the extent of the site allocated within the Tarrington NDP. This is the area to the southeastern corner of the wider land holding, bound to the east by the Tarrington Brook and Church View and to the south by School Road. There are no existing boundary features along the northern and western edge of the area proposed for housing, as it falls within a wider parcel of pasture land and the arbitrary boundary of the allocation has been influenced by the contours of the site.
- 6.28 Critically, the size of the site has been reduced insofar that the amount of proposed built form has retracted in its extent considerably – to accord with the bounds of the allocation. It would focus on land which sits at lower elevation to land to its north and west and would essentially mirror the developed area of Church View to the east. The route of the footpath would sit to the west of the developable area and although the site would be visible from the crest given the dome-form topography, inter and co-visibility from vantage points to the north and indeed from the A438 would be extremely limited.
- 6.29 The revised application, in terms of the reduction in extent of the site and quantum of housing, has had regard to the submitted landscape analysis and the comments made by the Council's Built and Natural Environment Team throughout the course of this application, and indeed the previously refused outline planning application (171165 refers).
- 6.30 In terms of the potential for the development to impact upon trees close to or within the site, those located to the east of the site are protected by a Tree Preservation Order (TPO) 296/A1. An Arboricultural Impact Assessment has been submitted and throughout the course of the application, the Council's Natural and Built Environment Team have advised of concern with respect to potential impact of the proposed attenuation pond on the integrity of these group of trees, to the southeastern corner of the site. It should be noted that this feature lies outwith the red-edge of the application site and shown purely for indicative purposes. Nevertheless, it is advised that any layout considered as part of a forthcoming reserved matters application would need to have regard to the constraints posed by the constraints of adjoining trees. The quantum of development has been notably reduced (mostly recently from up to 9 to up to 6 dwellings) and therefore, with a reduced density and flexibility within the description, an appropriate scheme

which responds affords adequate protection to trees covered by the TPO should be capable of being adequately addressed as part of any forthcoming reserved matters submission.

- 6.31 With the above in mind, this application is made in outline and therefore, critical details relating to the scale, layout, appearance and landscaping of the site would be for consideration as part of any forthcoming reserved matters submission. Although the impact on the wider landscape is considered to be diminished as a result of the reduced quantum of development and extent of the site, careful consideration would be needed to secure a form of development which responds in a positive manner to the site's rural character, specifically with respect to ensuring there would be no harmful urbanisation of School Road.
- 6.32 Having regard to the relevant policies, officers are confident that development of the site should not give rise to any unacceptable adverse impacts in terms of village-scape or harm to the character and appearance of the area and wider landscape, including the views from within and adjoining the site on the Public Right of Way towards the centre of the village. For these reasons the development is found to be in accordance with Core Strategy Policy RAD and LD1, as well as Policy TAR4 and TAR8 of the Tarrington NDP.

Heritage assets

- 6.33 Policy LD4 of the Core Strategy states that development proposals affecting heritage assets and the wider historic environment should protect, conserve and where possible enhance heritage assets and their setting in a manner appropriate to their significance. Inter alia, the policy goes on to state that where opportunities exist, development should contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas.
- 6.34 Policy SS6 states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets.
- 6.35 At the local level, Policy TAR8 of the Tarrington NDP states that new housing development at Land at School Road will be supported where inter alia, heritage assets are respected. Policy TAR3 sets out more extensive requirements with respect to the historic environment which largely echoes the tenets of Policy LD4 of the Core Strategy.
- 6.36 The NPPF also sets out extensive guiding principles at Chapter 16 relating to the historic environment.
- 6.37 Statutory duties are also set out under the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 66 (1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.38 The site is located within relative close proximity to a number of designated heritage assets which include the Grade II-listed Old Rectory which sits at lower elevation to the north of the wider parcel, accessed to the west of School Road.
- 6.39 Although the most recent comments from the Built and Natural Environment Team (Building Conservation) share some concern with respect to proposals for the northeast of the site, this is located outwith the red-edge. All housing would be contained within the parcel of land allocated for housing as set out within Policy TAR8 of the Tarrington NDP. Therefore, any further development outside of the red-edge would require the benefit of planning permission and accordingly would need a further planning application to be made.

- 6.40 It is advised that a proposal for six houses in themselves should not solicit any harm to the setting of heritage assets, although this would be for consideration as part of any forthcoming reserved matters application to secure a design in a matter that would not affect their setting. As such, although noting the comments of the built and Natural Environment Team (Building Conservation), the submitted plans and details at this stage are purely indicative.
- 6.41 With the above in mind, officers consider that the development can demonstrate accordance with Policy LD4 of the Core Strategy, Policy TAR3 and TAR8 of the Tarrington NDP, as well as the principles as set out within the NPPF.

Impact on residential amenity

- 6.42 Along with the requirements of Core Strategy Policy SD1 which requires development not to result in any unacceptable impacts on existing or future occupiers, Policy TAR4 of the Tarrington NDP states that in the case for proposals for new housing, development should be sited and designed to avoid adverse impacts on the amenity of future occupants from the operation of existing uses, including agricultural and business operations.
- 6.43 The site is bound by residential properties to the east and southeast (Church View). It is bound to the south by School Road and to the north and west by open-countryside. With the constraints in mind, there would, at this stage, appear no reason as to why a suitably laid out development could not come forward, with appropriate scaled and positioned dwellings that would maintain a satisfactory residential relationship throughout and within the site.
- 6.44 Noting that the site immediately adjoins an established residential area, a safeguarding condition restricting hours of construction, together with requiring details of a construction management plan is requested in the interests of ensuring there would be no adverse impact on residential amenity, in accordance with Core Strategy Policy SD1.
- 6.45 Additionally, some concerns have been raised with respect to noise or potentially smell impact from drainage infrastructure (i.e pumps) associated with methods of dealing with surface and/or foul water. The final details relating to drainage have not yet been agreed and secured, and would be for consideration concurrent to any forthcoming reserved matters application. Therefore, it would be at this stage together with considering the layout of the development where an assessment would be made to determine the acceptability of drainage infrastructure.

Access, highways and connectivity

- 6.46 Policy MT1 of the Core Strategy requires that new development should demonstrate that the local highway network can absorb the traffic impacts of the development, without adversely affecting the safe and efficient flow of traffic on the network, or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from development.
- 6.47 Policy TAR4 of the Tarrington NDP requires, amongst other things, that development is capable of being safely accessed from the local road network without undue environmental impacts which cannot be mitigated and include adequate off-street parking for residents. It goes on to outline that development should also include provision for pedestrians and cyclists to encourage active travel and to enable access to village services including public transport.
- 6.48 Policy TAR8 of the Tarrington NDP states that proposals for housing development within the School Road allocated site should be served via vehicular access taken from School Road. Safe and suitable access for all users should be provided to village facilities and to assist integrated transport for include upgrading of public right of way TR3 to provide access to bus stops on the A438.

- 6.49 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.50 Access is a reserved matter which consideration is requested as part of this outline application. It is defined as ‘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. (Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) & National Planning Practice Guidance (NPPG)). As stipulated, access includes both vehicular access to the existing road network and connectivity for pedestrians and cyclists.
- 6.51 In accordance with Policy TAR8 of the Tarrington NDP, access to the site would be taken off School Road. The proposal also includes improvements to the public footpath TR3 between School Road and its junction with the A438, along with other off-site highway improvements on the A438 which would include a non-controlled pedestrian crossing (dropped kerb) and extension of footway to connect to the existing westbound bus stop adjacent to the Tarrington Arms. These works would be secured through a Section 278 agreement (Highways Act 1990) following planning permission being granted
- 6.52 Whilst it is acknowledged that there is some local concerns expressed in respect of a lack of services and employment opportunities locally, Tarrington is identified as settlement for growth within the development plan. As such, whilst the quality, frequency and convenience of public transport services may be subject to question, it is not considered that any absence of quality or reasonable provision to mean that housing proposals in rural settlements is unacceptable.
- 6.53 A great deal of local concern also relates to the ability of School Road in accommodating increased traffic generated by the development. Representations have cited poor road conditions, the alignment and width of the carriageway, vehicles parking on the road and the lack of safe and suitable footway provision with the road being used by local residents dog walking and for general amenity.
- 6.54 School Road is taken from the A438 and loops through the village, rejoining to the aforementioned to the west. There are no through routes from School Road; it solely serves Tarrington, Tarrington Common and Alders End.
- 6.55 It is not disputed that the development would lead to an increased amount of traffic. That said, the nature of the development proposed has materially changed from the point of submission and indeed, the refused outline application (171165). The Local Highway Authority (LHA) longstanding concern has related to the potential for conflict between pedestrians and vehicles given the absence of pedestrian infrastructure.
- 6.56 The application is made in outline for up to six dwellings and the LHA note that in terms of traffic generation – the local road network would be capable of accommodating the increased traffic and this was accounting for the previously proposed greater number of dwellings. Notwithstanding concerns with respect to the method in which surveying was undertaken in 2018, the LHA highlight that because of the nature of the road and associate vehicle speeds here along with the achievability of visibility splays onto School Road, the access point is considered acceptable from a highway safety perspective.
- 6.57 As mentioned, the proposal would include the upgrading of the existing public right of way which would see it tarmacked (details to be otherwise agreed) in order to allow it to be adopted by the LHA. This would provide a link from the development to the A438, allowing for pedestrian access to the Tarrington Arms and the bus stop. Off-site works which would be secured by way of a Section 278 agreement would provide pedestrian enhancements at northern end of the public right of way where it meets the A438 – this would include pedestrian visibility splays and a footway linking to the westbound bus stop (see **Figure 1**). This would provide demonstrable safety

enhancements over the current situation. School Road through the village is frequently used by pedestrians and whilst the development could lead to an increase, the improvement of the public footpath should lead to its increased use.

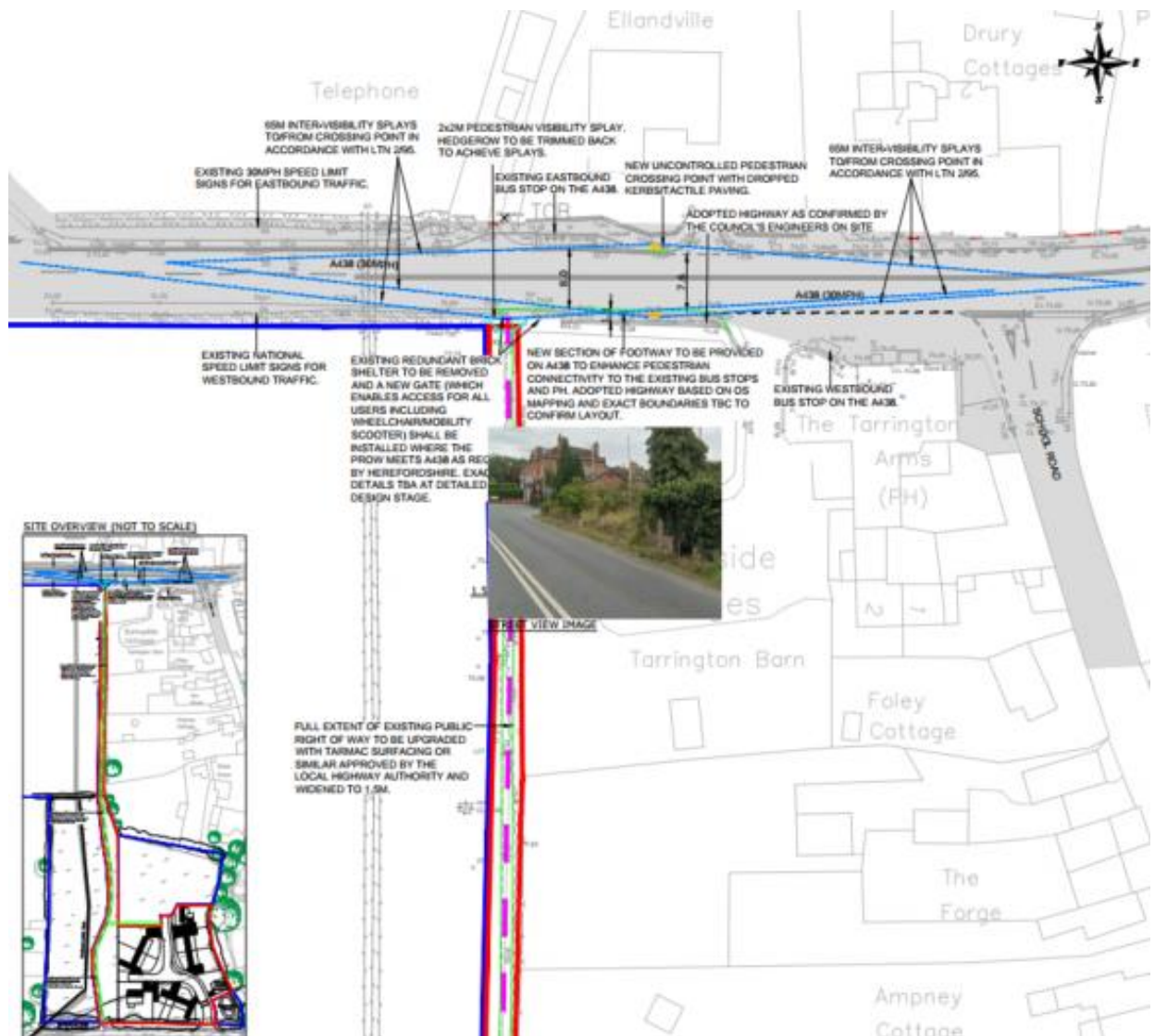


Figure 1 - Proposed Improvement to Existing Public Right of Way

- 6.58 Furthermore, noting the comments received in terms of the development not being conducive to the promotion of active travel, the small-scale nature of the development is such whereby aspirations of radical improvements in context of the sites rurality must be realised. That said, improvements are proposed to the public footpath which would encourage active travel options and further, secure cycle storage details would be secured by way of planning conditions.
- 6.59 In summary, the development is for a relatively small number of houses within a rural settlement. The anticipated traffic generation is judged to be such which could be safely accommodated within the local highway network. The proposal would provide some demonstrable improvements to pedestrian connectivity within the village and it is the view of officers that this would significantly outweigh, and address potential disbenefit relating to any conflict created between pedestrian and vehicles. As such, the proposal is considered to accord with the requirements of Core Strategy Policy MT1, along with Policy TAR4 and TAR8 of the Tarrington NDP. Officers would consider that the development would not result in an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe and therefore when

attributing weight to Paragraph 111 of the NPPF, the application should not in this case be refused on highways grounds.

