

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 6 September 2023**

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Time: **10.00 am**

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

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Notes: Please note the time, date and venue of the meeting. To watch the online stream of the meeting please access the following link:  
[Planning and Regulatory Committee - Wednesday 6 September 2023 10.00 am](#)

For any further information please contact:

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

# **Agenda for the meeting of the Planning and Regulatory Committee**

## **Membership**

**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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<b>GUIDE TO THE COMMITTEE</b>	
<b>NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 38
To approve the minutes of the meeting held on 16 August 2023.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 220646 - TURNPIKE CARAVAN SITE, PEMBRIDGE, HEREFORDSHIRE, HR6 9JZ</b>	39 - 72
Proposed extension of Turnpike traveller site.	
<b>7. 192515 - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL</b>	73 - 106
Application for approval of reserved matters following outline approval. (160581 - Proposed site for the erection of 5 no. four bedroom dwellings).	
<b>8. DATE OF NEXT MEETING</b>	
Date of next site inspection – 26 September 2023	
Date of next meeting – 27 September 2023	



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

## YOU HAVE A RIGHT TO: -

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

## Recording of meetings

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

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

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

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

## Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.



### 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 Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 16 August 2023 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone and Richard Thomas

**In attendance:** Councillors David Hitchiner

**Officers:** Development Manager North Team, Development Manager Majors Team, Highways Representative and Senior Lawyer

**13. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dan Powell and Councillor Diana Toynbee.

Councillor Jacqui Carwardine gave her apologies as local ward member for application 223281.

Councillor Ellie Chowns gave her apologies as local ward member for application 231926.

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

There were no substitutes.

**15. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**16. MINUTES**

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

*Councillor Terry James left the chair of the committee and left the committee to act as the local ward member for the following application.*

*Councillor Clare Davies assumed the chair of the meeting.*

**17. 181494 - LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY (Pages 19 - 24)**

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 Fitton, spoke on behalf of Kington Town Council, Ms Rush, local resident, spoke in objection to the application and Mr Turner, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. He explained that the application had been approved by committee in 2018 and the only significant change since that time had been the county meeting its 5 year land housing supply target. The town of Kington had an undersupply of housing for a working town and it was difficult to find appropriate sites for development in the town. The proposed development was not on the floodplain, was an accessible site and would provide affordable housing for working people in Kington. If the application was refused, the decision would be difficult to defend at appeal as the committee would overturn a previous decision when there had been little change to circumstances.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The approval of the application at committee in 2018.
- That careful consideration needed to be given to environmental constraints, in particular the impact of the development on the landscape character and the conservation area.
- The location of the application site above the floodplain.
- The need for additional housing in Kington.
- The need for additional affordable homes in Kington to meet the need of the local population.
- The area of the meadow that would be open to the public would be a benefit to the local community and the public.

The local ward member was given the opportunity to close the debate. He explained that the benefits of application outweighed the dis-benefits.

A motion that the application be approved due to: the need for additional housing in Kington; the need for additional affordable housing in Kington; and the benefit to the public of opening the space on the meadow for public access, was proposed by Councillor Bruce Baker and seconded by Councillor Richard Thomas. The motion was put to the vote and was carried by a simple majority.

**RESOLVED - That:**

- **The application is approved due to: the need for additional housing in Kington; the need for additional affordable housing in Kington; and the benefit to the public of opening the space on the meadow for public access; and**
- **Authority is delegated to officers to draft and impose conditions for the planning permission, in consultation with the chairperson and vice chairperson of the Planning and Regulatory committee.**

*There was an adjournment at 11:15 a.m.; the meeting reconvened at 11:30 a.m.*

*Councillor Terry James resumed the Chair and his seat on the committee..*

*Councillor Richard Thomas left the committee to act as the local ward member for the next application.*

**18. 223281 - LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE, HR2 8BL**

The Development Manager Majors Team gave a presentation on the application.

In accordance with the criteria for public speaking Mr Kilby, 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. He explained that he supported the application.

The committee debated the application. Support was expressed for the application.

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

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

**RESOLVED - That:**

**Planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegate to officers:**

**Standard Conditions / Reserved Matters submission requirements**

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

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

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

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

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

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1, LD1, LD2, LD3, MT1, SC1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework**

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

- Location Plan: HA 43595\_PL\_01\_D**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, LD1, LD2, LD3, MT1, of the Herefordshire Local Plan – Core Strategy [and the National**

## **Planning Policy Framework.**

5. The reserved matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details relating to the of the ancillary farm shop / café and educational / skills facility as follows:

- a) Retail Floor Area
- b) Hours of opening
- c) Hours of Delivery
- d) Waste Management Arrangements

**Reason:** Reason: In order to allow further assessment of impacts of the proposed uses having regard to residential amenity, retail impact and highways safety having regard to policies SD1, MT1 and E5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. (to inform whether a sequential approach should not be applied and ensure the proposal adheres to Para 90 of the NPPF).

