

Agenda

Planning and Regulatory Committee

Date: **Wednesday 28 June 2023**

Time: **10.00 am**

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

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and Regulatory Committee - Wednesday 28 June 2023 10.00 am](#)

For any further information please contact:

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Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson **Councillor Terry James**
Vice-chairperson **Councillor Clare Davies**

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Dave Boulter
Councillor Simeon Cole
Councillor Dave Davies
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Daniel Powell
Councillor Stef Simmons
Councillor John Stone
Councillor Richard Thomas
Councillor Diana Toynbee

Agenda

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PUBLIC INFORMATION	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
SCHEDULE OF UPDATES	
PUBLIC SPEAKERS	
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 Table 1, Table 2 or Other Interests from members of the committee in respect of items on the agenda.	
4. MINUTES	11 - 32
To approve the minutes of the meeting held on 18 April 2023.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 221604 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ	33 - 54
Proposed erection of a detached dwellinghouse.	
7. 224160 - 26 WHITEHORSE SQUARE, HEREFORD, HEREFORDSHIRE, HR4 0HD	55 - 68
Proposed change from garden room/gym to one bedroom holiday let. Parking to be provided at rear of property. (No external changes to building).	
8. DATE OF NEXT MEETING	
Date of next site inspection – 25 July 2023	
Date of next meeting – 26 July 2023	

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 Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Daniel Powell	Liberal Democrat
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Diana Toynbee	The Green Party

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 Tuesday 18 April 2023 at 10.00 am

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

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Elizabeth Foxton, John Hardwick, Mark Millmore, Jeremy Milln, Felicity Norman, Nigel Shaw, John Stone and Yolande Watson

In attendance: Councillors John Harrington and David Hitchiner

Officers: Development Manager North Team and Legal Representative

78. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dave Boulter, Clare Davies, Tony Johnson and Ann-Marie Probert.

79. NAMED SUBSTITUTES (IF ANY)

Councillor Nigel Shaw acted as a substitute for Councillor Johnson.

Councillor John Stone acted as a substitute for Councillor Probert.

80. DECLARATIONS OF INTEREST

There were no declarations of interest.

81. MINUTES

RESOLVED: That the minutes of the meeting held on 15 March 2023 be approved.

82. CHAIRPERSON'S ANNOUNCEMENTS

The Chairman explained that due to the receipt of additional information the application under agenda item no. 9, application 220783 – Little Bush Pitch, Bush Pitch, Ledbury, Herefordshire, HR8 2PX had been deferred from consideration at the current meeting.

83. 181943 - LAND TO THE NORTH OF SCHOOL ROAD (U66207), TARRINGTON, HEREFORDSHIRE (Pages 13 - 16)

Councillor John Hardwick 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 Mr Watkins, local resident, spoke in objection to the application and Mr Foley, the applicant, 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 the site visit had been useful in order to see the site in context and in particular its relationship to local heritage buildings and the church. The site had been allocated for development in the neighbourhood development plan (NDP). The Landscape report produced for the NDP had recommended that development was restricted to a maximum of six houses in the Southeast of the site; the application sought outline permission for the development but it was felt that the proposed dwellings were further to the North than had been intended. The reserved matters application should return to the committee to determine and should include detail of how the application responds to concerns about the impact on heritage assets and contain more detail of the housing mix as required by the NDP.

The committee debated the application. There was concern regarding the impact of the proposed tarmac footpath which connected the development to the A438 and its impact on the rural character of the area. It was understood that the local highways authority would not adopt the path unless it was constructed of tarmac but it was felt that the surface of the path should be sympathetic to the local environment. In a change to the conditions the committee requested that a management agreement should be undertaken with the applicant to maintain the footpath which should be constructed in a material other than tarmac.

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

The Development Manager North Team explained that a change was required to condition 7 to make reference to a management agreement with the landowner for the footpath from the site to the A438.

A motion that the application be approved in accordance with the case officer's recommendation and a change to condition 7, to include a requirement for a management agreement to be undertaken with the landowner for the maintenance of the footpath from the development to the A438, was proposed by Councillor Polly Andrews and seconded by Councillor Paul Andrews. The motion was put to the vote and was carried by a simple majority.

RESOLVED - That:

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 and a change to condition 7, to include a requirement for a management agreement to be undertaken with the landowner for the maintenance of the footpath from the development to the A438, 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 is 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 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'.

There was an adjournment at 11:21 a.m.; the meeting reconvened at 11:31 a.m.

Councillor John Hardwick resumed his seat as a member of the committee.

84. 212518 - LAND SOUTH OF YEW TREE FARM, RUCKHALL, COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX (Pages 17 - 18)

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 Chatwin spoke on behalf of Eaton Bishop Parish Council, Ms Wall, local resident, spoke in objection to the application and Mr Pryce, 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 there were two significant matters to be

resolved after the outline permission had been granted; drainage and access. There had been 10 local objections to the application which was significant given the size of the community in Ruckhall. The report referred to a solution by the drainage engineer which included a drainage channel and soakaway however neither of these elements appeared on the plans. The report also did not explain where the drainage channel would be connected to the local drainage network. During construction there would be very limited parking for site operatives, access to the site along narrow lanes would be problematic and mud on the road would cause a problem to local residents.

The committee debated the application. There was significant concern regarding drainage and the impact of construction on the local community.

The local Ward member was given the opportunity to close the debate. He explained that clarification was required concerning the drainage channel.

A motion that the application be deferred in order that further detail regarding: drainage and flood mitigation; and the construction management plan, including parking for site operatives and access for vehicles delivering construction material; be submitted was proposed by Councillor Yolande Watson and seconded by Councillor Felicity Norman. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

Consideration of the application is deferred and further detail regarding: drainage and flood mitigation; and the construction management plan, including parking for site operatives and access for vehicles delivering construction material; be submitted.

85. 204230 - PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND (Pages 19 - 22)

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 Mr Thomas, 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 the occupational need for the development had been established but concern persisted about the potential impact of phosphates from horse manure upon the local river catchment. It was noted that the phosphate content of horse manure was relatively low compared to chicken manure. The proposed section 106 agreement would provide certainty around the management of manure and the application would establish development control on the operation of the equine facility. The application was supported.

The committee debated the application.

A motion that the application be deferred to allow the applicant more time to develop and agree the proposed section 106 agreement was proposed by Councillor Sebastian Bowen and seconded by Councillor Nigel Shaw. The motion was put to the vote and was lost by a simple majority.

The local ward member was given the opportunity to close the debate. He explained that the proposed section 106 agreement would achieve efficient manure management for the benefit of the catchment.

A motion that the application be refused in accordance with the case officer's recommendation was proposed by Councillor Yolande Watson and seconded by Councillor Jeremy Milln. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

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.**

86. 230076 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

The planning officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he supported the application subject to the parish councils request for a condition restricting the development being used as a separate dwelling and clarification of drainage measures.

The committee debated the application. There was concern that the development could become a separate dwelling and it was queried how the council could condition the permission to prevent this from occurring.

The Development Manager North Team explained that a condition could be attached to the permission to ensure that the development could not be sold or let separately to the main dwelling.

A motion that the application be approved in accordance with the case officers recommendation and a condition to restrict the sale or letting of the development as a

separate dwelling was proposed by Councillor Paul Andrews and seconded by Councillor John Stone. The motion was put to the vote and was carried unanimously.

RESOLVED – that:

That planning permission be granted subject to the following conditions, an additional condition to restrict the sale or letting of the development as a separate dwelling 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**

The meeting ended at 1.10 pm

Chairperson

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

UPDATE TO OFFICER REPORT

The following internal consultation responses were omitted from the published Officer Report.

Land Drainage Team – comment

23/1/23 - We have been reconsulted on the above site as we understand that the proposals have been amended to 6 new dwellings rather than 9. The drainage proposals appear to remain unchanged. Under the same application number, we provided a consultation response in July 2022 whereby the proposed foul water drainage system was approved in principle with further details to be confirmed at Discharge of Condition stage. Further investigations of the Welsh Water Sewer Network show that a gravity fed connection may be achieved to the northwest of the site . As per our previous response (attached), this option must be explored. Our previous comments still stand.

14/7/22 - The Applicant proposes the construction of up to 15 dwellings. The site covers an area of approx.0.85ha and is currently a Greenfield site. An ordinary watercourse flows along the eastern boundary of the site. The topography of the site slopes down from approx. 90.5m AOD in the southwest to the northern, eastern and southern site boundaries at 83m AOD, 82m AOD and 85m AOD respectively.

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. This application has been supported by a Flood Risk Assessment (FRA).

The FRA has considered the risk of flooding from fluvial flooding, surface water, groundwater, sewers, reservoirs and any other manmade sources.

Flood risk; -

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located

within an area at risk of surface water flooding. The flows are demonstrated to be contained within the Tarrington Brook. It has been stated in the Planning Statement that the Finished Floor Levels will be raised by 300mm.

We agree with this proposal. The overland flow routes have been considered to direct flows towards the Tarrington Brook (located to the East of the site).