Flood risk and drainage

- 6.60 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.
- 6.61 Policy TAR8 of the Tarrington NDP states that new housing development on the allocated site at Land at School Road will be supported where amongst other requirements, provision is made for a buffer zone within the east of the site to protect the brook and enable sustainable drainage.
- 6.62 The application site lies within Flood Zone 1 but the application has been supported by a Flood Risk Assessment (FRA) which considers the risk of flooding from fluvial, pluvial, groundwater, sewers and reservoir sources. The Tarrington Brook flows north along the eastern boundary of the site and is positioned to the eastern end of the rear gardens of dwellings at Church View..
- 6.63 In terms of surface water, although infiltration testing has not been undertaken, it is assumed that infiltration is not viable noting the boggy ground conditions – a view shared by the Land Drainage Team. That said, in accordance with the drainage hierarchy as set out within Policy SD3 of the Core Strategy, infiltration testing should be undertaken as there may be permeable layers beneath the surface. Subject to a groundwater levels being 1-metre below lined infiltration features, a combination of infiltration and attenuation features would be preferable.
- 6.64 However, currently indicatively proposed is an attenuated system which would look to comprise an attenuation pond with controlled discharge to the Tarrington Brook. Whilst in principle this approach is acceptable, further details of its design would be required, although this would need to come after an exploration of infiltration methods. Therefore, it should be noted that the attenuation pond and its location on the submitted plans is wholly indicative.
- 6.65 Officers recommend a condition ensuring the submission of detailed drainage details (including infiltration testing) to be submitted together with any reserved matters submission as the layout (including extent of impermeable areas) and a sustainable surface water drainage strategy are mutually dependent. This would need to include details of ongoing maintenance and management of the surface water drainage strategy.
- 6.66 There is ample flexibility given the reduced quantum and scale of development proposed, together noting the availability of land within the applicants control to offer sufficient levels of comfort that a sustainable surface water drainage strategy can be achieved, which mitigates against any increased risk of flooding on-site or elsewhere. This outline application therefore is considered to be in accordance with Policy SD3 of the Core Strategy, and Policy TAR8 of the Tarrington NDP.
- 6.67 In terms of foul water, a connection to the mains sewer is proposed in accordance with the hierarchy set out within Policy SD4 of the Core Strategy. Details of how the connection would function and be managed, including any requirement for an on-site pumping station should be explored with details to be submitted as part of a full drainage strategy alongside any forthcoming reserved matters application. The positioning of a pumping station as shown on the submitted plans is purely indicative and Welsh Water have previously intimated there is the possibility of achieving a gravity-fed solution. That said, the positioning of any required drainage infrastructure can be considered as part of any forthcoming reserved matters application.

Ecology

- 6.68 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. Policy TAR14 of the Tarrington NDP expects that development will protect and enhance green infrastructure including priority habitats.
- 6.69 The application site comprises a parcel of agricultural land bound by mature, well-established hedgerow boundaries. Some concerns has been raised in local representations received and as required given the previously submitted Ecology details were outdated, an updated Preliminary Ecological Assessment and Reptile Survey report have been submitted. The Built and Natural Environment Team (Ecology) note that there is a small population of Slow Worm on the wider land holding, but that with relevant risk avoidance measures and appropriate management of retained areas of land as secured by safeguarding conditions, there would be no detrimental effect on the maintenance of the populations of Slow Worm or any other protected species.
- 6.70 With additional conditions securing biodiversity enhancement and controlling external illumination – where it is also noted that the upgraded footpath would not be lit, it is not considered that the development of the site for six houses would have any adverse impact on protected species or wider ecological networks. The proposal is therefore considered in accordance with Policy LD2 of the Core Strategy as well as Policy TAR14 of the Tarrington NDP.

Impact on the River Lugg / Wye Special Area of Conservation

- 6.71 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 6.72 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 6.73 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 3.99kg TP/year which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 6.74 The Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 3.99kg TP/year, the Applicant is required to purchase credits to the value of £55,860. This would be secured by a Section 106 legal agreement.
- 6.75 The Council's Built and Natural Environment Team (Ecology) has completed an appropriate assessment. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

6.76 This assessment has been submitted to Natural England for consideration and a response was received on 28 February 2023 to confirm that the statutory body agreed with the LPA's conclusions. The proposed development would be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection.

7. CONCLUSION

7.1 The application is assessed with regards to the presumption in favour of sustainable development as set out in the NPPF. This requires that development proposals that accord with an up-to-date development plan be approved without delay. In this case the development plan comprises the Core Strategy and the Tarrington NDP and these can be attributed full weight.

7.2 The current development plan identifies Tarrington as a settlement sustainable for open-market housing growth. The Tarrington NDP defines a settlement boundary for the village through which incorporates this parcel of land and provides it with an allocation judged to have a capacity for around six dwelling, and therefore, the principle of new housing being provided in this location is supported by the development plan. The site is on the edge of an established village which affords reasonable access to a range of service and facilities and as such, is capable of supporting sustainable patterns of development to meet local needs, as envisaged by the development plan and the NPPF.

7.3 The application is made in outline with only access to be determined at this stage. The proposal demonstrates that a means of access commensurate with the scale of development proposed can be provided off the minor road running through the village, and officers judged that the road network can safely absorb the additional vehicular traffic and pedestrian movement generated from the development – aided through the proposed improvements to public right of way TR3 connecting to the A438.

7.4 Although matters of scale, layout, appearance and landscaping are for future consideration as part of any forthcoming reserved matters application, the development of the site would invariably change the character of the village and its setting, but officers are satisfied that a sensitive landscape-led development for up-to six dwellings can come forward which delivers a suitable housing mix and other benefits, without compromising the village's and wider landscape character and setting. Details to secure a sustainable foul and surface water drainage strategy would be submitted alongside any forthcoming reserved matters application.

7.5 The proposal has been assessed with the regards to the Conservation of Habitats Regulations (2017). The Applicant has given an undertaking to purchase Phosphate Credits from the Council and this would provide mitigation with adequate certainty to demonstrate that the proposal would have no adverse effect on the on the integrity of the River Lugg and River Wye SAC (subject to the purchase of these credits being secured by a Section 106 legal agreement). Natural England have advised that they agree with this conclusion and hence have no objection.

7.6 Overall therefore, the development would deliver benefits towards the achievement of the social and economic objectives of sustainable development through the delivery of new housing which would meet identified local needs, the associated contribution this makes to community vitality and wellbeing and expenditure during construction amongst others. Although some limited potential for impact in environmental terms may result (in terms of visual change, specifically), officers are satisfied that this can be appropriately managed to acceptable levels through a sensitive reserved matters submission, noting that new housing on a sustainably located site that has been identified for development through the Tarrington NDP.

7.7 Overall therefore, the scheme does not give rise to any conflict with the development plan and is hence considered to be representative of sustainable development. It is recommended that

outline planning permission be granted accordingly, subject to the purchase of phosphate credits first being secured through a Section 106 agreement.

8. RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement to secure the purchase of the requisite Phosphate Credits to mitigate for the effects of the development upon the River Lugg / River Wye Special Area of Conservation, that outline planning permission be granted subject to the conditions below.

Standard

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

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

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

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

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

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to ensure accordance with Policy RA2, SD1, LD1 of the Herefordshire Local Plan Core Strategy, Policy TAR1, TAR2, TAR3, TAR4, TAR7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

- 4. The development shall be carried out strictly in accordance with the approved plans and documents 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 ensure accordance with Policy RA2, SD1, LD1 of the Herefordshire Local Plan Core Strategy, Policy TAR1, TAR2, TAR3, TAR4, TAR7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

- 5. The reserved matters submission pursuant to Condition 1 shall include a scheme setting out the number, size and type of open market dwellings to be provided. The scheme shall include a schedule outlining the number of 2, 3 and 4(+) bedroom dwellings to be delivered, with the overall mix being in general accord with the Herefordshire Housing Market Needs Assessment 2021 (or any successor document adopted by the LPA).**

Reason: To define the terms of the permission and to ensure accordance with Policy H3 of the Herefordshire Local Plan – Core Strategy, Policy TA7 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

Pre-commencement

- 6. The reserved matters submission relating to layout submitted pursuant to Condition 3 shall be accompanied by a full foul and surface water drainage strategy which shall include, but not be limited to the following; -**
- i) Submission of infiltration testing to support the proposed surface water drainage arrangements.**
 - ii) Confirmation that an attenuated, offsite surface water discharge could be achieved to Tarrington Brook should infiltration tests fail.**
 - iii) Submission of detailed surface water and foul water drainage design drawings with construction plans, supported by calculations where necessary**
 - iv) Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority**
 - v) Demonstration that appropriate access is available to maintain drainage features, including pumping stations should they be required;**
 - vi) Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company**

The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: To ensure the proposed drainage arrangements conform with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy, as well as Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

- 7. Development shall not begin in relation to any of the specified highways works until details have been submitted to and approved by the local planning authority in writing following the completion of the technical approval process by the local highway authority. This shall include the following**
- Improvement works to PRoW TR3**
 - Uncontrolled A438 pedestrian crossing**
 - Extended footway link from PRoW TR3 to Tarrington Arms bus stop (westbound)**

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

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

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan - setting up of access routes away from sensitive receptors.
- Site compound / office locations
- Areas for soil storage
- the methods and materials to be used to ensure that the generation of noise is minimised,
- the choice of plant and equipment to be used,
- regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and good housekeeping and management, to include review of plant and activities to ensure noise minimisation measures are in place and operating,
- public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours,
- provision of noise monitoring during activities likely to affect sensitive receptors, and
- dust minimisation

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

Reason: In the interests of highway safety and residential amenity and to conform to the requirements of Policy MT1 and SD1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Development Plan and the National Planning Policy Framework.

9. Prior to the commencement of the development, a scheme of measures for the protection of retained trees and hedgerows (in accordance with BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the commencement of development and remain in place for the duration of the construction phase.

Reason: To safeguard all retained trees during development works and to ensure that the development accords with Policy LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy TAR2 and TAR4 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

Pre-occupancy or other stage

10. With the expectation of site clearance and groundworks, no development shall take place until a specification of the construction of the vehicular access is submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

The construction of the vehicular access shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and Policy TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

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

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance the requirements of Policy SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

12. Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency

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

Reason: To ensure accordance with Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

14. Prior to the first occupation of any dwelling hereby approved, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the

dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at Paragraph 108 and 110 of the National Planning Policy Framework (2021).

Post occupancy monitoring and management / Compliance Conditions

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework.

- 16. 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 TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

- 17. No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.**

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

- 18. The ecological protection and working methods scheme as detailed in the preliminary ecological appraisal (August 2022) and Reptile Survey Report**

(October 2022) by Focus Ecology shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all 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.

19. 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 safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy TAR2, TAR4 and TAR8 of the Tarrington Neighbourhood Development Plan and the National Planning Policy Framework (2021).