6. The Reserved Matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details of a submission of surface water and foul water drainage design details (including but not limited to details of shallow infiltration test results).

**Reason:** To ensure drainage conforms with Policies SD3 and SD4 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework

7. The reserved matters submission relating to layout, scale, appearance and landscaping for the development (or phase) submitted pursuant to Condition 3 shall be accompanied by details relating to the of the sports facilities and associated buildings or uses as follows:

- a) Hours of use
- b) Hours of Delivery (if applicable)

**Reason:** In order to allow further assessment of impacts of the proposed uses having regard to residential amenity and highways safety having regard to policies SD and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. (to inform whether a sequential approach should not be applied and ensure the proposal adheres to Para 90 of the NPPF).

## **Pre-commencement Conditions**

8. No development shall commencement until a map based phasing plan that identifies the following:

- Timing of delivery of on-site highway works (including but not limited to on site roads, footways and cycleways including crossing of Shaws Path)
- Timing of delivery of car park(s)
- Timing of delivery the foul and surface water drainage arrangements including any off site works
- Timing and delivery of off Site Highway works
- Any other known phases of the development (e.g buildings /



structures or pitches)

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan.

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

9. The Reserved Matters submission relating to layout, scale, appearance and landscaping for the development of the 3G Artificial Grass Pitch submitted pursuant to Condition 3 shall be accompanied by the following details (see informative below):

- Siting
- Design
- Specification of the AGP
- Noise Mitigation measures

Reason: To ensure that the proposed development is fit for purposes and sustainable and that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

10. No longer than twelve months prior to any works or site preparation commencing a full, Construction Environmental Management Plan (CEMP) – including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be submitted to and agreed in writing by the Local Planning Authority.

The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the Local Planning Authority.

If works are to be undertaken in phases, then the CEMP should clearly identify this.

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.

11. Prior to the commencement of any phase of development a Construction Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan (s) shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) Tree / hedge protection plan for the phase of development
- g) Construction Traffic Management Plan

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

**Reason:** In the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, LD2, and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy

12. Development shall not begin in relation to any of the specified improvements / works necessary to provide access from the nearest publicly maintained highway or other works related to the crossing of Shaw's Path until details have been submitted to and approved in writing by the Local Planning Authority following the completion of the technical approval process by the Local Highway Authority.

The development shall not be first used or 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 and the National Planning Policy Framework

#### **Pre-occupation / Pre Use Conditions**

13. No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

**Reason:** To ensure the development is served by a suitable potable water supply in accordance with the requirements of policy SD3 of the Herefordshire Local Plan Core Strategy.

14. Prior to the first use of or occupation of the development hereby permitted

full details of a scheme for the provision of covered and secure cycle parking facilities to serve the proposed uses 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 SS7, SD1, MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The use of the Artificial Grass Pitch hereby permitted shall not commence until:

(a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Herefordshire Local Plan Core Strategy Policy OS2

16. Before the 3G AGP hereby approved is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This shall include proposed measures to ensure the replacement of the Artificial Grass Pitch when the surface needs to be replaced. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G AGP.

Reason: To ensure that a new facility/ies is/are capable of being managed and maintained to deliver [a facility/facilities] which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Herefordshire Local Plan Core Strategy Policy OS2

17. No development hereby permitted shall be brought into use until written and illustrative details of the number, type/specification and location of electric vehicle charging point, shall be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be installed in accordance with the approved details 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**

- 18. Prior to first commencement of any use hereby permitted, a noise management plan for that use or phase shall be submitted to, and approved in writing by the Local Planning Authority.**

**The Noise Management Plan (NMP) should address the following points as a minimum:**

- statement of intent**
- a brief summary of the premises / site / activities**
- a location / site plan**
- an inventory of potential noise sources, including noise from voices detail of noise controls and limits (e.g. site rules)**
- site noise monitoring and / or evaluation**
- responding to complaints (including actions to be undertaken and recorded)**
- management command, communication, and contact details**
- periodic NMP review**

**Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.**

- 19. A BS4142:2014 assessment (methods for rating and assessing industrial and commercial sound) in relation to any external fixed plant or equipment shall be carried out and submitted to and approved in writing by the Local Planning Authority prior to any installation. Works and installation shall be carried out in accordance with the approved details prior to first use and shall be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policies SS6 and SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework**