Local residents have raised concerns of flooding in the area. It is thought that this development may have a detrimental effect on the area. The Applicant has demonstrated that the surface water runoff can be controlled to below QBAR, thus no additional flows will be discharged into the brook.

There was mention of the culvert under School Lane and how this has been unable to cope with flows in the past. There are two culverts under School Lane. It is assumed that the downstream culvert is being referred to (as this development will have no bearing on the flows through the upstream culvert).

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 has not undertaken infiltration testing. It was assumed that infiltration is not viable as the ground was boggy upon site visit. It may be that there is a permeable layer of soil beneath the surface.

In line with the drainage hierarchy, the Applicant should undertake infiltration testing in accordance with BRE365 to establish whether infiltration techniques are a viable option. The groundwater level should also be established to be a minimum of 1m below the base of any unlined infiltration features. 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. The drainage strategy should be redesigned to include soakaways if infiltration rates permit.

It should be noted that soakaways should be designed for a minimum 1 in 30 year design standard, 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.

The Applicant is currently proposing to provide an attenuation pond (92m³) in the lowest part of the site with restricted outfall into the Tarrington Brook at 21/s (62mm hydrobrake). QBAR has been calculated to be 3.41/s/ha. The impermeable area for the site is 0.326ha, thus the discharge rate is approx. 1.11/s. When the QBAR value is less than 21/s/ha, it is considered acceptable to use the higher value of 21/s/ha for events up to the 100 year return period.

10% urban creep has been accounted for. This is to account for possible replacement of permeable driveways with non-permeable driveways in the future by homeowners who may be unaware of the purpose of permeable driveways. It also accounts for the additional of any impermeable area to gardens etc.

The Applicant has provided MicroDrainage submissions for the ICP SUDS (QBAR calculation) and Network Calculations, however no evidence of providing storage for the 1 in 100 year + 40% cc storm event has been provided.

The invert level of the outlet (box culvert 1500mm⁰) into the pond has not been stated, however it must be lower than 82.638. The hydrobrake invert level is set at 82.600, this is 38mm below the box culvert before the pond. This means that the pond will be dry for the majority of the time. In storm events, it is likely that the system will back up as water will be above the inlet. This should be redesigned to ensure that the pond is providing storage for flood events.

The Applicant should confirm the level of the outfall into the Brook. The Applicant should also provide details of how the respective box culvert sections will be jointed.

The Applicant must provide a MicroDrainage submission to demonstrate that the system has been designed to cope with the 1 in 100 year + 40% climate change event.

For the proposed outfall to the 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. The ownership of the land either side of the watercourse should be clarified as permission may be needed from adjoining houses.

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 consider the management of surface water during extreme events that overwhelm the surface water drainage system (including temporary surcharging of gullies) and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

Consideration has been given to the control of potential pollution of ground or surface waters from wash down and vehicles. The Applicant is providing trapped gullies, permeable paving and an attenuation basin.

The Applicant must confirm the proposed adoption and maintenance arrangements for the shared surface water drainage system. The Applicant should confirm whether this road is to be put forward for adoption, an approval in principle will be required for the box culvert.

Foul water drainage; -

The Applicant is proposing to connect to the existing public foul sewer located to the east of the site.

This will require a pumping station (proposed to be located adjacent to the pond), which will be put forward to Welsh Water for adoption.

We note that in a response from Welsh Water (dated 15/06/2018), the utilisation of a foul water pumping station should be explored and discussed further with Welsh Water Engineers as part of the Adoption Agreement.

Prior to a pumping station being confirmed, the Application should show that all other gravity fed/direct discharge options have been explored.

Overall comment; -

In principle we do not object to the proposals, however we recommend that the following information 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;
- If infiltration techniques are a viable option, the drainage strategy should be revised to demonstrate 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 revised detailed surface water drainage strategy (please review comments in 'Surface Water Drainage' section^ with supporting calculations and evidence that there is sufficient onsite 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 including climate change;
- Provision of a revised foul water drainage strategy which considers a gravity fed discharge;
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed surface water and foul water drainage systems. The Applicant

should confirm whether the access road is to be put forward for adoption, an approval in principal will be required for the box culvert.

ADDITIONAL REPRESENTATIONS

A further representation from a local resident has been received following the publishing of the Officer Report / Agenda pack, raising concerns with respect to flooding from the Tarrington Brook to the north of the site. The comments can be summarised as follows;

- Flooding at Sparchall Farm has been increased by the discharge from housing developments in Tarrington.
- Copies of correspondence from Malvern Hills District Council between 1976 and 1982 relate to the Council's efforts to mitigate known flooding problems on Sparchall Farm land. This relates to housing at Barrs Orchard.
- Flooding would be exacerbated by more water coming from the Barrs Court development with matters worsened further after the development of Pound Close.
- Situation need urgent consideration and also should be taken into account on planning application 181943.

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

For: Mrs James per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

UPDATE TO OFFICER REPORT

Further to paragraph 6.24 of the report, advice has been received from the Council's Private Water Team that there is a registered private water supply to the north-east at Bethel Rose Cottage. Whilst this may lie within 50m of the proposed drainage mound, this matter would be considered as part of the necessary permit application to the Environment Agency. It does not give rise to a reason to withhold reserved matters approval.

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

For: Mr & Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ

UPDATE TO OFFICER REPORT

Additional to the updated Officer Report dated and scheduled for the Planning and Regulatory Committee on 18 January 2023 (withdrawn from the agenda), the following supplementary comments can be made.

In January 2023, the applicant submitted a Manure Management Plan and draft Section 106 agreement with respect to addressing the impact of the increased manure generated from the intensification of the equine enterprise (increased stabling provision proposed). This was considered by officers and for the reasons as set out comprehensively in the comments received from the Planning Ecology Team, it remains the case that the application, 'the project' in its entirety, is not able to demonstrate nutrient neutrality. As such, in accordance with the 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'), Part 6, section 63(5) – it would not be lawful to grant planning permission when an adverse effect on the integrity of a protected site has been identified.

Planning Ecology Comments (16 January 2023)

Background from previous comments

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 – nutrient neutrality 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 proposed development would support the potential for a maximum of 12 additional horses to be stabled at the site – with associated additional manure created which is an additional source (pathway) for phosphates in to the River Lugg SAC.

Additional comments in respect of supplied Manure Management Plan and draft s.106 agreement

The supplied Manure Management Plan (MMP) appears to be based on 19 horses – this number does not relate to existing potential occupancy (baseline) or the maximum potential additional number of horses the development would facilitate, or the potential total maximum number of horses on the site based on existing and proposed provision of stabling.

The supplied additional information appears to be based on Nitrogen rather than Phosphate which is the relevant constraint requiring Nutrient Neutrality to be demonstrated on a precautionary basis and with scientific and legal certainty for the operational lifetime of the proposed development.

The MMP is based on Nitrate Vulnerable Zone considerations and standard farming manure management practices and regulation that have not been demonstrated as HRA compliant; in particular as demonstration of Phosphate Nutrient Neutrality within the River Lugg SAC catchment is the required outcome.

The movement of manure offsite has been proposed but no nutrient neutrality for the P moved offsite has been demonstrated. The AD plant systems as proposed for offsite management of manure do not destroy P – so the input and output levels of P from an AD remain the same. The proposed receptor site for the exported manure is located within the River Lugg SAC catchment. As currently proposed, the additional P created by the intensification supported by the proposed development and exported from site remains within the Lugg catchment and has pathways to the River Lugg SAC.

No details to demonstrate that there are no P pathways in to the River Lugg SAC during the storage of additional/total manure on the site prior to export/spreading have been supplied.

No 'legacy' P calculations for fields proposed for spreading have been supplied to demonstrate that agricultural cropping for the proposed area of spreading will achieve nutrient neutrality for the additional application of manure proposed. This balanced application of nutrients must demonstrate how it will deliver required nutrient neutrality for the operational lifetime of the proposed development.

The supplied draft s.106 agreement does not appear to provide certainty of how any nutrient neutrality systems proposed can be secured, monitored and enforced for the operational lifetime of the proposed development. This includes securing what actions will be undertaken to ensure equine operations remain nutrient neutral should the proposed receptor AD plant fail, no longer operate or cannot be used to manage manure created by intensification supported by this development. This s.106 presumes nutrient neutrality in respect of additional digestate created by the AD has been scientifically and legally demonstrated as nutrient neutral for the lifetime of the development – this is not the case.

From supplied information significant uncertainty remains that the required nutrient neutrality can be demonstrated, secured, monitored or enforced for the proposed development and the equine intensification it supports.

ADDITIONAL REPRESENTATIONS

A further representation from applicant's agent has been received following the publishing of the Officer Report / Agenda pack, provided below:

Rebuttal Statement April 2023

Location: Priory Farm, Stoke Prior, Herefordshire

Proposal: Proposed alterations and development of existing equine facilities to form a new indoor arena, stabling and an essential worker's dwelling.