INFORMATIVES:

1. 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 Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
2. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. 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.
4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent

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

under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

5. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
7. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
8. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
9. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
10. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
11. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

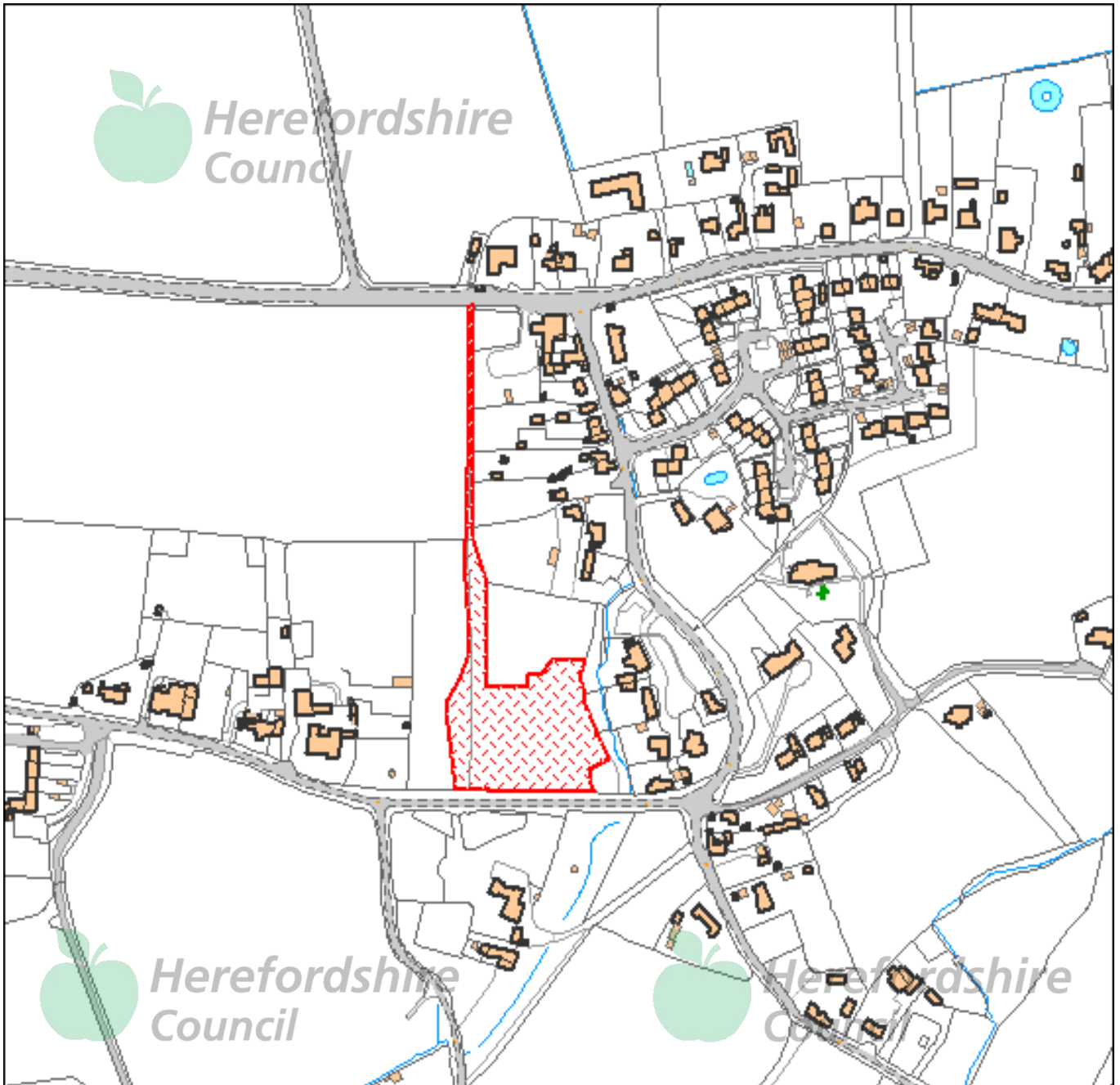
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 181943

SITE ADDRESS : LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE

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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 APRIL 2023
TITLE OF REPORT:	<p>212518 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 191541 (OUTLINE FOR THREE OR FOUR BEDROOM DWELLING ON A PLOT OF LAND CURRENTLY PART OF HILLCREST'S GARDEN) AT LAND SOUTH OF YEW TREE FARM, RUCKHALL COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX</p> <p>For: Mrs James per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212518&search-term=212518
Reason Application submitted to Committee – Redirection	

Date Received: 24 June 2021

Ward: Stoney Street

Grid Ref: 344893, 239396

Expiry Date: 28 January 2022

Local Members: Cllr David Hitchiner

1. Site Description and Proposal

- 1.1 This reserved matters application proposal is for the construction of a detached 4-bed dwelling with associated access, driveway and parking facilities. A detached garage, as shown on the originally submitted plans, has been subsequently removed from the scheme. The dwelling is proposed to be centrally situated within the plot, broadly speaking, with the front elevation addressing the lane and a private garden area lying to the rear.
- 1.2 Outline planning permission was approved on 3 September 2019 for the construction of a detached 3 or 4 bed dwelling (ref. 191541/O). The means of access to, the layout and landscaping of the site, as well as the scale and appearance of the dwelling, were reserved for future consideration. The permission includes various conditions, including a requirement for full drainage details to be submitted prior to development commencing.
- 1.3 The site is located in the centre of the small, rural settlement of Ruckhall and lies around 500m north-east of Eaton Bishop. It is accessed via an existing field gate off Ruckhall Common Road (U73202), which terminates a short distance to the north-west of the site. A public footpath (ref. EB19) runs along part of the north-western site boundary. Immediately to the north of the site is Yew Tree Farm, comprising a detached dwelling and collection of steel framed, corrugated clad buildings. To the south lies pasture land used for keeping horses and to the east, on the opposite side of the lane, are mostly detached dwellings.

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

- 1.4 The site itself is a long narrow strip of agricultural land enclosed on all sides with a mixture of post and wire and post and rail fencing, trees and intermittent native hedging. Levels fall from the rear of the site towards the lane. The house FFL would be situated at 87.187m AOD, which is roughly 5m above the adjacent road level of 82.143m AOD.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SS1 – Presumption in favour of sustainable development
SS2 – Delivering new homes
SS4 – Movement and transportation
SS6 – Environmental quality and local distinctiveness
SS7 – Addressing climate change
RA1 – Rural housing distribution
RA2 – Housing in settlements outside Hereford and the market towns
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
MT1 – Traffic management, highway safety and promoting active travel

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

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

2.2 Eaton Bishop Neighbourhood Development Plan (EBNDP)

EB1 – Supporting new housing within the Eaton Bishop and Ruckhall settlement boundaries
EB2 – Site allocations
EB4 – Green infrastructure and protecting local landscape character and diversity
EB5 – Protecting built heritage and archaeology and requiring high quality design
EB7 – Managing flood risk
EB8 – Wastewater treatment and water supply

The EBNDP policies can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/11103/eaton_bishop_ndp_may17

2.3 National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the National Planning Policy Framework require 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 Core Strategy was adopted on 15 October 2015 and the decision to review it was made on 9 November 2020. The EBNP was made on 21 August 2017 and has not been reviewed since. The level of consistency of development plan policies with the NPPF will be taken into account by the Council in deciding applications. In this case, relevant policies have been reviewed, are considered consistent with the NPPF and thus attributed significant weight.

3. Planning History

- 3.1 191541/O - Outline for three or four bedroom dwelling on a plot of land currently part of Hillcrest's garden - Approved 3 September 2019
- 3.2 202768/XA2 - Application for approval of details reserved by condition 12 attached to outline permission 191541/O - Withdrawn on 15 January 2021

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water (No objection)

We acknowledge this application is for the approval of reserved matters of the original planning consent (ref. 191541) that established the principle of the development. We have no objection to the application subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission.

Internal Council Consultations

4.2 Transportation (No objection subject to conditions)

- Vehicular accesses over 45m in length from the highway boundary to the face of a building should be referred to a Building Regulations Approved Inspector. In these circumstances, access and turning for emergency vehicles may be required.
- The vehicle turning area is adequate for the scale of the dwelling.
- The dimensions of the driveway are also adequate for the nature of the development.
- The parking provided on the driveway is acceptable.

4.3 PRoW Officer (No objections)

4.4 Commons Registration (comments)

I can confirm that this piece of land is adjacent to Ruckhall Common (CL65) but does not encroach onto it.

4.5 Land Drainage Engineer

Comments dated 02/02/23 (No objections)

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1. Review of the Risk of Flooding from Surface Water map also indicates that the site is not at risk of surface water flooding.

As the topography within the area of the proposed development is sloping, the Applicant needs to consider the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems. It must also be ensured that surface water run-off generated by the proposed development does not get onto the adjacent highway.

Although we previously commented on the potential presence of springs, it has been highlighted that this is unlikely to be the case given the subsequent excavation of 3 groundwater trial holes. All three holes were 2m deep and only one hole encountered 20mm of groundwater in the base. Appendix 1 to the Drainage Report (05.10.22) outlines that there is a likely surface water issue on-site, whereby water was seen seeping out of the bank on the northwest site boundary. This occurs during or after short periods of rainfall. Given the site topography, a retaining wall is proposed to reduce the likelihood of any surface water flows entering the plot to the north.

Surface Water Drainage

We understand that a groundwater level assessment undertaken at the site was excavated to a depth of 2.5m BGL but found that there was no groundwater encountered at a depth of 2.2m BGL. The Applicant has provided the results of a single infiltration test which gave a slow infiltration rate of 1.87×10^{-6} m/s at 1.5m BGL. Permeable surfaces are proposed to receive the surface water and discharge it to ground. Permeable paving is proposed for the patio area and permeable tarmac with a 450mm deep sub-base is proposed for the driveway and parking area. These areas have been adequately sized to accommodate a 1 in 100yr + 40% CC event. Check dams will be constructed every 3m along the length of the permeable surfacing.

A drainage channel will be constructed where the driveway meets the highway to prevent any overland surface water flows entering the highway. The surface water will be directed to an existing soakaway area. An infiltration trench is also proposed along the southern site boundary to prevent any overland flows from the field to the south of the site spilling onto the site.

Foul Water Drainage

We note that five percolation test pits were excavated to various depths across the site ranging between 50-600mm BGL. Consequently, a range of Vp rates were obtained from these tests such as 30.4, 94.5, 126s/mm. The better, lower rates were found at the shallower test pits whereby the 50mm deep pit had a Vp rate of 51.25s/mm and the 250mm deep pit had a Vp rate of 30.4s/mm. The deeper pits of 600mm and 550mm depth had poorer Vp rates of 126 and 124s/mm. Due to the shallow depths to which the pits have been excavated, and the poor rates obtained at depths of 550 and 600mm, a drainage field is unsuitable. An acceptable average Vp rate of 85.23s/mm was established from this testing. Additional percolation testing has been undertaken at the site in February 2022, whereby another four percolation trial pits were excavated. The trial pits ranged in depths from 200-600mm BGL however as all pits failed to drain within 24-hours, no viable Vp rates were obtained. However, these trial pits were located to the west of the proposed dwelling which is not in the proposed drainage mound location. We note proposals for a terraced drainage mound to discharge the foul flows to ground. A flow split chamber with unequal length weirs will allow the appropriate ratio of foul flows to enter both parts of the mound. A conservative Vp rate of 110.5s/mm has been used to size the drainage mound which means it will be slightly oversized; this is favourable. The required drainage mound area is 132.6m², as proposed. A gravity-fed discharge will be accommodated.

Comments dated 01/11/22 (as summarised)

We object to the proposals due to the following concerns:

- The existing surface water run-off issue observed on-site as a result of poor ground permeability is confirmed by poor percolation rates obtained at various depths. This evidence raises significant concerns that the drainage proposals will likely result in the re-emergence of surface and foul water, which would cause nuisance flooding within the area.
- The additional risk of surface water run-off onto the public highway should development occur, as already observed on-site.

Comments dated 14/12/21 (as summarised)

We object to the proposals due to the following concerns:

- The presence of springs and perched water table combined with poor deep infiltration rates and rapid soakage at shallow depths is likely to result in the infiltrated water re-emerging and cause nuisance flooding within the area.
- A pumped foul system is unfavourable due to risk of failure, maintenance costs and lifetime. We do not accept a pumped system is required.
- A drainage field is not viable for this area given the poor percolation test results at the greater depths.

Comments dated 01/08/21

The below comments have been copied from the previous withdrawn DoC application, as no further relevant information has been provided.

“Further information is required to better establish the groundwater depth across different areas of the site. Details of the roof area and areas of hardstanding must be provided to allow appropriate calculations to be undertaken. The required size of soakaways for surface water and a much clearer foul drainage strategy must be established to include the intended occupancy of the property so that the correct size of treatment plant and drainage field can be calculated (based on British Water Flows and Loads). There is clear evidence of a perched water table in this location, and so the drainage plan must accommodate that and provide strong evidence that there will be no nuisance flooding as a result of this development before this condition can be discharged.”

4.6 Ecologist (further information required)

Condition 14 of the outline permission states:

“Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the local planning authority. The EWMS should consider all relevant species but in particular consideration for great crested newts. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the local planning authority.”

Response: No EWMS has been provided and so it is recommended that further information with regard to location of these additional measures be provided. As no changes to drainage type/outfall are proposed since outline permission was granted, no new HRA is required.

5. Representations

5.1 Eaton Bishop Parish Council

Comments dated 13/03/23

Eaton Bishop Parish Council has again discussed this application and has heard personal representation from the applicant at its meeting on 8th March 2023.

We appreciate the efforts the applicant has made to address our concerns; concerns which reflect our detailed local knowledge of the site and its environs, as well as being set out in the reserved matters of the outline permission. We understand that this has been a lengthy planning process, but this is because of real worries regarding some of the reserved matters that are being raised by parishioners, and the real difficulties posed by the nature of the site.

The commitment to minimise disruption during the construction phase by using parking/storage off road at a nearby property and using smaller vehicles for deliveries to site is most welcome.

We acknowledge that the height of the building has been reduced by 0.5m. The location of the building further back and so higher on the site means that the finished floor level will be higher and the overall impact on the skyline is largely unchanged, if not marginally increased. The applicant mentioned at our meeting the possibility for the floor level to be dug lower into the ground at the proposed site to reduce the skyline impact of the building. We believe this could be a solution and would support, subject to the actual heights and FFLs being confirmed.