- 20. Prior to first commencement of any use hereby permitted a detailed specification and location plan for 'hard' habitat enhancement features including provision of bat roosting features (such as bat boxes or bricks), bird nesting boxes (mixed types) and provision of hedgehog homes and hedgehog highways through any impermeable boundary features shall be approved in writing by the planning authority. The approved scheme shall be implemented in full prior to any occupation of approved dwellings and be hereafter maintained.**

**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**

21. **Prior to first installation of any external lighting to illuminate the development (e.g building / car parking footways) a detailed specification and location plan shall be submitted to and approved in writing by the Local Planning Authority. This excludes sports related flood lighting (see informative below).**

**Reason: To allow consideration of the impacts of the proposed lighting on biodiversity, amenity, landscape character, pedestrian, highway and rail safety having regards to the requirements of policies SS6, SD1, MT1 of the Herefordshire Local Plan – Core Strategy.**

#### **Compliance Conditions**

22. **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**

23. **All surface water flows created by the approved development shall be managed through relevant Sustainable Drainage System (SuDS). The approved SuDS shall be hereafter maintained and managed as approved. No surface water shall be discharged to any mains sewer system.**

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

24. **Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at: or downstream of manhole reference number S049373646 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. No building shall be occupied until it is served by the approved connection.**

**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.**

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

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

26. **Any farm shop hereby permitted as shall be used for Class E (a) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

**Reason: The Local Planning Authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

27. Any café hereby permitted shall be used for Class E (b) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason: The Local Planning Authority wish to control the specific use of the and/premises, in the interest of local amenity and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

28. In the event that the polytunnels hereby permitted become redundant and all other associated development shall be removed and the land reinstated to its original condition within nine months.

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

29. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

**Bearwood Associates Ltd – BS5837:2012 Arboricultural Impact Assessment Oct 2022**

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

#### **INFORMATIVES:**

1. IP2 - Application Approved Following Revisions
2. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007
3. The submitted details should demonstrate that the AGP meets relevant design guidance from FA and RFU to meet relevant requirements for training and matchplay use (where relevant).

**Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.**

4. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)
5. The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.
6. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 other Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

7. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
8. 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. The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.
9. As the proposed orchard planting shown on the masterplan is currently outside the application boundary no condition to ensure the detailed specifications for provision planting and management of the orchard area are currently relevant. As an advisory any application to include the orchard planting should demonstrate that it will be a Traditional "standard" Orchard with all trees on fully vigorous rootstocks and include a range of fruit types and varieties – including heritage varieties of local distinctiveness. The understorey should be a traditional wildflower rich

seed mixture. A relevant minimum 30 year establishment and maintenance plan should be provided that recognises the extensive formative care and pruning that will be required and specialist nature of the pruning and management of fruit trees.

10. There is a Prohibition of Driving Order on byway GF7 and HA14, so these cannot be used by vehicles to access the site.
11. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.
12. The applicant’s attention is drawn to the comments of Sport England who will require (either as part of the Reserved Matters or discharge of condition) details to include plans and information to show the proposed location of the AGP within the existing playing field, the overall AGP dimensions including run-off areas, proposed hard-surfaced areas for goal storage, spectator viewing/circulation, the proposed carpet pile length, shockpad specification, infill material containment and de-contamination zones, sports fencing design, proposed pitch line markings for various pitch sizes to be provided, and detailed sports lighting design. The AGP shall not be constructed other than in accordance with the approved details.

The application submission for the development of the 3G AGP did not propose (within plans or documents) the use of flood lighting and as such a separate planning permission would be required. The applicant’s attention is drawn to the comments received from statutory and non-statutory consultees in respect of impacts of lighting for the proposed development.

13. The applicant’s attention is drawn to the comments of Network Rail.

*Councillor Richard Thomas resumed his seat on the committee.*

19. **212518 - LAND SOUTH OF YEW TREE FARM, RUCKHALL, COMMON ROAD, EATON BISHOP, HEREFORD, HR2 9QX** (Pages 25 - 26)

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 Ms Wall, local resident, spoke in objection to the application and Mr Pryce, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary he explained that the application had been deferred at the April



meeting of the planning committee due to concerns regarding drainage on the site and a construction management plan for the site which was located in an inaccessible position along narrow lanes. It was explained that local residents maintained their objections to the development based on drainage issues due to flaws with the drainage solutions proposed. It was commented that there was no culvert at the entrance to the application site. It was noted that the local drainage engineer made objections previously to the proposals on site. The location of the application site in close proximity to a well was contrary to regulations managing foul water drainage close to sources of drinking water.

The committee discussed the application. It was noted that the application concerned reserved matters which did not include drainage and the local drainage engineer had raised no objection to the latest drainage solution proposed on the application site.