Prepared on behalf of the Applicant: Mr and Mrs Pearson

Planning Application Reference: 204230

1 SUMMARY

1.1 The principle of the development has already been unanimously approved by the planning committee in February 2022.

1.2 The Parish Council supports the proposed development.

1.3 There are several public interest letters supporting the proposed development.

1.4 The power to impose conditions when granting planning permission is very wide. It is imperative the Planning Committee uses its wide scope of powers to impose suitable conditions in the planning permission as set out in... *Circular 11/95: Use of Conditions in Planning Permissions. 5th May 2006*;

1.5 A condition can be written requiring a Section 106 Agreement. The draft agreement and Frontier Report appended to that agreement would ensure a high level of animal husbandry and site management of equine manure. Such a condition would remain within the control of Herefordshire Council in perpetuity and within the scope of The Conservation of Habitats Species Regulations 2017.

1.6 Regulation 63 (6) states: *"In considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to **any conditions** or restrictions subject to which they propose that the consent, permission or other authorisation should be given."*

1.7 As the site does not *"host"* a priority natural habitat type, or a priority species... *imperative reasons of overriding public interest* required under Regulation 64, does not apply.

1.8 The residential foul drainage element of the proposal is satisfied and, with regard to permitted equine practice – in the spirit of the moratorium – the applicant can demonstrate phosphate neutrality certainty via the extinguishment of permitted historic equine intensity and, the provision of betterment in the management of the potential for phosphate to enter a SAC. It is noted the relevant SAC is located at some considerable distance from the site area and, it is noted equine manure has a low phosphate content where by hand picking of equine manure from the fields on a daily basis is good standard practice.

2. PART VI TOWN AND COUNTRY PLANNING ACT 1990

2.1 The Applicant is mindful should the Planning Department refuse the application or, retroactively impose unreasonable conditions, they are at liberty to serve a purchase notice on the Council in accordance with the above Act.

3 CONCLUSION

i) The proposed condition requiring a Section 106 would comply with the regulations and the spirit of the *"phosphate moratorium"* in perpetuity;

ii) The planning approval would bring the site under effective planning control and extinguish historic equine use from 110 horses to just 28;

iii) The housing element of the proposal is satisfied such that it is confirmed there is acceptable neutrality of phosphate entering the SAC.

Web links to draft section 106 agreement – application 204230:

[Draft Section 106 Agreement](#)

[Draft Section 106 Agreement - Appendix 1 Plan of Land](#)

Draft Section 106 - Appendix 3 Manure Management Plan

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	28 June 2023
TITLE OF REPORT:	221604 - PROPOSED ERECTION OF A DETACHED DWELLINGHOUSE AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221604&search-term=221604
Reason Application submitted to Committee – Redirection	

Date Received: 16 May 2022
Expiry Date: 10 November 2022

Ward: Wormside

Grid Ref: 348327,231174

Local Member: Cllr Richard Thomas

1. Site Description and Proposal

- 1.1 The application site is located within Much Dewchurch Parish, to the south east of Church View, which comprises a collection of semi-detached dwellings. It lies to the north east of the B4348 which runs through Much Dewchurch. The application site fronts the road, forming its south western boundary and is bounded to the west by the residential curtilage of No 6 Church View. The eastern boundary follows irregular form being informed by the adjacent flood zone.
- 1.2 The application is made in full for the construction of a detached three bedroom dwelling with access off the B4348. The dwelling proposed would be a two storey property constructed of weathered red bricks to the elevations under a brown tiled roof. The principle elevation has been amended to utilise simple architectural features in keeping with the neighbouring dwellings at Church View, with projecting gable to the rear providing open plan dining area at ground floor and master bedroom at first floor.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

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

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

2.2 **National Planning Policy Framework (NPPF)**

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

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

3. **Planning History**

- 3.1 P191968/PIP - Application for permission in principle for a residential development of up to 4 dwelling houses - 04-Sep-2019 – Refused
- 3.2 P193747/O - Outline application for a residential development of up to 4 dwellinghouses (all matters reserved). – 01-Oct-2020 – Refused (Appeal Dismissed)

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water – No objection**

We note the applicant is proposing to discharge surface water into sustainable drainage systems (SuDS). We support the use of SuDS for the disposal of surface water.

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

Condition

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4.2 PADHI – No objection

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

4.3 National Grid – No objection

Regarding planning application 221604 at site location Land to the North of the B4348, Much Dewchurch, Herefordshire, HR2 8DQ, there are no National Grid assets affected in this area.

4.4 Historic England – No comment

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

Internal Council Consultations

4.5 Highways (Area Engineer) – Further information requested

Please provide engineering details of how the site will connect to the adopted highway.

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

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

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

4.6 **Landscape Officer – Further information requested**

I note the previous application and appeal decision on this site (Herefordshire Council ref 193747) in relation to flooding and note that no Landscape Officer consultation formed part of that process.

In relation to the current application for a single dwelling, there is a risk that it will look 'stuck on' and isolated from the adjacent well-formed crescent of existing dwellings. The elevations provided do not seem to reflect the scale or design of the adjacent dwellings, as it appears larger, detached, with more windows and more 'features'. The proposed roof is a completely different colour and material. A streetscene drawing, including the road level and drop down into the site, would help to demonstrate the relationship between the existing and proposed built forms.

A gap is to be created in the existing hedgerow for the new vehicle access, although no visibility splays are shown to clarify whether further removal would be necessary, which if necessary, would have a negative impact on green infrastructure. No mitigation planting proposals have been provided.

It is a shame that the applicant wishes to address landscaping, biodiversity and boundary treatments separately at a later date, as in this prominent roadside and edge of village location, these features will be vital as to whether the new dwelling integrates appropriately with its surroundings. The use of timbered panel fences, for example, would not be supported due to their suburban character.

I request that the applicant give further consideration to demonstrating how the character of the landscape and village of Much Dewchurch has positively influenced the design and scale of the proposed dwelling, to ensure protection and enhancement of the setting of the village. I also encourage the submission of a hard and soft landscape scheme (addressing biodiversity enhancements and boundary treatments) at this stage to ensure that the dwelling could also integrate with the surrounding countryside. For example, consideration could be given to planting hedgerow and trees within the blue line, if a low post and wire fence followed the red line.

This is requested in accordance with Core Strategy Policy LD1, particularly bullet points 1 and 3 and LD3 on green infrastructure.

Landscape Officer Further Comments

I appreciate the applicant's changes, particularly including hedgerow boundaries and roof colour.

Overall, however, I maintain that this site for a single dwelling would not fit well with the streetscape and would not integrate well with the settlement pattern. The existing arc of housing to the west boundary is well defined and this proposal would cut into the green gap on the end. There is no street frontage on the southern side to form a gateway into the village. The existing housing at Church View to the south east is some distance away and separate to the village core.

4.7 **Ecology – No objection**

A Habitat Regulation Assessment process was completed on a previous application at this site – 193747 which resulted in a "no objection" response from Natural England ref 310641 dated 10 March 2020. Natural England have not subsequently advised the LPA of any significant changes in the conservation status of the River Wye SAC. The only potentially significant change from this previous application/HRA is a reduction in the number of dwellings proposed – Four reduced to One. This reduction in dwelling numbers would only serve to lower any potential effects previously considered and confirmed as having no adverse effect on the integrity of the River Wye SAC – consequently there is no trigger for an updated HRA processes and the previous HRA and Natural England response remain valid and are formally adopted in support of this current application.

A condition to secure the agreed mains sewer connection and management of surface water through a SuDS is requested on any planning permission now granted.

Nature Conservation (River Wye SAC) – Foul Drainage Strategy

Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through connection to the local mains sewer network managed through the Much Dewchurch Wastewater Treatment Works.

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.

Nature Conservation (River Wye SAC) – Surface Water

Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System.

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.

Other ecology comments:

The previous applications involved development close to Worm Brook and an ecological buffer zone was required. This is not the case with this current application for a single dwelling directly adjoining and following the line of existing roadside dwellings at this location.

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

Wildlife Protection Informative

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

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

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 a minimum total of TWO bat roosting features (eg boxes or specific ‘bat bricks’) 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.

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

Protected Species and Dark Skies

At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches be installed or operated in 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, LD1-3.

4.8 **Historic Building Officer – No objection**

I called out to this site on Wednesday 8th September and in my opinion no heritage assets will be affected by the proposals and therefore there is no heritage objection.