We note that the Council's drainage experts are now confirming that the proposals will not exacerbate flooding onto the neighbouring properties or the road. Whilst we are not drainage experts, we are familiar through experience with the flooding issues around the site, and note that one of our parishioners who has some expertise in this area has raised further concerns about the revised plans. As we set out in our previous response, we would like reassurance from the Council that the plans will not exacerbate flooding issues for the road or surrounding properties. We feel there needs to be accountability for proper drainage plans on this site.

Our remaining concern relates to the visibility splays at the access point to the site and we would ask that the Highways Department review this to ensure that the relevant dimensions are achievable; specifically the splay to the right (exiting the property) and the gate width.

Objection dated 24/10/22

Eaton Bishop Parish Council has reviewed the revised planning application and appreciates the changes that have been made to address our concerns regarding the fit of the building into the local built environment and the treatment of foul and storm drainage on the site. We have listened to representations of residents in the locality and also looked carefully at Policy EB1 of our NDP. For us to be able to support this application we would need two things:-

1) The half-dormer style of the building is in keeping with the local environment but at 7m the height of the building is still an issue. We suggest this could be addressed by constructing the base of the building 1m lower, thus creating a 6m impact on the skyline which would be comparable to neighbouring buildings.

2) The drainage solutions appear to address our concerns, but as this is a particularly important and sensitive issue we would like reassurance from the Council's own drainage experts that the solutions are workable. At present, we cannot see a commentary on this.

Finally, we acknowledge that the access is not a planning issue, but it does need to be resolved, and we believe that the configuration of the common land around the entrance will make the proposed splays (a planning issue) not possible to construct.

Objection dated 09/12/21

Eaton Bishop Parish council wishes to lodge the following objection. We acknowledge that the applicant has sought to address its three concerns; waste water, storm water; and the size and proportionality of the development. Nonetheless, the proposal still falls short in these respects.

1) The Land Drainage comments identify the likely presence of a perched water table on the site, the presence of which amplifies our drainage concerns. In particular the size of the drainage field and the soakaway need to be maximized given the available area. We also question whether locating the drainage field above the property with consequent reliance on pumps is wise, particularly as in Ruckhall we experience regular power cuts every year.

2) The storm drainage relies on an overflow into a ditch. There is no ditch owned by the property, so an alternative needs to be sought.

3) The scale of the building remains out of proportion to the Ruckhall settlement. See Policy EB1 (paragraph 2) of the NDP. For the building to fit in Ruckhall, its height needs to be reduced significantly. This could be achieved for example by building the first floor within the roofspace, lit by dormer windows (in common with much of the existing housing stock in the settlement).

Finally, although possibly not strictly a planning issue, the Parish Council notes that the applicant has still not addressed the problems of access. To be clear, under the terms of the Parish Council's lease of the verge between the road and the proposed site, it cannot permit any alteration of the land, e.g. by installing a driveway or allow access for other than agricultural vehicles. We urge the applicant to contact the Church Commissioners to resolve this issue.

Objection dated 19/08/21

The Parish Council objects to the reserved matters proposals. We have reviewed the planning application and listened to points raised by local residents. We have significant concerns that need to be addressed before we could support. This is particularly disappointing as this is a site identified for development in the Parish NDP (please see policy EB2 of the Eaton Bishop NDP), but important aspects of other policies and reserved matters set out in the outline permission of 3rd September 2019 have not been properly addressed, making the proposal in our view, unsuitable. The Parish Council objects to this application for the following reasons:-

- 1) There are no detailed plans for waste water treatment taking into account the impact of any outfall on the local existing drainage and flooding issues on the road below the site and the properties opposite.
- 2) There are no detailed plans for drainage of the site, again a major concern given the nature of the site (significant slope and existing localised flooding issues).
- 3) The scale of the proposed structure is out of proportion to the site and locality.

On a separate matter we advise the applicant to seek permission for any change to the verge between the site gate and the roadway from the owner of the verge. This is land owned by the Church Commissioners and their agreement will be needed for any change to the nature of the verge. The Parish Council leases this land but is not empowered to give such permission.

5.2 Church Commissioners for England (comments)

Please note the Commissioners neither object nor support the application and make comment on the details of the application itself. I act for the Commissioners as managing agent of their Hereford Estate. The Commissioners own Eaton Bishop Common, which is let to the local parish council. The access for this application is proposed to cross this land owned by the Commissioners. In respect of the access over this land, we are not aware that the applicant holds right over the Commissioners property in order to access the site nor to undertake the required works that are shown in the application. Insufficient detail is provided in respect of any water run-off from the drive and where this will be channelled to. A drainage channel is illustrated on the drawings but no indication as to its connection is given. At present, this could significantly increase the amount of water entering the ditch network on the Commissioners property or flowing over the lane. In respect of the width of the access we are concerned that construction traffic travelling to and entering the site is unlikely to have sufficient space to manoeuvre without causing damage to land outside of the applicant's control.

5.3 A significant number of local objections have been expressed, as summarised below.

- There are existing natural springs and grounds conditions are not suitable
- Existing surface water run-off issues would be exacerbated

- The foul water solution is not viable and could not be accommodated on the site
- The drainage solutions would not comply with the Building Regulations
- Access issues relating to poor visibility and the restricted driveway entrance width
- Disruption to local residents and businesses during the construction period
- The applicant does not own the land within the highway verge
- Problems with indiscriminate parking on common land during the build process
- There are private water wells within the vicinity of the site
- The proposed dwelling would be unduly prominent and too tall and elevated
- The style of the house would not accord with the character of the area
- A smaller house should have been proposed due to the site constraints
- There is a watermain pipe running within the verge that serves Hillcrest
- The site will be subject to significant earth movements as part of the build process
- Access rights will need to be obtained from the Church Commissioners

5.4 The consultation responses can be viewed on the Council's website via the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212518&search-term=212518

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

The procedural scope of this application

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 includes the Herefordshire Local Plan – Core Strategy and the Eaton Bishop Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 Approval has been sought for the reserved matters of access, appearance, landscaping, layout and scale. It is stressed that outline planning permission has been granted for a 3 or 4 bed dwelling and the principle of development cannot be revisited. The details of the reserved matters application must be in line with the outline permission, including any conditions.

6.4 Drainage has been raised as a matter of significant local concern. This is however dealt with under the remit of condition 12 of the outline permission. That said, the Agent has sought to address concerns arising by submitting details as part of the current application, to demonstrate that a layout can be achieved that enables sustainable foul and surface water drainage, avoiding pollution or exacerbating any existing run-off issues.

Access

6.5 There has been some suggestion, from local residents, that it was originally envisaged that access would be obtained via Hillcrest. However, the EBN DP, as 'made' by the Council on 21 August 2017, is not prescriptive in this respect. Similarly, the outline planning permission granted includes no stipulations in this respect. Moreover, the delegated Officer report for 191541/O states that the proposed dwelling would take access from the unclassified road to the north of the site, with the existing field gate forming the access point.

- 6.6 Similar local concerns have been raised as part of the current application, in relation to the restrictive nature of the access point, the limited visibility within the control of the applicant and the impact that this could have on local roads. However, the Council's Transportation team has considered the access details supplied and raised no objection subject to conditions. The road serves a small number of dwellings and a limited commercial enterprise. The potential difficulty, in practice, of achieving the 20m visibility splay required to the south-east by condition 6 of the outline permission, is appreciated. However, given the lightly trafficked nature of the road and low observed vehicle speeds, the modest uplift in vehicular movements associated with a single new dwelling would not lead to an unacceptable impact on highway safety or severe residual cumulative impacts on the road network, as per paragraph 111 of the NPPF.
- 6.7 Similarly, whilst noting that the driveway would exceed 45m in length, it would not be possible to provide access/turning for emergency vehicles within the site area, due to the restricted width of the access point and of the plot itself, as well as associated tree constraints. Given that outline permission has already been granted on the basis that safe access in this location was feasible, it would be unreasonable to refuse reserved matters on these grounds.
- 6.8 The recommendation made by the Transportation team includes conditions relating to visibility splays; the setting back of any access gates; vehicular access, driveway and parking area construction; and secure cycle parking provision. These have only been included where they are not already addressed by conditions attached to the outline permission. It is stressed that the driveway exceeds the desirable width of 3.2m (as set out in the Highways Design Guide).
- 6.9 Turning to another local concern, it is appreciated that the build process will lead to challenges in terms of construction vehicle access and unloading of materials, as well as the potential for parking on common land and disruption to local residents. Conditions 5 and 10 of the outline permission seek to alleviate these issues in terms of residential amenity (by restricting hours of working) and highway safety (via a Construction Management Plan CMP). Nonetheless, a further condition could be imposed to require details of a materials storage area and any temporary site operative facilities.
- 6.10 In terms of future enforcement of these conditions, it should be reinforced that this would only be where requirements were not being fulfilled, e.g. the area for site operative parking was not available. Planning enforcement is not intended to more widely enforce parking regulations or breaches of other legislation relating to driving over common land. Similarly, any access implications for, or easements required over, land within Church Commissioners' ownership are private matters which should not fetter the determination of this application.

Appearance, layout and scale

- 6.11 Ruckhall is comprised of a diverse mix of house sizes and styles but properties are generally detached and set within reasonably sized plots. It is fair to conclude that there is no prevailing vernacular, with the designs varying across the village. Brick and render are the predominant external facing materials, under natural slate and tiled roofs. The following paragraph is extracted from Policy EB1 of the EBNP, given its relevance to design considerations.

"The focus for new housing development is Eaton Bishop, but some small scale housing also may be permitted in Ruckhall, where proposals demonstrate particular attention to form, layout, character and setting of the site and/or they contribute to the social well-being of Ruckhall."

- 6.12 The plot is narrow and slopes up from the lane by several metres, which has led to the evolution of a bespoke design proposal that attends to these constraints. Amended plans have been submitted as a result of the need to address drainage concerns by setting the house further into the site and the need to reduce the ridge height. The proposed dwelling, as revised, has a narrow frontage with its proportions reflecting the width of the site. The principle elevation nonetheless retains a gable feature addressing the lane, with the bulk of the dwelling running back into the

site and excavated into the rising ground. The accommodation to be provided would provide for an open plan arrangement at ground floor and well-sized bedrooms at first floor.

- 6.13 On balance, whilst observing the raised ground level relative to the road, the modest height of the dwelling and its set back siting within the rural street scene, are found to be acceptable. Although it may have a greater degree of visual prominence than nearby dwellings due to its more elevated position, it would not disrupt the organic settlement pattern found in the village or cause material harm to the rural landscape in terms of views from the surrounding countryside. The scale of development, for a 4-bed, one and a half storey dwelling, is commensurate with the plot and would allow for a generous garden and ample parking space to be provided.
- 6.14 It is reinforced that the finished floor level (FFL) relative to the lane has increased by virtue of having to set the dwelling further back into the site to facilitate a gravity-fed drainage proposal. The house design has been amended accordingly, with the reduced ridge height (from 8.1m to 6.75m at the south-eastern corner) responding to its more elevated position. The siting of the dwelling, alongside the corrugated clad buildings at Yew Tree Farm, also ensures there would be no unacceptable impacts on the residential amenity of nearby properties.
- 6.15 As regards appearance, a balanced design approach has been adopted that is neither pastiche nor overtly contemporary, with the size and distribution of fenestration considered appropriate. In terms of the composition of external materials, the use of red/orange brickwork would be complemented by off-white render to visually 'break up' the elevations. Artificial roof slates are proposed, which would also be appropriate in this semi-rural setting.
- 6.16 The supporting documents indicate that consideration has been given to minimising the future carbon impact of the house. The use of a well-insulated air tight structure that minimises heat loss is to be supplemented by a low carbon heating system, in the form of air source heat pump. An electric vehicle charging point can be secured via a suitably worded condition and potable water efficiency measures are to be obtained under condition 18 of the outline permission. Provision for rainwater harvesting is already made within the drainage schematic drawing.
- 6.17 In summary, the appearance, layout and scale of the proposed development are acceptable.

Landscaping

- 6.18 Existing trees and hedges are being retained, as shown on the landscaping and ecological enhancement plan. New planting comprises a mixture of native hedging with occasional native and fruit trees and wildlife-friendly ground cover planting within the rear garden. This planting will provide additional screening along the site boundaries and assist in assimilating the scheme into its landscape setting, as well as enhancing the biodiversity value of the site.
- 6.19 Condition 17 of the outline permission is relevant to landscaping insofar as it requires hedgerow protection areas to be implemented during the construction process. It is observed that the revised siting of the dwelling may require some reduction works to boundary tree canopies. This is regrettable but a consequence of having to move it further back into the site. Similarly, whilst there would be extensive earthworks required, any disruption caused to the locality would be temporary and does not give rise to a reason to refuse reserved matters.
- 6.20 On balance, the rural landscape environment would be enhanced by the proposed planting, when weighed against the relatively minor adverse impacts described above. A condition can be imposed to require implementation of the submitted landscape scheme.