4.9 **Land Drainage – No objection**

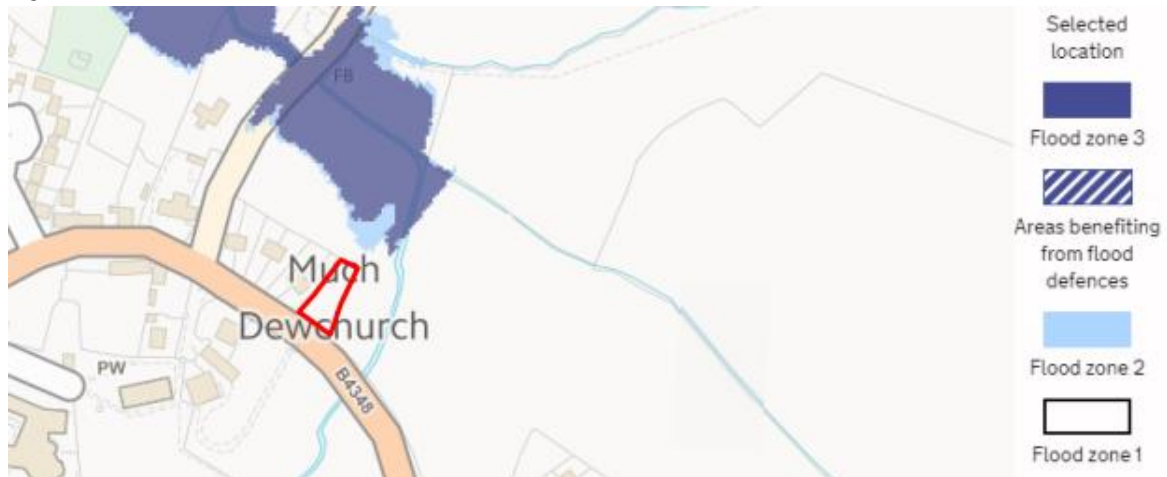
This response is in regard to flood risk and drainage aspects. In previous pre-application responses, for a larger site area and more dwellings proposed (193747), we have raised significant concerns regarding the potential risk of flooding from fluvial and other sources, and the opportunities for the sustainable management of surface water runoff. We highlighted that these risks could influence the design (or even viability) of the proposed development and potentially increase flood risk elsewhere. Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Site Location Plan (Rev: PL01B);
- Proposed Block Plan (Rev: PL03E);
- Flood Risk Assessment (Rev: 02).

Overview of the Proposal

The Applicant proposes the construction of a 3-bed detached dwelling on a 570m² agricultural field site. A tributary of Worm Brook flows approx. 40m from the site boundary. Ground levels across the site fall slightly to the east.

Site Location Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), September 2022



Flood risk

The Environment Agency Surface Water (Fluvial) Flood Map provides an indication of the worst case (i.e., Flood Zone 2) flood extents of the Worm Brook and its tributaries. This mapping projects that flood waters could encroach upon the north-eastern boundary of the site, however the majority of the site is not within the floodplain.

Although the site is wholly within fluvial Flood Zone 1, as part of a previous planning application (193747), the Applicant has undertaken flood modelling to reflect the actual fluvial risk attributable to the Worm Brook and the tributary.

The modelling indicates that the majority of the site remains outside of the floodplain for a 1 in 100 year plus 49% climate change event, with flooding only projected to occur along the site's eastern boundary. No development is proposed in the area where flooding is projected to occur.

Ground levels across the majority of the site are above those projected in the design flood event for a 1 in 100 year plus 37% climate change event (99.43m AOD).

Despite the low fluvial flood risk, it is proposed that Finished Floor Levels of the proposed dwelling will be set a minimum of 600mm above the 100 year plus 37% climate change allowance flood levels for the site at 100.03m AOD. This is welcomed by Land Drainage.

Surface water drainage

Although the Applicant suggests that infiltration is unlikely to be a viable solution for surface water disposal due to the underlying clay soils with impeded drainage, no infiltration test results have been presented to confirm this.

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.

The Applicant has presented a surface water drainage strategy comprising an attenuation tank, suitable for a 1 in 100 year plus 40% climate change event, with an offsite restricted discharge of 1l/s to the Worm Brook tributary to the east, should infiltration to ground not be viable.

No information has been provided as to the size of orifice proposed to be used. The risk of blockage with an orifice less than 72mm is high. The size of the proposed geo-cellular attenuation

tank (10mx7m) appears to be large for the size of dwelling proposed. We assume that the surface water discharge pipe to the watercourse is to be laid within the Applicants ownership boundary, however confirmation will be required as to the ownership of this pipe when the plot is sold to a third party in the future. The discharge pipe also runs across the middle of an agricultural field which could be at risk of becoming a relic in the future and damaged.

Foul water drainage

The Applicant proposed that the foul water drainage is to be connected to the public foul water drainage network. As part of the FRA, the applicant has shown the location of the connection to be to the north of the site boundary. We assume that a gravity connection can be made. We agree with this in principle, subject to confirmation from Welsh Water that a connection can be facilitated.

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 BRE Digest 365 methodology; 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;
- If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative detailed drainage strategy must be submitted to the Council for review and approval;
- If, following infiltration testing, offsite discharge is still proposed, confirmation of the orifice size and discharge pipe ownership;
- Confirmation that discharge to the public sewerage system has been agreed with Welsh Water;
- Finished Floor Levels are to be set no lower than 100.03mAOD.

5. Representations

5.1 Much Dewchurch Parish Council

Much Dewchurch Parish Council object to this application.

The site is a natural swale and within the catchment area of the River Wye which is part of the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Planning has previously been refused for this site on two separate occasions (App. 191968 and App. 193747) and also dismissed at Appeal (App/W1850/W/21/3266535).

A recent flood survey identified that the majority of the field is at risk of flooding (as does substantial photographic evidence). It is not clear whether the flood mapping took in to consideration that a nearby new development of ten houses will have all its storm water piped into Worm Brook behind the church yard which will further exacerbate the flooding. Although the proposed dwelling is situated on the edge of the recently identified flood plain, the site is markedly lower than the main road and would have to be considerably raised to comply with access gradient regulations. The building up of this site would further push the flood water to sites already subject to severe flooding which include the Grade II listed Old Vicarage, Lowe Lane, productive agricultural farm land and the Welsh Water Sewage Station. At times of severe flooding of this land the Welsh Water Sewage Station has experienced hydraulic overload with sewage coming up through man holes close to the proposed site and brook.

Where development of land will cause increased flooding to nearby homes and businesses is in direct contradiction to the requirements of policies SD3 of the Herefordshire Local Plan Core Strategy and the principles set out within Chapter 14, particularly Paragraphs 155 and 163, of the National Planning Policy Framework.

Much Dewchurch Parish Council request that this planning application is refused.

5.2 Much Dewchurch Parish Council – Further Comments

Much Dewchurch Parish Council strongly object to this application and reiterate all the comments previously made on this application and the previous application for 4 houses. Any building on, or interference with, this natural swale will exacerbate a severe flood problem on this land and nearby properties and businesses, particularly the Grade II listed Old Vicarage and adjacent, productive, arable farmland.

In addition to our previous comments it has been noted that the plans need updating to include the latest flood plan, they are not showing the full extent of the flood plain.

5.3 To date a total of 6 objections have been received. The comments are summarised below:

- Proposed dwelling is still in an area that floods regularly
- Location plan suggests that the distance from the boundary of No.6 and the brook is approx. 50m and frontage of new dwelling is 20m – appears incorrect and the dwelling may be sited closer to the brook than what is suggested
- Previous refusal on the site is relevant to this application
- Limited visibility in both directions due to sharp bend and existing properties are in a small dip which raises concerns for access
- Though the supporting documents show narrow margin for flooding it is not clear whether the new nearby development of 10 houses is taken into account and discharges storm water to Worm Brook
- Changes in site levels may push floor water onto areas that already experience severe flooding
- Site is within River Wye SAC catchment and previous appeal stated that it was not possible to rule out likely significant effects on the site from foul and surface water disposal

5.4 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=221604&search-term=221604

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

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Much Dewchurch Neighbourhood Area, which has not begun drafting a Neighbourhood Development Plan and so no weight can be attributed to any draft document at this stage. The National Planning Policy Framework 2019 is a significant material consideration, but does not hold the statutory presumption of a development plan.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to

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

Principle of Development

- 6.4 The spatial strategy relating to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the required 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings. Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy. Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate. There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Much Dewchurch is a settlement so defined by figure 4.14.
- 6.5 As set out in the preamble to Policy RA2, at paragraph 4.8.23, until such time as either the NDP or the Rural Areas Sites Allocation DPD defines settlement boundaries (or a reasonable alternative) any proposal has to be assessed against its relationship to the main built up form of the settlement. In light of this, the site is indicated on the plan below by the red star:



- 6.6 The settlement of Much Dewchurch is generally characterised by wayside development running along the roadside as well as small estates accessed off the B4348. The dwellings adjacent to the site to the north west are comprised of semi-detached properties which are accessed directly off the B4348, though setback they have a relationship with the road set out in linear form. The application site is immediately adjacent to these dwellings, though lying at the edge of the settlement and therefore not a part of the main built up form, it is considered to lie adjacent to the main built form of the settlement and would form a natural extension to it.

- 6.7 The degree to which the site is considered to be sustainable is derived, in part, from the access to alternative modes of transport, beyond that of a private motor vehicle and the ability of future residents to access services without an undue reliance upon the private motor vehicle. There is a pedestrian footpath along the northern side of the B4348, which the application site will benefit from and provides access into the village. The village provides some basic services, including a public house, private school and church. There is a single bus stop in the village that provides limited services South to Monmouth and North to Hereford which provides a wider range of public transport connections including rail.
- 6.8 In considering the policy requirements relating to the delivery of housing, the application site is adjacent to the main-built up part of the settlement in accordance with CS policy RA2. The principle of residential development is therefore considered acceptable when taking into account the relative sustainability of the location with access to a range of services on foot or by public transport.

Design, Landscape and Visual Impact

- 6.9 The Core Strategy seeks, via policy LD1, to ensure development proposals demonstrate how the character of the landscape and townscape have positively influenced the nature and site selection of the proposal.
- 6.10 The application site lies adjacent to an established row of residential dwellings on the edge of the settlement, as such the dwelling would read as an additional unit. The site fronts onto the B4348 and so maintained a connection with it. The depth of the application site matches the adjacent residential dwellings plot depth which limits the incursion north into the open countryside and maintains similar plot width though is informed by the adjacent flood zone.
- 6.11 The Landscape Officer requested further consideration to the details of the materials, colours and hard and soft landscaping to ensure the dwelling assimilates into the streetscape, raising concern that the dwelling would read as 'stuck on' to the adjacent semi-detached dwellings and isolated given its different design approach. The scheme has been amended in response to maintain features of adjacent dwellings and edge of settlement character, including change of roof colour from grey to brown tile, simplified principle elevation utilising contextual features such as entrance canopy porch, in-keeping fenestration and removal of dormer windows. The Landscape Officer lends support for these changes, including the use of hedgerow boundary treatments and graveled parking area, however concern was maintained that the single dwelling would not integrate with the existing arc of housing to the west. It is your Officer's view, that the proposal, though somewhat at odds with the immediately adjacent residential layout, would not be unduly out of keeping with the wider settlement character given the existing variety of orientation and layout. Furthermore, it should be noted that the earlier refused application for upto 4 houses (and the subsequent appeal) was not refused on the grounds of its impact upon the character of the locality and this is a material factor in the assessment of harm. Overall, the site maintains a positive relationship with the road and the dwelling itself is set back in line with the adjacent residential units with the amended scheme taking reference from Church View and mirroring the architectural details of the principle elevations.
- 6.12 The site does not lie within a designated landscape and is a well contained site adjacent to existing residential development. The proposal is informed by the surround built form and landscape in terms of the proposed residential use and the depth and positioning of the application site, contained by existing vegetative features and development. As such it is considered that the proposal adheres to the requirements of CS LD1.

Amenity

- 6.13 Policy SD1 of the Core Strategy states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration.
- 6.14 The proposed development includes sufficient private amenity space for proposed residents by way of a rear garden. Given the orientation of the building in relation to the neighbouring dwellings, it is not considered to have an adverse impact upon residential amenity in terms of overbearing. There are no windows proposed to the west elevation to alleviate concerns for direct overlooking. Given the lack of neighbouring dwellings to the north, east and south, with sufficient distance between any other nearby properties, the proposed dwelling is not considered to give rise to unacceptable impacts upon residential amenity.

Heritage Impact

- 6.15 There are a number of Grade II Listed heritage assets on the Eastern side of the village of Much Dewchurch, these are as follows: The Old Toll Cottage, Black Swan Public House, Stone House, Church of St David, Churchyard Cross, The Old Vicarage, Lychgate, Thomas Monument, a Water Pump and a Telephone Kiosk.
- 6.16 Policy LD4 states that development proposals should protect, conserve and enhance the heritage assets and wider historic environment that they affect. This includes emphasising the original form and function through the use of sympathetic design, contributing to the character and distinctiveness of the local townscape. The scope of the works required to protect, conserve and enhance heritage assets and their settings should be proportionate to their significance.
- 6.17 Special regard has to be given to the desirability of preserving and enhancing historic assets and their setting. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Herefordshire Council, as the local planning authority, is required, when considering development which affects a listed building or its setting:

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

The application site is well separated from all of the above heritage assets and the Historic Building Officer has raised no objection to the scheme.

- 6.18 The group of Grade II Listed heritage assets surrounding the Church of St David (including Church of St David itself, the Churchyard Cross, The Old Vicarage, Lychgate and Thomas Monument) are all over 70m from the application site with the B4348 further separating the site from these assets. There is mature vegetation along the southern side of the carriageway that removes any direct visual connection to these assets from the application site.
- 6.19 The three Grade II Listed assets that lie on the Southern side of the B4348 in the centre of Much Dewchurch (Stone House, a Water Pump and a Telephone Kiosk) are all some distance, West from the application site at 90m, 96m and 56m respectively. There is no visual connection between the application site and these heritage assets.
- 6.20 The Old Toll Cottage and Black Swan Public House, located to the North of the B4348 are approximately 68m and 80m, respectively, North, North West of the application site. The Old Toll Cottage is visible from the South Western site boundary of the application site but the Black Swan is entirely screened by intervening buildings (No 1 and 2 Church View and the Old Toll Cottage). Given the significant distance and the surrounding built form the proposal is not considered to affect the character or setting of these listed heritage assets.

- 6.21 The proposal is therefore not considered to have any effect upon the character or setting of the historic environment and as such no conflict with CS LD4 is identified and the statutory duty imposed by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is discharged.

Flooding and Drainage

- 6.22 A review of the recent planning history of the site makes clear that this represents the main concern regarding the development. Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.23 The application site lies within Flood Zone 1 as defined by the Environment Agency and as such has a low probability of flooding. It is recognised that the site lies proximate to both Flood Zone 2 and 3, located to the North of the application site. Furthermore there are surface water flood hazards noted on the Environment Agency mapping, associated with Worm Brook. As part of the previous application on the site, flood modelling to reflect the actual fluvial risk attributed to the Worm Brook indicated that the majority of the site remains outside of the floodplain for a 1 in 100 year plus 49% climate change event. Flooding is only projected to occur along the site's eastern boundary where no built development is proposed. Additionally, ground levels across the majority of the site are above those projected in the design flood event for a 1 in 100 year plus 37% climate change event. This is further supported by a suggested condition to secure finished floor levels to be set a minimum of 600 mm above this ensure allowance flood levels for the site at 100.03mAOD. This application, unlike the previously refused application, is supported by a Flood Risk Assessment, and in this regard the level of technical information is materially different from past assessments and furthermore a less significant form of development is now proposed compared to the 4 dwellings previously under consideration. It is considered the level of risk has been appropriately assessed and the Land Drainage consultant welcomes the mitigation measures and raises no objection to the scheme with regards to flood risk.
- 6.24 The proposal has been supported with a surface water drainage strategy comprising an attenuation tank suitable for a 1 in 100 year plus 40% climate change event, with an offsite restricted discharge of 1l/s to the Worm Brook tributary to the east, should infiltration to ground not be viable. The supporting documentation suggests that infiltration is unlikely to be a viable solution for surface water drainage, however no infiltration test results have been provided. As such, the Land Drainage consultants have recommended a condition is included to secure the information in order to inform most suitable surface water strategy going forward.
- 6.25 In terms of foul water drainage, the proposal intends to connect to the public foul water drainage network to the north of the site. Welsh Water have reviewed the application and raised no objection, with advisory comment referencing the requirement connection approval directly with themselves and is secured via condition.

Habitat Regulation Assessment

- 6.26 The application site lies in an area of the county that drains to the River Monnow, the Welsh Water treatment works serving Much Dewchurch discharges to Worm Brock which connects to the River Monnow. Though the Habitat Regulation Assessment process is not automatically triggered, under previous application on the site (193747), the Council's Ecologist took a precautionary approach and completed the Appropriate Assessment. This resulted in a "no objection" response from Natural England and the LPA have not subsequently been advised that the conservation status of the River Wye SAC is failing. Additionally, this application has a reduction in number of dwellings proposed from four to one and this would only serve to lower any potential effects previously considered. As such, it is concluded that there is no need for an updated HRA process.

Ecology and Biodiversity

- 6.27 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged. This is directly supported by policy LD3 which ensures development proposals protect, manage and plan for the preservation of existing and delivery of new green infrastructure. This is achieved by identifying green corridors and linkages, provision of on-site infrastructure and integration into the wider network.
- 6.28 The application has been reviewed by the Council's Ecologist who confirms that subject to appropriate conditions there is no objection raised to the proposal and the applicant is reminded of their own legal duty of care afforded under Wildlife & Countryside Act. The previous comments on the site required an ecological buffer zone to the eastern site boundary to protect Worm Brook, however this is not the case under this application given the reduced number of dwellings following the line of existing dwellings. A condition is included to secure biodiversity net-gain enhancements and control over external lighting that may illuminate local habitats. These ensure compliance of any future scheme under the reserved matters application with policies LD2 and LD3 of the CS.