Other matters

- 6.21 Conditions on the outline permission relevant to biodiversity include conditions 14, 15 and 16, relating to ecological compliance, working methods and enhancement. These will remain to be satisfied through any relevant conditions discharge process. With regard to condition 14, it is not necessary for the Ecological Working Method Statement (EWMS) to be submitted as part of the reserved matters process.
- 6.22 As regards foul and surface water drainage, it is reiterated that condition 12 of the outline permission would continue to apply and require a discharge process prior to commencement of works. That said, Officers are satisfied that the work undertaken, and the technical comments received, provide sufficient assurance to enable approval of the relevant reserved matters of layout and scale. Although noting local concerns about the veracity of the revised drainage solutions, these are informed by a report prepared by a qualified engineer and predicated on site-specific testing of ground conditions. The findings and recommendation of the report are accepted by the Council's technical consultee. The updated drainage report addresses the matter of locally reported springs (suggested in the report to be surface water seepage) by way of a retaining wall along the northern boundary.
- 6.23 Should further clarification be required, despite the procedural advice set out above, Officers would highlight the drainage engineer's comments dated 2nd February 2023. It is stressed that for surface water, Policy SD3 says that development should not result in an increase in run-off and should aim to achieve a reduction in the existing run-off rate and volumes, where possible. Moreover, Policy EB7 of the EBNDP says that new development must be designed to maximise the retention of surface water on the site and to minimise run-off. These requirements should however be distinguished from any notion that the scheme must fully alleviate existing issues.
- 6.24 The foul solution is compliant with the requirements of condition 13 of the outline permission, insofar as a new private foul water treatment system is proposed with final outfall to an elevated drainage field / drainage mound on land under the applicant's control. Review of the Environment Agency's groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer. There is no current evidence to suggest that any registered private water supply, for human consumption, lies within 50 metres of the drainage mound. Although the mound would have an 'artificial' appearance, the visual harm arising is limited.

Conclusion

- 6.25 The layout, scale and appearance of the proposed new dwelling, along with the proposed landscaping, have been designed to harmonise with the built and natural context of the site and the verdant character of the area. The dwelling would also be served by safe and suitable access and appropriate car parking and private amenity space can be fulfilled.
- 6.26 The development therefore upholds the design requirements of Policies RA2, SD1 and LD1 of the Core Strategy and Section 12 of the NPPF. Furthermore, the proposed access and parking facilities satisfy the objectives of Policy MT1 of the Core Strategy. The development also accords with the design requirements of relevant EBNDP policies, particularly EB1 concerning new housing within the Ruckhall settlement boundary; EB4 regarding the protection of local landscape character and biodiversity; and EB5 in terms of requiring high quality design.
- 6.27 Accordingly, this reserved matters proposal is compliant with the development plan and the NPPF. There are no substantive reasons why approval should be withheld.

RECOMMENDATION

That reserved matters approval be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. YTF-PA-529601b; YTF-PA-5296-02d; YTF-PA-5296-03d; YTF-PA-5296-04c and YTF-PA-5296-06) except where otherwise stipulated by conditions attached to this reserved matters approval.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. The development hereby approved shall be carried out strictly in accordance with the approved schedule of materials, as found on drawing no. YTF-PA-5296-03d, unless samples and/or trade descriptions of alternative materials are submitted to and approved in writing by the local planning authority (in which case, development 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 SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy EB1 of the Eaton Bishop Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.

3. Development shall not begin until details of the intended materials storage area, the management of deliveries and the location of any temporary site operative facilities have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved. The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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

4. All planting, seeding or turf laying in the approved landscaping scheme (drawing no. YTF-PA-5296-02d) shall be carried out in the first planting season following the occupation of the dwelling 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

5. Existing boundary treatments shall be retained, unless otherwise specified on the approved plans or approved in writing by the local planning authority (in which case, development shall be carried out in accordance with the approved details).

Reason: To ensure the development is assimilated into its semi-rural setting, in order to conform with Policies SS6, SD1 and LD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

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

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

7. Prior to first occupation of the dwelling hereby permitted, written and illustrative details of the type/specification and location of a charging point to enable the charging of plug-in and other ultralow emission vehicles (e.g. provision of cabling and outside sockets) and serve the occupiers, shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements of policies in relation to climate change, including SS7, MT1 and SD1 of the Herefordshire Local Plan - Core Strategy; to assist in redressing the Climate and Ecology Emergency declared by the Council; and to accord with paragraphs 107 and 112 of the National Planning Policy Framework.

INFORMATIVES:

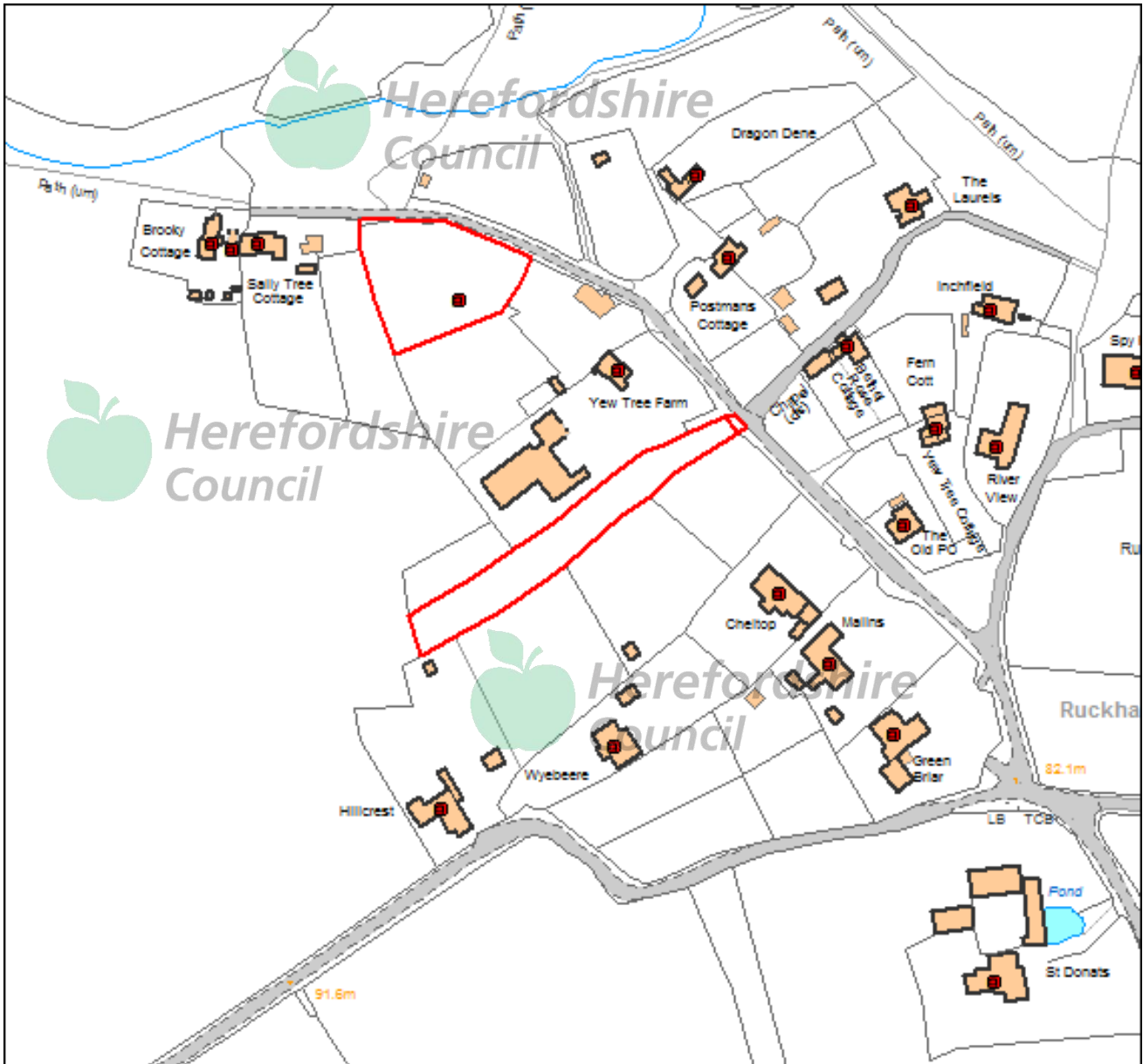
1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 3 September 2019, reference no. 191541/O. This application, for the approval of reserved matters, is granted subject to these conditions.
2. The applicant is reminded of the obligation to ensure that nearby public rights of way (EB19 and EB19A) are not obstructed during the construction period.
3. This approval does not imply any rights of entry onto or over adjoining property.

Decision:

Notes:

Background Papers

None identified.



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APPLICATION NO: 212518

SITE ADDRESS : LAND SOUTH OF YEW TREE FARM, RUCKHALL COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 APRIL 2023
TITLE OF REPORT:	<p>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</p> <p>For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230
Reason Application submitted to Committee – Re-direction.	

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

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

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 have¹. 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
- 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

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

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 1332m². The attenuation has been sized for a 1 in 100yr + 40% CC event. Assuming no infiltration, the required storage volume is 57.71m³. 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

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 reseeded 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:

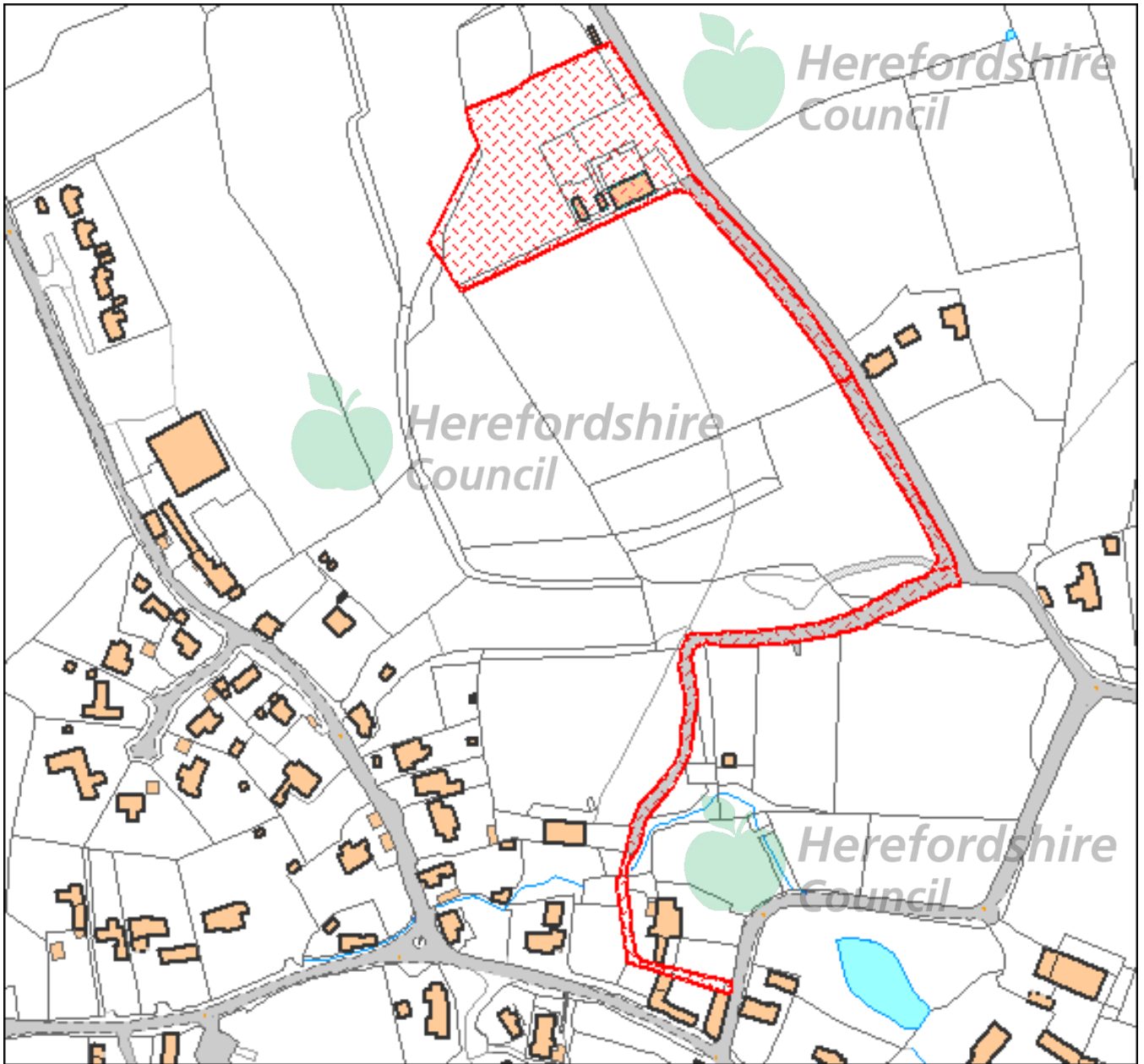
- 1. The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC) and the nature of the proposal triggers the requirement for a Habitat Regulations Assessment to be undertaken. Under the Regulations there is a requirement to establish with certainty, 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

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18th April 2023
TITLE OF REPORT:	220783 - PROPOSED CHANGE OF USE OF LAND AND LAUNDRY/WASH ROOM TO A BUNGALOW (RETROSPECTIVE) AND FOR A NEW DAY/LAUNDRY ROOM FOR EXISTING TRAVELLER SITE AT LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX For: Miss Walker per Miss Abigail Walker, New House at Bush Pitch, Hereford Road, Ledbury, HR8 2PX
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220783&search-term=220783
Reason Application submitted to Committee - redirection	