Highways and Transport

- 6.29 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach as it seeks to promote active travel and development without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out 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 impact on the road network would be severe.
- 6.30 The Area Engineer has reviewed the proposal requesting details of how the site will connect to the adopted highway. The topographical survey shows a ditch falling towards Worm Brook, however the access point would not extend over this and it is therefore considered acceptable to condition details of access construction with any permission. Recommended conditions include details of construction, surfacing, gradient, drainage arrangements, cycle storage and electric vehicle charging points. It is noted that public representations received referred to the access and visibility at this point, as such amended block plan was submitted showing 43 metres visibility splay in each direction which is considered acceptable in the context of the road network and Herefordshire Highways Design Guide. The site plan shows sufficient space for parking and turning within the site so to exit in a forward gear.

Conclusion

- 6.31 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF affirms at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. At this time the Development Plan comprises the CS. As set out in the foregoing paragraphs the development proposed is considered to accord with the CS. This is because the site lies adjacent to a main built up part of the settlement, in accordance with policy RA2 and no other conflict has been identified.
- 6.32 The representations received generally focused on the potential for flooding on the application site. However, the Land Drainage Consultant is satisfied that the Flood Risk Assessment and appropriate details to be secured by condition would be able to adequately avoid or mitigate any on site and downstream effects.
- 6.33 The concerns raised by the Landscape Officer and the degree of localised visual harm are acknowledged, however as above the proposal generally takes reference from the adjacent development so as to not be overtly out of character. It is also necessary to be cognisant of the fact that a previously refused scheme for 4 dwellings on the site was not advanced on the basis of landscape effects.
- 6.34 No other technical objection has been received from Highways, Ecology and Welsh Water.
- 6.35 In bringing all of the above together it is considered that the proposed development accords with the Development Plan and it is therefore recommended that planning permission be granted subject to the below conditions.

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:

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans**
- 3. Restriction of hours during construction**
- 4. Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through connection to the local mains sewer network managed through the Much Dewchurch Wastewater Treatment Works.**

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.

- 5. Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System.**

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.

6. **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 roosting features (eg boxes or specific 'bat bricks') 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.

7. **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, LD1-3.

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

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

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

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

10. **Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of [1/2/3] cars which shall be properly consolidated, surfaced and drained in accordance with details to be**

submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy 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 the dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

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

12. Prior to occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

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

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

14. 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 in accordance with policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and National Planning Policy Framework.

15. Prior to commencement of development hereby approved, results of infiltration testing undertaken in accordance with BRE Digest 365 methodology; 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; shall be submitted to and approved in writing by the local planning authority. If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative detailed

drainage strategy must be submitted to the Council for review and approval in writing.

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.

16. Pursuant to condition 15, if following infiltration testing offsite discharge is proposed as the most viable option, confirmation of the orifice size and discharge pipe ownership shall be submitted to the local planning authority for approval in writing prior to commencement of development.

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

17. Prior to commencement of development hereby approved, proposed finished floor levels shall be submitted to the local planning authority for approval in writing and shall be set no lower than 100.03mAOD. The development shall be carried out in accordance with the approved details.

Reason: To protect the development from flooding impact and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP2
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Badgers, Great Crested Newts, , Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
3. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum

of 4 weeks notification will be required (or 3 months if a road closure is involved).

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

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

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

6. 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.

It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.

7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

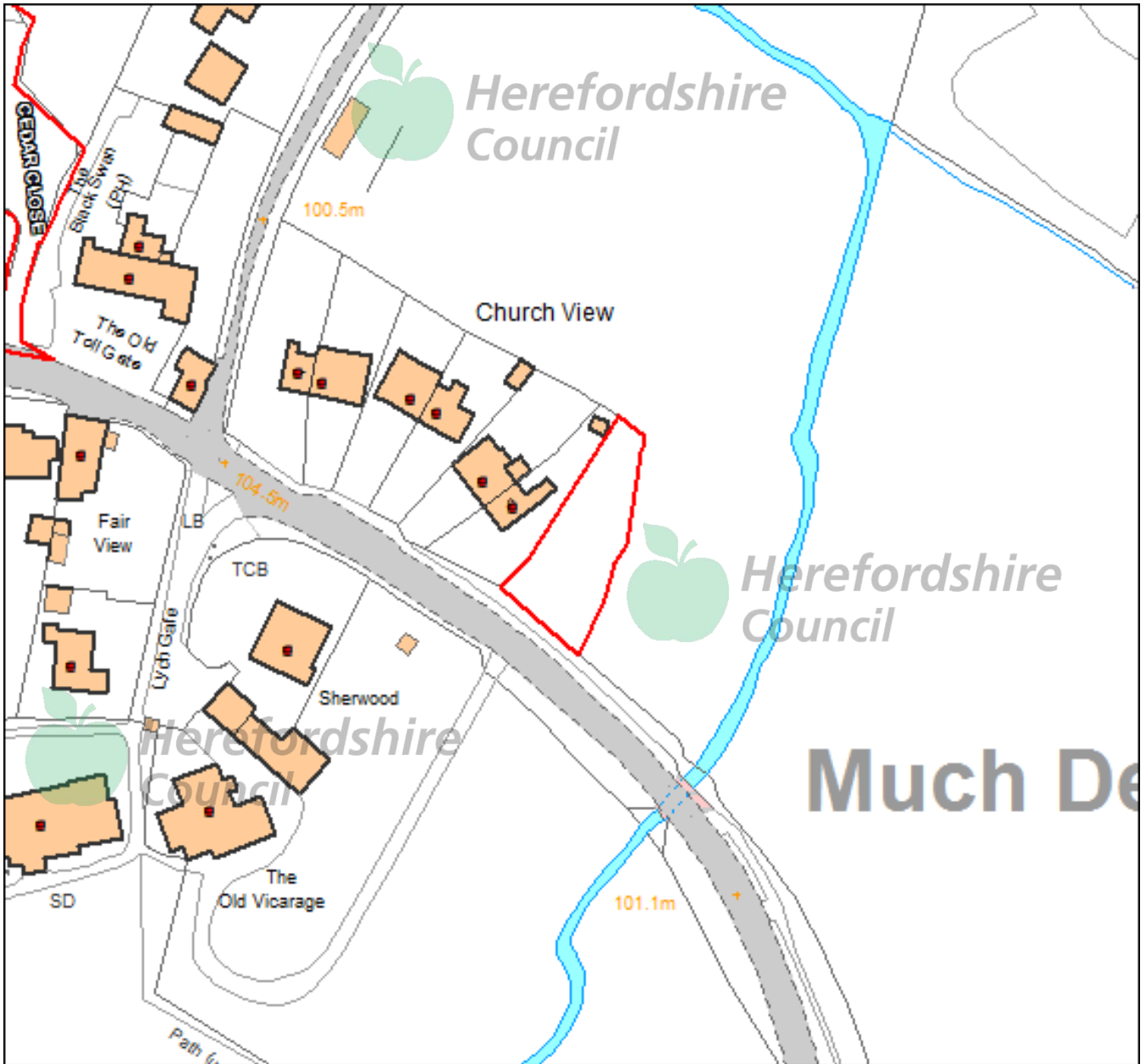
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 221604

SITE ADDRESS : LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

MEETING	PLANNING AND REGULATORY COMMITTEE
DATE:	28 JUNE 2023
TITLE OF REPORT:	224160 - PROPOSED CHANGE FROM GARDEN ROOM/GYM TO ONE BEDROOM HOLIDAY LET. PARKING TO BE PROVIDED AT REAR OF PROPERTY. (NO EXTERNAL CHANGES TO BUILDING) AT 26 WHITEHORSE SQUARE, HEREFORD, HEREFORDSHIRE, HR4 0HD For: Mrs Williams per Mrs Louise Williams, 26 White Horse Square, Hereford, Herefordshire, HR4 0HD
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=224160
Reason Application submitted to Committee - Redirection	

Date Received: 5 December 2022

Ward: Greyfriars

Grid Ref: 349736,240040

Expiry Date: 13 February 2023

Local Member: Cllr Diana Toynbee

1. Site Description and Proposal

- 1.1 The application site comprises an existing building within the garden curtilage of 26 Whitehorse Square. The subject building was originally approved under Planning Permission P141422/FH as a garden room/gym and was a replacement of an existing greenhouse. In addition to this building, the wider site also benefits from a recent permission allowing the conversion of a commercial workshop to a 2 bed dwelling (Planning Permission P222293/F) and work to implement this separate permission have commenced.
- 1.2 26 Whitehorse Square itself is a semi-detached property. It is understood that the originally constructed property was not provided with any off-road parking from Whitehorse Square but the applicant has historically utilised an alternative means of access from Westfaling Street for residential purposes and in connection with his seat repair business.
- 1.3 The application seeks permission for the change of use of the garden room to a one bedroom unit of holiday accommodation. It would be accessed via the existing drive from Westfaling Street and would be allocated one parking space. The remaining 2 spaces available at the end of the drive would "as approved" serve the approved dwelling created by the conversion of the workshop building. No physical alterations to the garden room are proposed by the application.