Date Received: 7 March 2022

Ward: Ledbury West

Grid Ref: 368988,239299

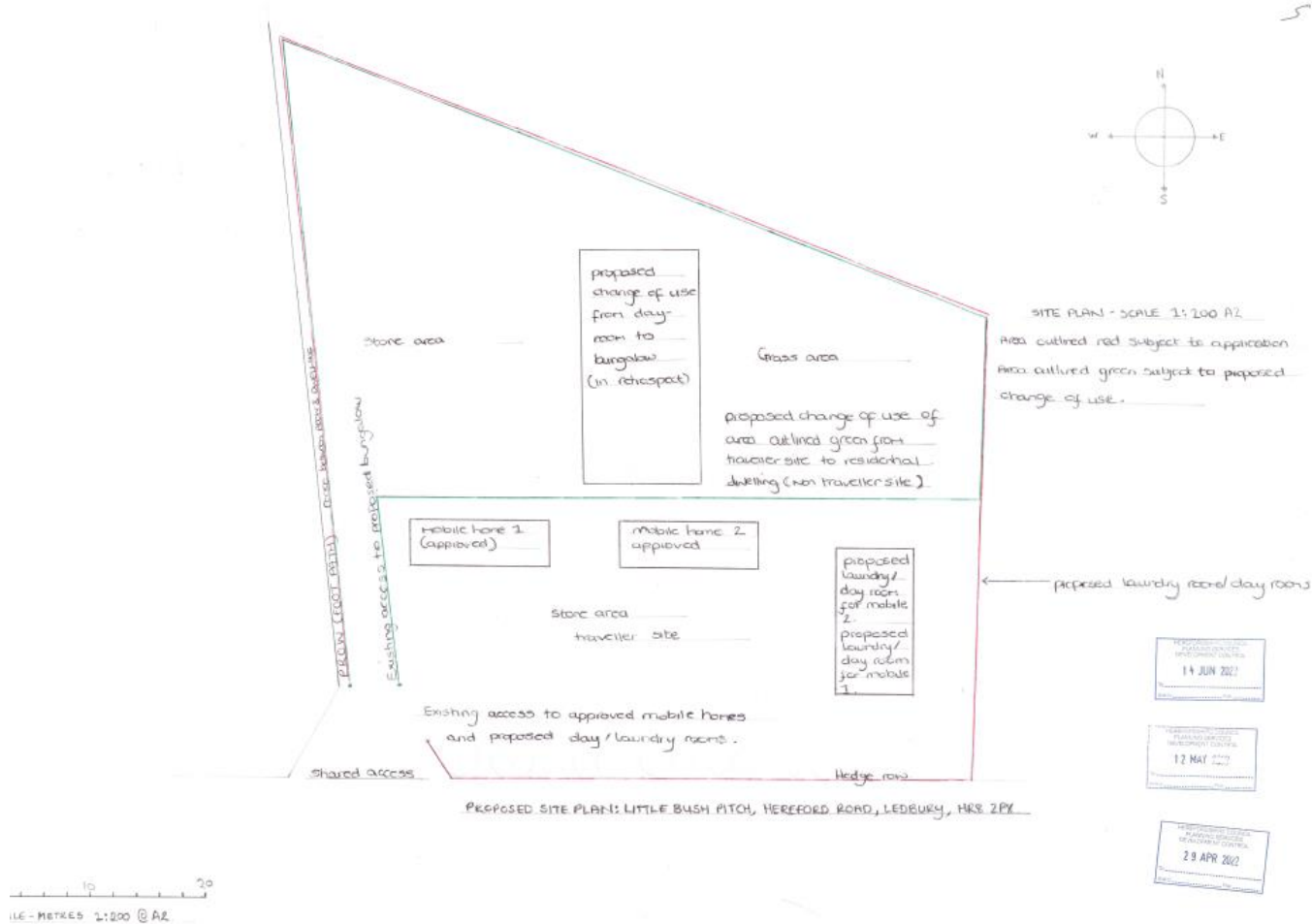
Expiry Date: 31 August 2022

Local Members: Cllr Phillip Howells and Cllr Liz Harvey neighbouring Ward Ledbury North

1. Site Description and Proposal

- 1.1 Little Bush Pitch is located between the A438 Ledbury Road and the railway line approximately one mile to the west of Ledbury.
- 1.2 The proposal seeks permission to continue the use of laundry/wash room as a single dwelling, subject to a gypsy/traveller occupation condition recognising the applicants continued status under that definition. Further, to regularise the revisions to the door and windows, to erect a replacement dayroom/laundry room and to separate the resulting garden from the two approved caravan pitches. Access to the pitches and day room would be off the existing driveway. The new dayroom/laundry measures approximately 13m x 6.5m with a ridge height of 5m, and is to be sited approximately 5m from the eastern boundary.
- 1.3 The proposal also includes the 'surrender' of the previous permission to erect a dwelling on this site, ref 174750 approved 26/6/18. In effect swapping one permission for another in terms of the number of dwellings on site. This would be required through a Section 106 Agreement.
- 1.4 The plan below shows the basic layout of the site and identifies the specific elements of the scheme to which this application relates. It includes separation of the bungalow from the approved pitches to enable occupation of the site by different families.

 Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815



2. Policies

Herefordshire Local Plan - Core Strategy

- SS1 – Presumption in favour of sustainable development
- RA3 – Herefordshire’s countryside
- H4 – Traveller sites
- 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
- MT1 – Traffic management, highway safety and promoting active travel

- 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:-
www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy

2.1.1 Travellers' Sites Development Plan- adopted October 2019

www.herefordshire.gov.uk/downloads/file/19182/travellers_sites_development_plan_document_october_2019_adopted.pdf

2.2 Ledbury Neighbourhood Development Plan

H02.3- Design Criteria for Residential Development
NE1.1 Protecting and Enhancing Biodiversity, Geodiversity and Green Infrastructure
SD1.3 Sustainable Design

2.3 National Planning Policy Framework

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes

2.3.1 Government Planning policy for traveller sites

[Title \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

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

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

3. Planning History

3.1 P193404 change of use from laundry/washroom to bungalow- withdrawn Aug 2020.

3.2 P174750 demolish existing timber bungalow and replace with new bungalow-approved 16/6/18. This permission has been implemented and remains extant.

3.3 P150831 Variation of Conditions Reference 131942/F (formation of 2 additional permanent pitches for static mobile homes and 2 additional pitches for touring caravans. Detached building for shower, laundry and storage purposes) - to enlarge the detached building for shower, laundry and storage purposes. Approved 17/7/15.

3.4 P141353 Non material amendment to planning permission 131942/F (Formation of 2 additional permanent pitches for static mobile homes and 2 additional pitches for touring caravans. Detached building for shower, laundry and storage purposes.) Enlargement of detached building to enable disabled access and to increase internal area. Approved 7/8/14.

3.5 P131942 Formation of 2 additional permanent pitches for static mobile homes and 2 additional

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pitches for touring caravans. Detached building for shower, laundry and storage purposes. Approved 25/11/13

- 3.6 DCNE2005/2297/F Change of use to one family gypsy site. Approved Oct 2005.
- 3.7 EN2023/003543/ZZ Enforcement Notice served 21/3/23, comes into effect 21/4/23. This was Served in order to safeguard the Councils position in respect of lawful development. It requires the cessation of residential use within 18 months unless an appeal is submitted by 21st April 2023.

4. Consultation Summary

4.1 Statutory Consultations

- 4.1.1 Severn Trent- no objection , no drainage condition required.
- 4.1.2 Network Rail have no comment to make.
- 4.1.3 Herefordshire Ramblers - No Objection: This development doesn't appear to have any impact upon the adjacent Public Right of Way, LR13, however we ask you to ensure that the developer is aware there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

4.2 Internal Council Consultations

- 4.2.1 Ecologist recommends conditions relating to biodiversity net gain and dark skies.
- 4.2.2 Transportation Manager – no objections, no conditions.
- 4.2.3 Licensing team – no objection.

5. Representations

5.1 Ledbury Town Council- Comments from the committee on behalf of the Town Council to Herefordshire Planners in regard to this planning application.

- As the committee has recently understood from several discussions in successive meetings on the application, and feedback from Cllr Howells, the Ward Councillor, with support from fellow Ward Councillor Harvey who knows more about the background to this site having been a longer serving councillor, it is clear this has long been a controversial site with a convoluted application history that is complex and difficult to fully understand even for those who are aware of the history - including planners, for which there have now been several case officers for this site to further complicate matters.
- As can be seen from the attached email audit trail, which has been shared by Ward Councillors with the council in order to help the committee reach a considered response to HC on whether to support the application or not, even the current case officer has had to familiarise himself with the case. This includes having to clarify how many pitches are/were approved (initially thought on review of this application to be maybe only two, but in fact is three).

As the Town Council understands it:

- Some time ago the site occupants sought and were given permission to build a permanent brick-based so-called 'day room' for the site, which as we now know is a designated one for three mobile pitches. At the time the site had one mobile unit in situ; a permanently sited caravan occupied by the applicants (a family with children, believed to be 3), with as is now

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established, permission for two other mobile pitches which the 'day room' was also intended support if and when the two other mobile pitches were occupied.

- But then things became obscure with the family moving in to live in the 'day room' (which was then to the same basic facilities design shown in the attached 'Proposed Plans 3' for a new 'day room' building as part of the current application) allegedly because the caravan they were living in had burnt down so emergency accommodation was needed.
- Having moved in, the 'day room' was then very significantly developed without planning permission to morph into what is now a very substantial permanent brick dwelling with 5 bedrooms and bearing no relationship whatsoever to the 'day room' it was meant to be, as shown in the attached 'Proposed Plans 2' and now the subject of the retrospective element of the planning permission being sought in the current application.
- This means the site is currently as shown in the attached 'Existing Plans 2022', with 2 mobile pitches and a very large bungalow presumably purporting to pose as the third 'mobile pitch' and no 'day room' which was presumably when applied for, felt to be a very important facility for the mobile pitch occupiers.
- The applicants then applied to build a further new dormer bungalow, which by default would have added a non-approved fourth 'pitch', but on discussion with planners it was agreed that this application would not be pursued, but instead the current one being considered for retrospective approval for the new bungalow and for a new 'day room' would be considered favourably by planners since, as per the email audit, it would preserve the three pitch permission (as shown in the attached 'Proposed plans 4').
- LTC feel that that there are a number of important questions that need satisfactory answers before any planning permission is given.

The questions to be answered include:

- Why was a second bungalow application made? There needs to be a better understanding of the reasons and background to making this application before we can support a retrospective decision to now not include the second bungalow, but still give retrospective permission to a major build of the first bungalow with no apparent proper evaluation process – such as the impact on the sensitive rural setting in which it is placed.
- What is the evidence for the reason needed to move the family into the 'day room' in the first place? Do we know there was a fire that destroyed the permanent caravan; what is the evidence for that? As far as can be ascertained, the family moved into the 'day room' when the caravan was still in situ and not burnt, but it was just 'moved' from the site once the day room was occupied.
- We would like to hear back from the planning case officer on this detail before feeling able to support the application. What seems to be the case is that a retrospective application is being considered for an unauthorised very large dwelling for a growing family, whereas we would ask, could the accommodation needed not have been simply adding with at least one new caravan/mobile unit to take up a second pitch of the three approved for this site without the development of a large bungalow?
- We would also like to ask planners to comment upon the pitch number approval for this site and if, in effect, the current bungalow being applied for retrospectively represents such a significant space and accommodation that would require two mobile units taking up the already authorised pitches. So if granted permission, could it not be seen to de-facto then be providing the equivalent of four pitches when added to the two existing mobile pitches?
- If this is agreed, would not the application for a second bungalow, now not being proceeded with, but by extension if this argument is accepted, have effectively increased the site pitch allowance to five by building creep?
- Our concern is that, if approved as the application stands, what conditions are planners considering to ensure that the same situation could not happen again, with the new 'day room'

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included in the current application then also being developed into another full residence to potentially further add to the number of effective pitches beyond the currently approved three?

- We would like to be reassured by planners, who we expect would have examined in more detail what has driven the site occupiers to go ahead with an unauthorised build, that whatever is approved does not take the number of allowed pitches beyond the current allowance. We are surprised this appears not to have been sufficiently challenged by planners before the current application submission was apparently negotiated and accepted.
- The Town Council understands there are substantial people resource issues in planning and so this could have been seen as a relatively simple application which a case officer could decide, (section redacted here)
- Before deciding whether to support or object to the application, we would like reassurance that due diligence has been given into why the applicants made the big adaption into a bungalow and then applied for permission retrospectively (section redacted here).

In our view, approval as things stand could well mean a contravention, not only of the pitch number approval, but an inadequate consideration of, as we know Cllr Harvey has put it: ‘.....*allowed development by stealth of permanent housing in open countryside contrary to RA3 without the case made for protected characteristics*’.

This case poses important strategic issues for traveller sites which we recognise are a vital aspect of supporting a mobile life-style, so we believe it is critical to answer these questions and ascertain the full facts before a planning decision is made which may set a precedent for similar potential site expansion applications for which this site has raised concerns.