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

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in favour of sustainable development
- E4 - Tourism
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.2 National Planning Policy Framework (NPPF)

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

2.3 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

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

3. Planning History

3.1 The following applications are considered relevant to the proposal under consideration:

- | | |
|---------------|--|
| P222293/F | Conversion of existing garage with first floor to single self-contained house with 2 parking spaces. Approved |
| P141422/FH | Proposed replacement of brick based greenhouse with brick and block built garden room/gym. Approved |
| CW2000/0408/F | Demolition of existing garage and workroom and erection of new double garage and workroom with first floor store. Approved |

4. Consultation Summary

4.1 Statutory Consultations

Welsh Water:

We can advise that Eign WwTW has a phosphate permit, this matter will need to be considered further by the local planning authority. Notwithstanding this we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

The proposal is to discharge surface water via a soakaway system, we have no objection to this however advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

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

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

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.

Advisory Notes

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

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

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

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Natural England:

NO OBJECTION

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

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

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Wye Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

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

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

River Wye SSSI – No objection

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

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

4.2 Internal Council Consultations

Area Engineer Team Leader

Original comment (31.1.23)

The proposed holiday let will reduce the available car parking for the recently consented two bed dwelling from two spaces to one. This is considered acceptable given the sites sustainable location therefore allowing occupants of both the consented dwelling and the proposed holiday let to access the City Centre on foot or by bicycle. However, in order to encourage access to the proposed holiday let by sustainable modes cycle storage should be provided, this can form a condition of planning consent should it be granted.

It should be noted that the parking situation for the main dwelling at 26 Whitehorse Square, an issue which has been raised by a number of objectors, would be unaffected by this application. The parking space that would be utilised by this application is currently allocated to the recently consented garage conversion rather than the main dwelling. Therefore there would be no reliance on on-street parking by the proposed holiday let and no change to the historic parking situation for the main dwelling.

The local highway authority has no objection subject to the below conditions.

Conditions: CB2, CA1 (one space)

Updated comment (6.2.23)

I am content with the advice provided. With regards to the first planning application (222293) my email dated 14th September is correct, there is no typo as suggested in the email from Adam Symonds. I believe that it would be unreasonable to request parking for 26 Whitehorse Square be provided because it has never had any off-street parking and wouldn't have had any if the plot of land with the garage on had not been purchased by the owners.

In relation to the current application (224160) I am content that one of the spaces from the adjacent garage conversion could be used for this application, albeit I note that condition 9 of application 222293 states that two spaces must be provided for the garage conversion therefore this condition may need to be amended. It is acceptable for the garage conversion to a two bed dwelling to have only one space due to the site's proximity to the City Centre and other facilities. Our parking standards are maximum standards (i.e. a two bedroom dwelling requires a maximum of two spaces) so that in situations such as this where the site is located in a sustainable location there is an opportunity to reduce the parking requirements. Two spaces were originally proposed by application 222293 but had only one been proposed that would have been acceptable. The proposed holiday let has only one bedroom, therefore only a maximum of one space is required. In relation to the issue of the two plots being under two different titles and what would happen if they were split and sold separately, this is overcome by a condition being attached to the current application, should permission be granted, stating that one off-street parking space has to be provided. Therefore if one space isn't provided the condition isn't met and enforcement action could be taken.

Environmental Health Service Manager (Noise / Nuisance):

My comments are from a noise and nuisance perspective.

As the proposed holiday accommodation is within a residential area, I suggest the following condition be added to any permission granted:

No external speakers to be used in relation to the use as holiday accommodation.

Reason: To safeguard the amenity of the locality and to comply with Policies SS6 and E4 of the Herefordshire Local Plan.

Principal Natural Environment Officer (Ecology)

The site is within the hydrological catchment which comprises part of the River Wye Special Area of Conservation (SAC); habitats 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.

The LPA must complete a relevant Habitat Regulations Assessment process and have legal and scientific certainty that there are no adverse effects on the integrity of the designated site PRIOR to any grant of a planning consent. The LPA must as required submit any HRA appropriate assessment for formal consultation and approval by Natural England prior to any planning consent being granted.

The LPA requires all information to be beyond doubt and legally and scientifically certainty in order to complete the HRA process that must be completed with a precautionary approach.

Notes in respect of HRA:

The proposal is for the conversion of a garden room/gym to self-contained one bedroom holiday let. There is a mains sewer connection available to this development to manage foul water flow. At this location the mains sewer system is managed through DCWW's Eign (Hereford) Wastewater Treatment Works. The Eign WwTW discharges in to the 'lower middle' section of the River Wye SAC. DCWW have not made any comments to indicate that a connection to their mains sewer system cannot be achieved.

Natural England have not currently advised this LPA that this catchment area is failing its conservation status. The additional nutrient loading can be accommodated within the allowance currently secured through the Core Strategy.

No significant additional surface water flows are identified from the proposed development. The agreed foul water management system can be secured by condition on any planning permission granted

Subject to a no objection response by Natural England to the HRA appropriate assessment completed by the LPA there are no identified unmitigated effects from this development on the River Wye SAC

Habitat Regulations (River Wye SAC) - Foul Water

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 local 'Hereford Eign' mains sewer system managed by Welsh Water

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 SSI, SS6, LD2 and SD4.

Additional ecology comments:

From supplied and available information, the LPA has no reason to consider that there are unlikely to be any effects on 'protected' species from the proposed development. The applicant and their contractors in respect of all site preparation and construction works 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 and relevant conditions are 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 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.

5. Representations

5.1 Hereford City Council

Original comment (20.2.23)

Hereford City Council Planning Committee object to Planning Application 224160. Councillors agreed with the many objections lodged by neighbouring properties to the application, which primarily site traffic issues and amenity issues. Councillors were concerned that adding further cars entering/exiting onto Street would cause congestion, and that there was limited potential for vehicle turning on the access road. Councillors noted that the property is listed as Whitehorse Square, but with the access coming from Westfaling Street this has the potential to cause confusion on GPS maps, leading to possible further build-up in Whitehorse Square. Councillors also noted that some residents were concerned with noise pollution, which though addressed by the EHO, Councillors felt was not enough as many neighbours were concerned with the disruption that holiday-makers would bring to such a small and cramped area. The proximity to neighbours is too close and would cause severe amenity loss to those properties. Representatives from the neighbourhood were present to give their objections, which were agreed with by Councillors. Planning Committee request for dismissal of the application over Condition 5; P141422/FH

Updated comment (28.4.23)

Hereford City Council Planning Committee request to withdraw their objection to planning application 224160 26 Whitehorse Square, on the condition that the amendments the applicant has made to the address (87a Westfaling Street) and parking issues remain.

Councillors were pleased to see the applicant had responded to objectors' concerns.

5.2 There have been 17 objections. The concerns raised can be summarised as follows:

- Unacceptable noise and disturbance associated with groups of holiday makers
- Harmful impact associated with additional parking in Whitehorse Square, restricted access for emergency vehicles
- Insufficient space for parking and turning on site will result in dangerous reversing manoeuvres onto Westfaling Street
- Unsafe access onto Westfaling Street with restricted visibility and close to bus stop
- No parking space retained for occupiers on 26 Whitehorse Square
- Increased car emissions associated with increased occupancy of site
- Loss of privacy
- Surface of driveway inadequate for increase vehicular use
- Inadequate disabled access provision
- Building not constructed in accordance with original plans

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=224160&search-term=224160

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 the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Before setting out the main considerations, it is necessary to address the allegations that relate to the lawfulness of the building which is the subject of this application. Its height and a number of elevational anomalies have been questioned. In light of these, it has been established that the building "as built", does not accord with the originally approved plans submitted with application 141422/F. Its height above ground level has been measured and this varies between 4.089 metres and 4.115 metres whereas the dimensioned height as approved was 3.6 metres. It is therefore approximately 0.5 metres taller. However, it has also been confirmed that the building was completed in October 2014. This far exceeds the period of time within which any enforcement action might have been considered and it is considered that the building, as constructed, is now lawful by reason of the passage of time and that the Council can consider its change of use without the need to regularise the breach that has been identified.
- 6.4 Core Strategy Policy E4 is of relevance to proposals for tourism development, and seeks to promote Herefordshire as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and recognising the intrinsic character and beauty of the countryside. In this regard, and as a point of principle, there is no fundamental objection to this proposal which is regarded as being locationally sustainable and would offer guests a real choice of active travel or non-car based journeys.

Parking and access considerations

- 6.5 It is clear from many of the objections received that the increased parking requirements associated with the proposed use is a concern. This can be characterised into two distinct elements as follows:
- the suitability of the existing parking area accessed off Westfaling Street to serve the needs of the proposed holiday accommodation and the dwelling approved through the conversion of the existing workshop building pursuant to Application P222293/F
 - The impact of the displacement of parking currently used in connection with the applicants property (26 Whitehorse Square)
- 6.6 So far as the proposed parking and access arrangements are concerned the Area Engineer Team Leader is satisfied that a single parking space as identified is suitable for a one bed unit of holiday accommodation and that there is adequate space for this to be provided alongside the 2 other spaces that have been conditioned as part of the separate permission for the conversion of the former workshop to a 2 bed dwelling. Furthermore during the assessment of this application it has been confirmed that a single parking space allocated to the approved workshop conversion (rather than the 2 conditioned) would still meet the policy requirements given the small scale of the approved dwelling and relatively sustainable nature of the location.
- 6.7 Either way, it is considered that there is an appropriate level of parking for the dwelling that has been approved pursuant to 222293/F and the proposed one bed holiday accommodation.

- 6.8 It is acknowledged that the associated turning space is limited but again, this has not attracted an objection from the Area Engineer Team Leader. This is based upon the fact that the parking area itself is positioned sufficiently far away from the junction with Westfaling Street such that any requirements to manoeuvre vehicles would not be immediately adjacent to or upon the highway or footpath and as such there would be no direct impact upon highway and pedestrian safety.
- 6.9 It also needs to be born in mind that prior to the granting of 222293/F, the site had a commercial use in connection with the applicants seat repair business and whilst this was restricted, it is nevertheless an important material consideration when considered whether the resulting traffic movements would result in a level of concern in respect of highway safety matters.
- 6.10 Accordingly in relation to the access and parking implications for the proposed use of the existing outbuilding as a one bed unit of holiday accommodation there would be no unacceptable highway safety implications
- 6.11 Turning now to the impact of this proposal upon the parking provision for the applicants existing property (26 Whitehorse Square), it is acknowledged that a result of this application in combination with 222293/F is that 26 Whitehorse Square will have no available off road parking. The implication therefore being that greater pressure will be put upon the on-street parking arrangements within the Square.
- 6.12 This concern is recognised but it has also been established that when originally built, the property was not provided with any off road parking. Instead through separately acquiring the land upon which the workshop is now located, the applicant has been able to benefit from the parking space available from the Westfaling Street entrance during his occupation of the property.
- 6.13 In essence therefore the effect of this application will be to return the parking situation to the position when the house was originally constructed and ultimately there is nothing to stop the applicant, as many other residents do, from parking his own cars in Whitehorse Square now. In addition, the applicant has confirmed that a new Westfaling Street property address (87A Westfaling Street) has been registered for the workshop/dwelling conversion and once occupied this would have the benefit of removing the risk of visitors/delivery vehicles inadvertently arriving in Whitehorse Square.
- 6.14 As such, whilst acknowledging the many concerns that have been raised and appreciating that on street parking in Whitehorse Square is at a premium, the material considerations that apply to this application are such that it is not considered that a reason for refusal can be sustained.
- 6.15 Of key importance to the recommendation is the “no objection” from the Area Engineer Team Leader which leads to the view that the proposal does not compromise the aims and objections of CS policy MT1 or the NPPF.

Residential Amenity

- 6.16 The proposal is for the change of use of an existing building whose presence has been an established part of the site since October 2014 and as such the physical impact of the building is unchanged.
- 6.17 The proposed use is not an inherently noisy one providing that the property is well managed and occupiers are respectful of neighbours. It is recognised that there will likely be additional car movements associated with the use but this is not considered to be of a magnitude that would be out of keeping with the locality and would be instead of the previous workshop use.
- 6.18 Additionally the Environmental Health Service Manager has not raised an objection subject to conditional control over the playing of amplified music outside the unit.

6.19 As such whilst again acknowledging the concerns raised by neighbouring occupiers at the potential impact of increased occupation and the comings and goings of guests, there are not considered to be any grounds upon which the withholding of planning permission could be justified. Subject to conditions, the proposal is considered to accord with the requirements of CS policy SD1

Biodiversity impacts/Drainage

6.20 The building benefits from an existing mains sewer connection and would not result in any change to the surface water management requirements of the site. The Council's Ecologist and Natural England do not object to the application so far as the likely significance of effects upon the River Wye Special Area of Conservation (SAC) is concerned and there are no impacts identified in respect of protected species

6.21 From a technical perspective Welsh Water have reviewed the application and raise no objection subject to a condition controlling combined discharges to the mains sewer.

6.22 In light of the above, the application is considered to comply with the relevant sections of policies LD2, SD3 and SD4

Conclusion

6.23 The application has attracted a relatively high level of local objection, principally due to the potential impact of additional parking within Whitehorse Square but for the reasons set out in the above assessment and having regard to the responses from statutory and internal consultees, there is no conflict with policies and the application is therefore recommended for approval.

RECOMMENDATION

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

1. C01
2. C06
3. C81
4. CAI (one car)
5. CB2
6. **There shall be no external speakers/amplified music used/played in relation to the holiday accommodation hereby approved.**

Reason: To safeguard the amenity of the locality and to comply with Policy SD1 and E4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **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 local 'Hereford Eign' mains sewer system managed by Welsh Water**

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 SSI, SS6, LD2 and SD4.

8. **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.

INFORMATIVES:

1. **IP1**
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, 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.**
3. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

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

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

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

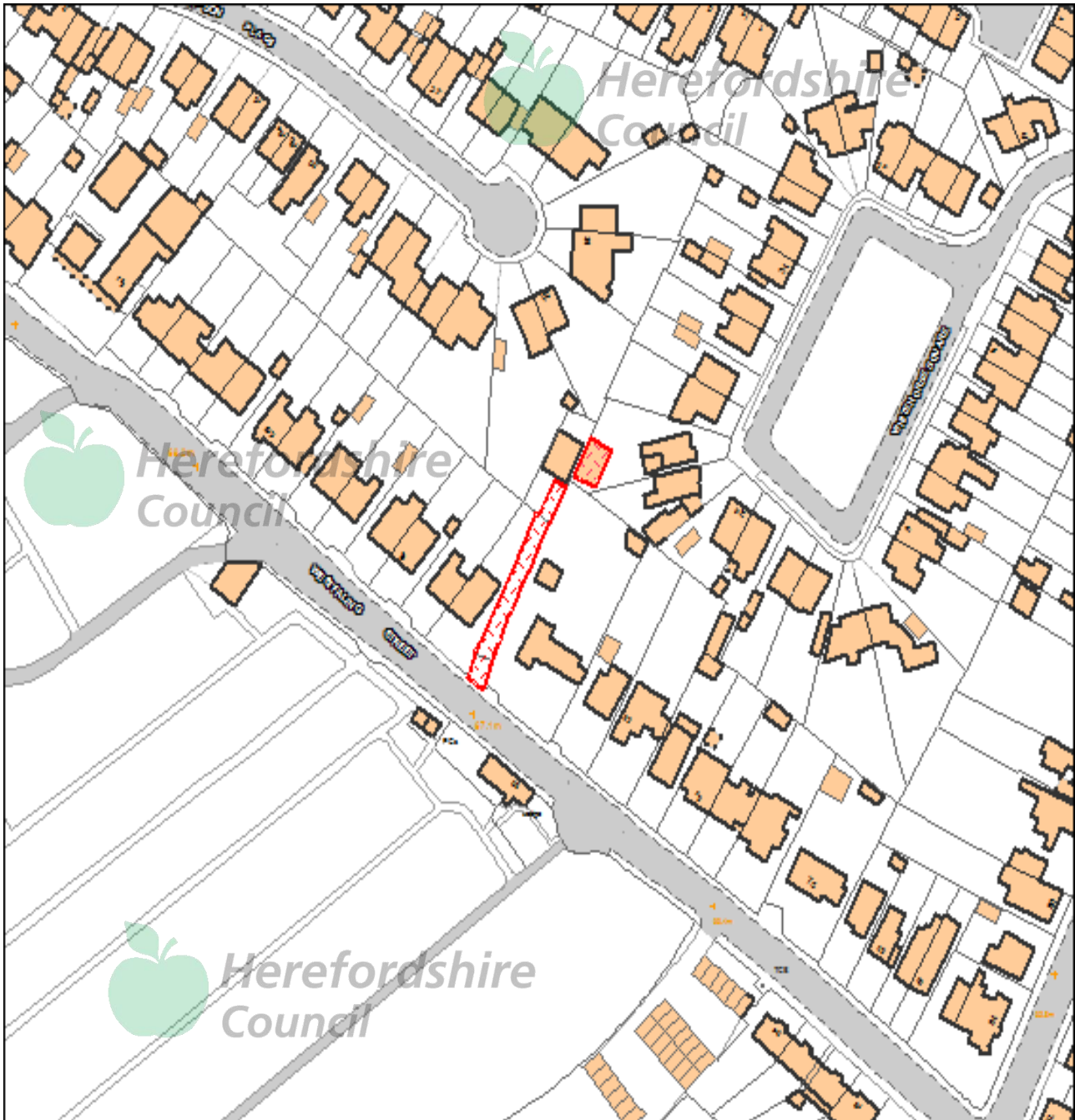
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 224160

SITE ADDRESS : 26 WHITEHORSE SQUARE, HEREFORD, HEREFORDSHIRE, HR4 0HD

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