We feel that a more detailed analysis and feedback should be conducted in line with our questions, so the council can have a more complete picture and reassurance about the implications of a retrospective decision before deciding if we wish to object or not.

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=220783&search-term=220783

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

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

6. Officer’s Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Ledbury Neighbourhood Area, the revised Neighbourhood Development Plan (NDP) is scheduled for referendum on 4th May and has significant weight in the planning balance.
- 6.3 Under the terms of CS policy RA3 the change of use of the this building to a dwelling would only be supported if it meets one of the excetional criteria that it outlines. In this case it seeks to provide for the needs of gypsies or travellers; criteria (7), and so as a basic principle meets the

requirements of the policy. The proposal does not seek to provide any net additional accommodation.

- 6.4 The circumstances surrounding the use of the existing dayroom as a dwelling are based on the applicants need to provide more immediate accommodation for their family. The permission to replace an existing timber bungalow with a new building (application ref 174750/F) has been implemented. However, even at the time of the assessment of the application, the officer's appraisal described the then existing timber bungalow as 'uninhabitable'. The subsequent use of the existing dayroom as a dwelling essentially became a more immediate solution to the provision of accommodation to meet a reasonable standard and expectation. It is now considered to be the most effective and pragmatic solution in the long term to retain the existing building as a dwelling, and to build a replacement dayroom/laundry building within the site.
- 6.5 The proposals to be considered here do not increase the quantum of approved development on the site. The permission granted under application ref 174750/F was for a substantial dormer bungalow. Whilst this permission has been implemented, the applicant has made a verbal undertaking that they will not complete it, and will enter into a legal agreement to effect this.
- 6.6 The existing dayroom/laundry for which permission is sought to use as a dwelling is smaller in its size and scale than the approved replacement bungalow granted under 174750/F with a footprint of 85 square metres as opposed to 155 square metres. Similarly the proposed replacement dayroom/laundry is more modest in its size and scale than the approved bungalow, and officers take the view that the proposal set out here has less of a visual impact than the situation as approved. Subject to conditions requiring the submission of details of the materials to be used in the construction of the new dayroom/laundry building, and some additional landscape planting, officers are of the view that the proposal represents a modest visual improvement and as such is compliant with CS Policy LD1 and NE1.1 of the Ledbury NDP.
- 6.7 In terms of highway safety there is no change to the current arrangements. The proposals do not give rise to an intensification in the overall use of the site and will not cause additional vehicle movements. It is therefore concluded that the proposal is compliant with CS policy MT1 and the requirements of the NPPF.
- 6.8 There are no proposed changes to drainage arrangements. It was previously found under application ref 174750/F that that the site could accommodate the drainage arrangements associated with the provision of additional accommodation on the site, and the proposal will not give rise to any intensification over and above the approved and implemented scheme. Officers are therefore satisfied that the scheme is compliant with CS policies SD3 and SD4.
- 6.9 The proposal would see the introduction of a new dayroom/laundry in closer proximity to a neighbouring dwelling (Highwinds). The dayroom will be within approximately 6 metres of the shared boundary; which is comprised of a closed boarded fence, and is approximately 8 metres from the closest opposing elevation – a blank gable end wall of a single detached garage. As currently shown, the dayroom has three windows and a door in the eastern elevation facing towards Highwinds. This relationship is not considered to be unsatisfactory and officers are satisfied that it will maintain acceptable levels of residential amenity in accordance with CS Policy SD1.
- 6.10 As submitted, the proposals do not make any provision for biodiversity net gain. The inclusion of additional planting, as referred to above, will help towards this, but it is recommended that, in order to meet the requirements of CS policy LD2 and NDP policy NE1.1 conditions be included to achieve biodiversity net gain and to protect against light pollution.
- 6.11 The following observations are made in answer to the Town Council summarised questions.

Why was a second bungalow application made?

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

This has been explained in the preceding paragraphs of the officer's appraisal, and particularly the rationale for using the existing dayroom as a dwelling rather than continuing with the completion of the extant permission granted under ref. 174750/F

What is the evidence for the reason needed to move the family into the 'day room' in the first place?

Reference has been made above to the previous officer report ref P174750 describing the 'timber bungalow' as uninhabitable. This, combined with the length of time that it would have taken to construct a the approved replacement dwelling have clearly been factors in the applicants decision to move into the dayroom.

We would also like to ask planners to comment upon the pitch number approval for this site.

The number of approved pitches is two. The original pitch DCNE2005/2297/F being superseded when P174750 was implemented.

If this is agreed, would not the application for a second bungalow, now not being proceeded with, but by extension if this argument is accepted, have effectively increased the site pitch allowance to five by building creep?

If approved there would be a 'tied' bungalow and two pitches. As stated above, the applicant has given a verbal agreement not to complete the bungalow approved under ref. 174750/F, and this would be secured through a legal agreement,

Conclusion.

- 6.12 An enforcement notice has been served given the possibility that this planning application may either be refused or otherwise not determined by the end of April. It requires the use of the laundry/dayroom as a dwelling to cease. It does not require the demolition of the building.
- 6.13 If the application is refused the fallback position is that the applicant could continue with the implemented permission ref P174750. This would appear to be a realistic proposition given that the applicants are already resident on the site.
- 6.14 Officers are satisfied that, given the ongoing need for gypsy/traveller accommodation, a refusal of planning permission here would only see the use of the dayroom as a dwelling cease and would not see the removal of the building altogether. The extant permission offers a realistic fall back and that it has a greater impact than the proposals before committee by virtue of its larger scale, a floor area of 155 square metres compared to 85 square metres, and therefore, on balance, the proposal is considered to be acceptable, subject to the completion of a suitably worded legal agreement that ensures that the extant permission for the erection of a bungalow granted under application reference number 174750/F is relinquished. The application is therefore recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 agreement not to complete implementation of planning permission ref. P174750 approved 16/6/18, planning permission be granted subject to the

Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1 Within THREE months of the date of this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO bat boxes (or similar features supporting bat roosting) and TWO bird nesting boxes (mixed types) and ONE Hedgehog 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.

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 policy LD2.

- 2 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 association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, and LD2.

- 3 The dwelling shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (DCLG, August 2015).

Reason: The nature of the development is such that it is only considered acceptable in this location as having regard to the applicants' special circumstances in accordance with Herefordshire Core Strategy policies H4 and RA3.

- 4 CA1 – Landscape scheme
- 5 CA2 – Landscape implementation

INFORMATIVES:

1. IP1 – Application approved without amendment

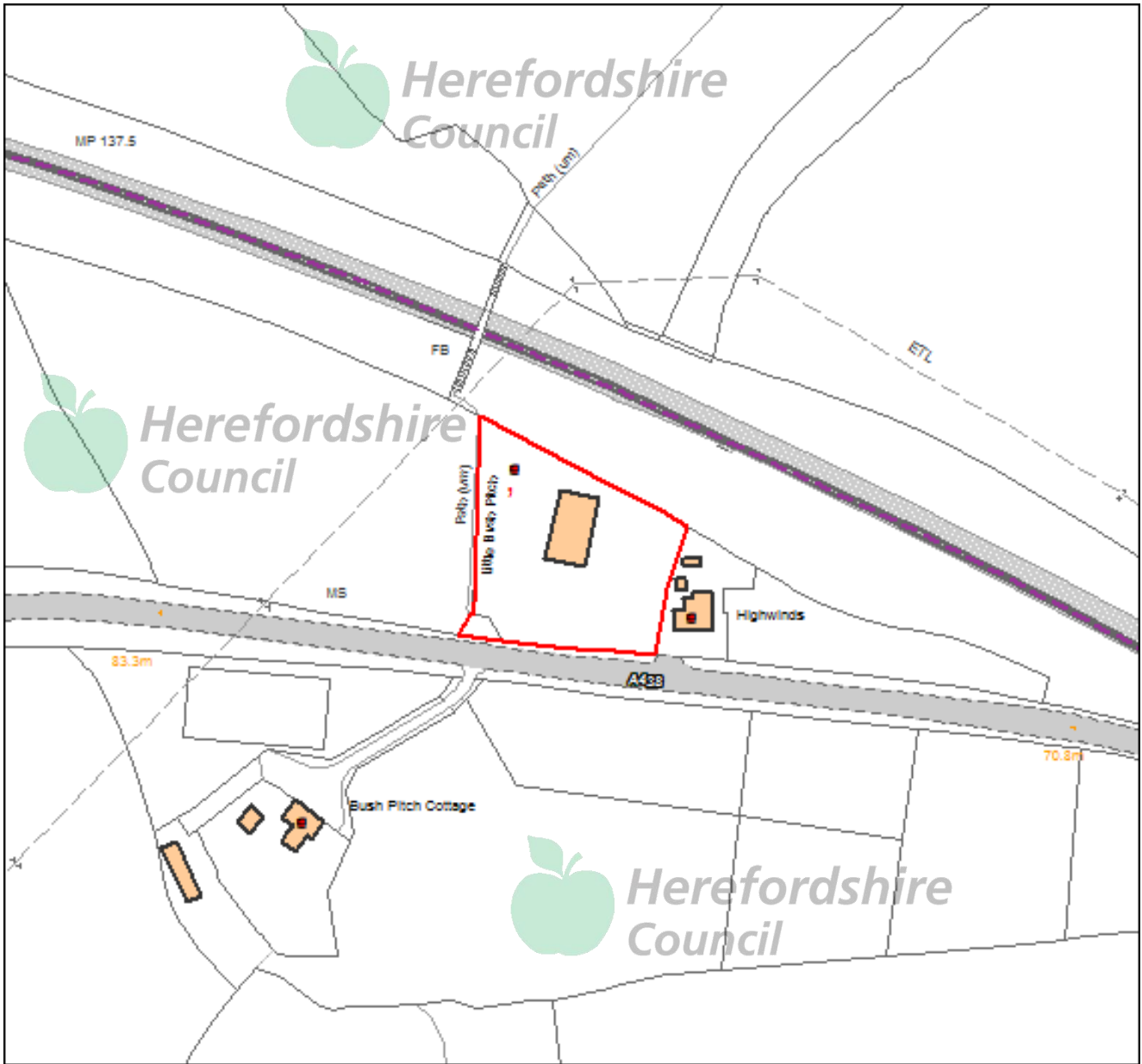
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 220783

SITE ADDRESS : LITTLE BUSH PITCH, BUSH PITCH, LEDBURY, HEREFORDSHIRE, HR8 2PX

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Further information on the subject of this report is available from Mr Mark Tansley on 01432 261815

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 April 2023
TITLE OF REPORT:	230076 - PROPOSED DETACHED GARAGE TO INCLUDE GARDEN ROOM WITH HOME OFFICE ABOVE AT ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HR6 0LG For: Mrs Brown per Mr Nick La Barre, Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire HR1 4JY
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230076&search-term=230076
Reason Application submitted to Committee – Staff interest	

Date Received: 5 January 2023

Ward: Hampton

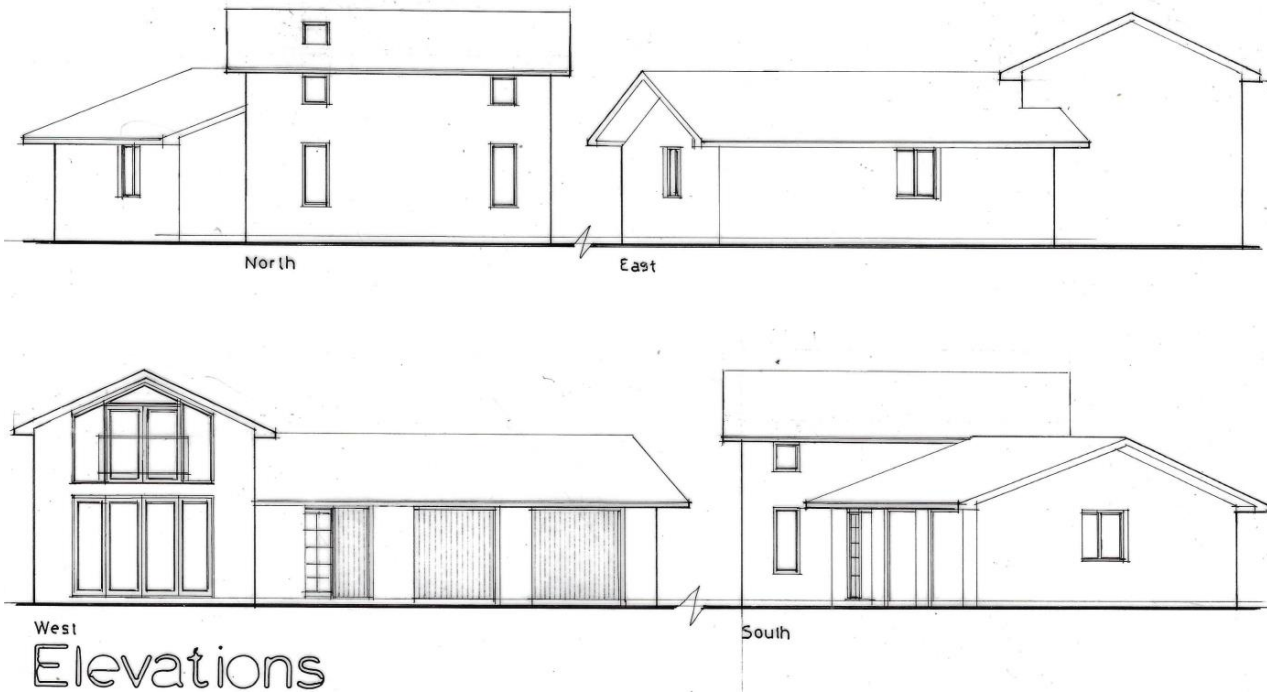
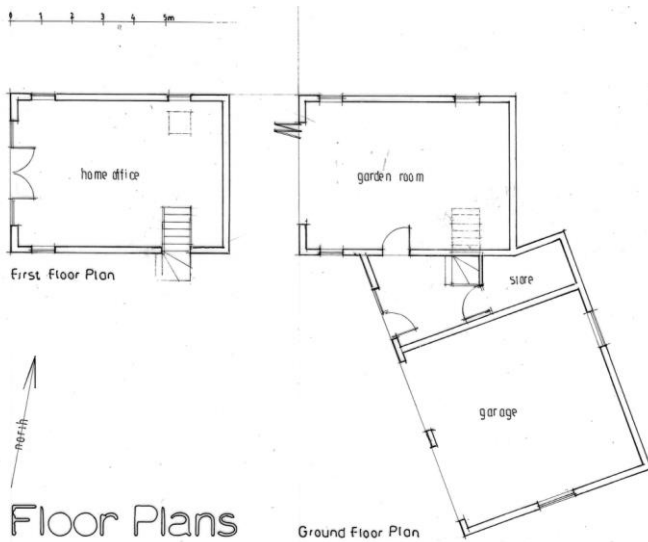
Grid Ref: 352068,256601

Expiry Date: 10 March 2023

Local Members: Cllr John Harrington

1. Site Description and Proposal

- 1.1 The application site relates to a two storey dwelling in the village of Stoke Prior. The dwelling is constructed of board, stone and brick walls, interlocking tiled roofing and uPVC framed windows and doors and lies within a generous plot and is set back from the roadside. There are mature hedgerows along the boundary line adjacent to the road and to the East which largely screens the dwelling from the roadside and neighbouring dwellings.
- 1.2 The proposal is for a two storey garden room and office with single storey garage and storage facility attached to the South. The two-storey portion of the development would be approximately 7 metres by 5 metres and 5.5 metres to ridge height. The attached single storey garage element will be South at an angle and extend approximately 9.5 metres away from the garden room/office at its longest point and be approximately 6.2 metres wide. All elements of the structure are proposed to be constructed in materials to match that of the host dwelling.
- 1.3 The proposed elevations, floor plan and photograph of the site are set out below for ease of reference.



2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- E3 – Homeworking
- LD1 – Landscape and Townscape
- 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

Further information on the subject of this report is available from Mr Jack Dyer on 01432 260000

2.2 The Humber, Ford and Stoke Prior Neighbourhood Development Plan

A referendum for voters within the Humber, Ford and Stoke Prior Neighbourhood Area was held on the 28 July 2016 and passed. The Humber, Ford and Stoke Prior Neighbourhood Development Plan is therefore part of the statutory development plan.

HFSP1 – Promoting a sustainable and thriving community

HFSP8 – Design criteria for housing and sites

HFSP12 – Developing and supporting local businesses

2.3 NPPF

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment

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

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

3. Planning History

Application number	Description	Decision
P200765/FH	Proposed single storey side extension and porch canopy.	Approved with conditions
P202180/AM	Proposed Non-Material Amendment to planning permission 200765/FH. Change of external material of extension from boarding to render for better visual effect.	Refuse
P202355/FH	Proposed single storey side extension and porch canopy.	Approve with conditions
P220753/AM	Proposed non-material amendment to planning permission ref 202355 – Re-positioning of proposed porch canopy and slightly larger extension.	Approve

4. Consultation Summary

Statutory Consultations

- 4.1 Historic England – Refer to LPA historic buildings officer

Internal Council Consultations

- 4.2 Historic buildings officer comments – *“Overall, there is no objection to the proposed plans from a heritage perspective.”*

5. Representations

5.1 Humber, Ford and Stoke Prior Parish Council –

“Humber, Ford & Stoke Prior Group Parish Council discussed this application at its meeting on Wednesday 1 February 2023. The applicants were present and were able to answer questions raised by Members. The development will support the applicants living and working from home (NDP policies HFSP1, HFSP8 and HFSP12 are all pertinent). Council was initially surprised by the scale of the proposed development particularly the two-storey home office/garden room. Combined, this part of the proposal would appear to have around 70sq. m of floor area with the garage adding a further 36 sq. m and the store approximately 18 sq. m. In total the proposal adds 124sq. m to Ashwood House, which Members commented could be seen as a small house in its own right. However, the plot is sizeable and if a condition was inserted ensuring that the proposal could never be a dwelling house then Council fully SUPPORTS the application. It was noted that there were no finishes specified for the proposal nor any drainage (run off) measures described but Council assumes that the planning officer will add appropriate conditions in these matters should consent be granted.”

- 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=230076&search-term=230076

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

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

6. Officer’s Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Humber, Ford and Stoke Prior Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 18 AUG 2016.
- 6.3 Policy SS1 reaffirms the core concept of the National Planning Policy Framework by outlining the commitment by the Local Planning Authority to take a positive approach that reflects a presumption in favour of sustainable development. Similarly HFSP 1 of the NDP also supports the presumption in favour of sustainable development.

- 6.4 Policy SS6 of the CS states that development proposals should conserve and enhance those environmental assets that contribute positively to the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets.
- 6.5 Policies LD1 and SD1 of the Herefordshire Core Strategy seek to specifically define the ways in which the LPA will address Policy SS6 of the CS. They outline that proposals should demonstrate that they will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents, and ensuring that design respects the scale, height, proportions and massing of surrounding development.
- 6.6 Policy HFSP 8 of the NDP outlines design principles for new development within the NDP area primarily for new housing but should still be considered as part of this appraisal. The policy outlines that neighbouring amenity should be protected and minimise disruption during the works being conducted. Similarly, policy HFSP 8 also suggests that design should complement locally distinctive features and the overall design, whether innovative or traditional should be sympathetic to the surrounding.
- 6.7 When considering the proposal and the amount of built development as a result of the proposal, it is not considered to be at a scale that would be unacceptable or constitute over development. The application site is a large plot within which a garage with a first floor would not necessarily be immediately considered out of character for the locality. The size and sale of the garage has been commented on by the Parish council as substantial. The applicant agreed prior to the parish council meeting to drop the height of the roof, including the eaves by 500mm to be sympathetic to the current boundary hedge in order to keep any overbearing effect to a minimum. As a result, the size and scale of the proposal is deemed acceptable given the lowers roof height and noting the significant hedge between the property and distance between the proposal and neighbouring property. (See photos below).
- 6.8 The materials proposed for the development are wall and roof materials to match the existing host dwelling and uPVC windows and doors that also match those installed on the host dwelling. The use of similar materials will ensure that the proposal will harmonise with the host dwelling and not be deemed distinctly out of character. As such, the proposal is deemed to accord with policies SD1 and LD1 of the CS.



- 6.9 Policies SD3 and SD4 of the CS states that development proposals should not undermine the achievement of water quality targets for rivers within the county and appropriately demonstrate water management to avoid an increase in flood risk.. The development proposal does not include details of how the surface runoff from the proposed development will be managed nor whether there will be any generation of waste water that will need to be managed. As such, the inclusion of a pre-occupancy condition for details of a waste water and drainage management strategy, to be approved

in writing by the LPA is recommended in order to ensure that water quality targets and waste water are appropriately managed in accordance with policies SD3 and SD4 of the CS.

- 6.10 The building in this case is not listed in of itself but is located adjacent to two listed buildings to the south. The building is not of any particular architectural merit itself, and it is considered that the building is sufficiently distanced from the adjacent heritage assets to avoid any detrimental impact on the setting of the listed buildings. No conflict with policy LD4 is found.
- 6.11 The proposal also refers to a home office and as such, policy E3 of the CS should be considered as part of the application, along with NDP policy HFSP 12 both of which deal with working from home arrangements and supporting local businesses. Policy E3 states that the Council recognises the value of home working and the potential to encourage and expand homeworking, by allowing small extensions and conversions where the proposed use and operation are acceptable. Policy HFSP12 states that proposals for the development of local businesses appropriate to the local character will be encourages where they result in sustainable economic growth. Home working and live/work units will in particular be encouraged.
- 6.12 These policies directly support the modification of residential planning units to accommodate working from home which is what this proposal, in part, seeks to achieve and as such accords with policies HFSP12 and E3 of the NDP and CS respectively.
- 6.13 Due to the proposed site location being set back from the road and with the closet neighbouring dwelling on the west side of the property located some 17 metres from the site, the proposed extension is not considered to impact upon the amenity of the adjacent neighbouring residents, with regard to overshadowing and overlooking with sufficient distance to alleviate any concerns. Similarly, there are no second storey windows proposed on the East elevation that would cause potential overlooking concerns. Therefore, the proposal is considered to adhere to the requirements of both SD1 of the CS and NPPF Chapter 12.
- 6.14 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy and the Humber, Ford and Stoke Prior Neighbourhood Development Plan together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

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 (full permission)**
2. **C06 – Development in accordance with the approved plans**
3. **CBO – Scheme of surface water drainage**

INFORMATIVES:

1. **IP2 – Application approved following amendment**

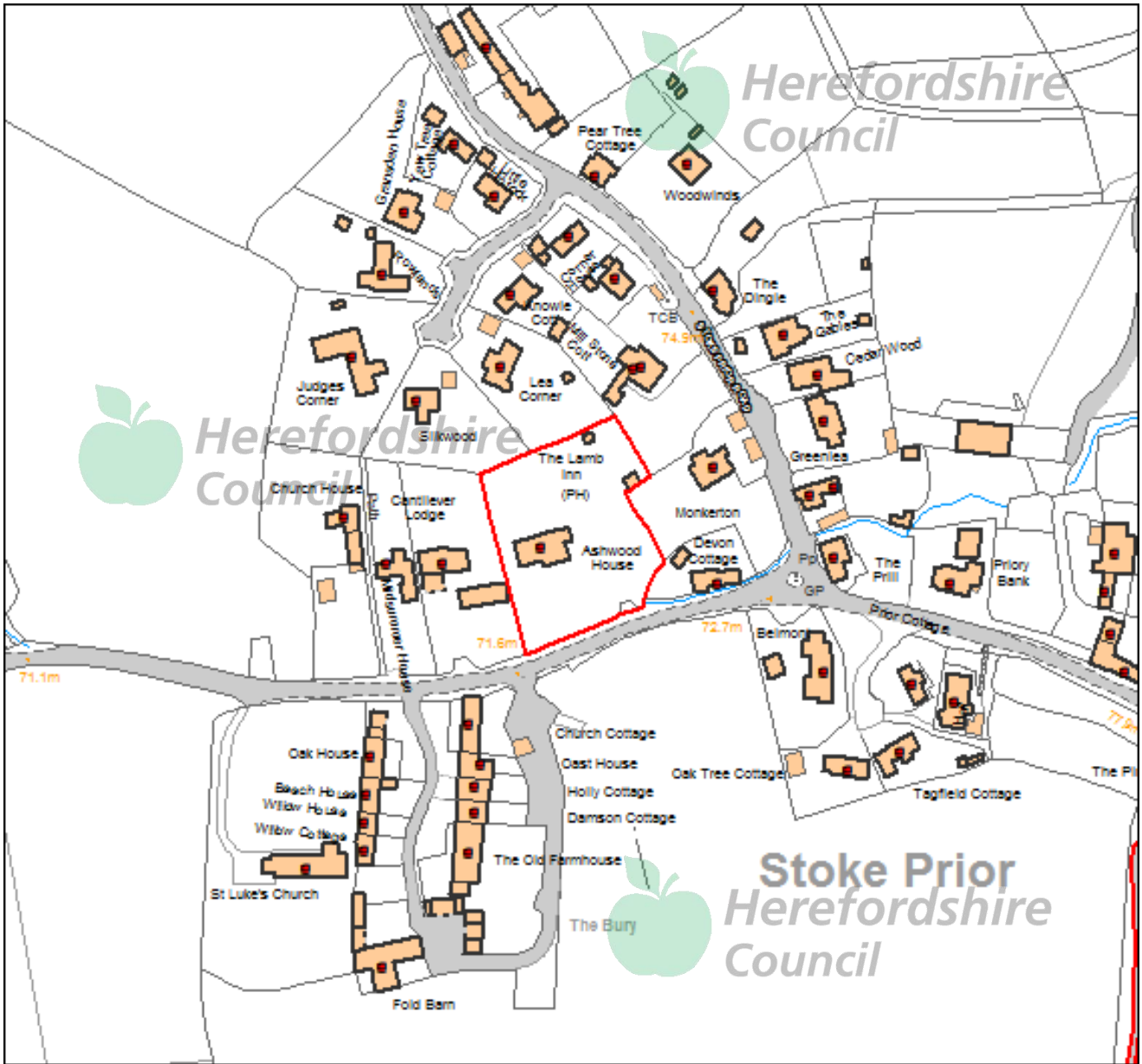
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 230076

SITE ADDRESS : ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

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