The The Senior Planning Officer provided clarification that:

- He had seen photographic evidence from 2021 of a clay pipe culvert that ran adjacent to the site.
- The local drainage engineer had no objection to the drainage strategy proposed for the site which would allow water generated by the development to be dealt with on site. The drainage solution proposed would not address existing problems in the area but would provide for drainage on the development.
- With regards to the well at a nearby property Welsh Water had confirmed that a water supply was provided to the house.
- It was explained that the current application was a reserved matters application. Drainage was a conditional matter which had been determined earlier during outline approval.

The local ward member was given the opportunity to close the debate. It was important that the development complied with all drainage conditions and took account of the potential future use of the nearby well. Access to the site was problematic and the site management plan needed to be properly enforced.

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

#### **RESOLVED – That:**

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

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

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

2. **The development hereby approved shall be carried out strictly in accordance with the approved schedule of materials, as found on drawing no. YTF-PA-5296-03d, unless samples and/or trade descriptions of alternative materials are submitted to and approved**

**in writing by the local planning authority (in which case, development shall be carried out in accordance with the approved details).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy EB1 of the Eaton Bishop Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.**

- 3. The development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan and site set-up plan (YTF-PA-5296-07) for the duration of the construction period of the development.**

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

- 4. All planting, seeding or turf laying in the approved landscaping scheme (drawing no. YTF-PA-5296-02d) shall be carried out in the first planting season following the occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.**

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

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

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

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

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

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

installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

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

**INFORMATIVES:**

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

**20. 231926 - BARN AT WOOLNER HILL FARM, STONEHOUSE LANE, BRINGSTY, HEREFORDSHIRE**

The Development Manager North Team gave a presentation on the application.

The committee debated the application.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor John Stone. The motion was put to the vote and was carried unanimously.

**RESOLVED – That:**

**Prior Approval be granted subject to the following conditions (as required by the Town & Country (General Permitted Development) (England) Order 2015)**

1. Development under Class Q is permitted subject to the condition that development under Class Q (a) and under Class Q (b), if any, must be completed within a period of 3 years starting with the date of this permission.

**Reason: In accordance with Condition (3) as outlined under Conditions of Class Q under Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

2. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 4439 (P) 001, 4439P (O) 106 & 4439 P (O) 107), except where otherwise stipulated by conditions attached to this permission.

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of the National Planning Policy Framework and to ensure compliance with the provisions of Class Q of Part 3 of the General Permitted Development Order.**

**INFORMATIVES:**

1. The applicant is advised that it in accordance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, it is a condition of any planning permission granted by a General Development Order that is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), that works should not commence until the developer has received written notification of the approval from the local planning authority under Regulation 77. The applicant should therefore be satisfied before commencing works that the development will not have any likely effect on any European Site. In addition, applicants are advised that they can, if they choose to, apply to Natural England as the appropriate Nature Conservation body, under Regulation 76 of Regulations (as amended) prior to making any necessary application to the Local Planning Authority under Regulation 75.

2. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

3. The proposed development may not have access to mains water and be reliant on a private water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.

If the supply is to be used for shared or commercial purposes including renting, the private Water Supplies (England) Regulations 2016 specify that the water supply cannot be used until it has been risk assessed by the local authority's private water supplies team (01432 261761) and found compliant. Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.

**21. DATE OF NEXT MEETING**

Noted.

The meeting ended at 12.33 pm

**Chairperson**



## **PLANNING COMMITTEE**

**Date: 16 August 2023**

### **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**181494 - PROPOSED LAND FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORK TOGETHER WITH PUBLIC OPEN SPACE AND LOCAL GREEN SPACE. AT LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY**

**For: Mr & Mrs Turner per Mr Peter Draper, Yew Tree Cottage, Byford, Hereford, Herefordshire HR4 7LB**

### ADDITIONAL REPRESENTATIONS

Comments from the applicant's agent were received on 14 August – these are appended to this update sheet.

The following representation was received on 1 August by a neighbour who has already made comment on the application previously; -

*Dear Sirs,*

*I have attached 3 photographs taken showing how many cars park on Headbrook in Kington and can completely block one side of the carriage way. This is a busy route into and out of the town from the A44 and is used by many vehicles including both regular scheduled services and school buses. A large number of heavy goods vehicles use Headbrook to access the petrol station, not only for fuel but also to park up for a snack and a drink. Delivery vans into the town shops in addition to locals and visitors to the town all use this road. There is very limited free parking in Kington so people park in this area and catch the bus into Hereford or walk to the local shops and amenities.*

*I believe that the access road to the proposed new housing estate would further add to the congestion of this road which is already difficult to cross at certain times of the day and would warrant a pedestrian crossing area or at the very least survey the volume of traffic on this road to review what steps can be taken to reduce the speed of vehicles and control the amount parking by non-residents.*

*It is for the reasons above that I object to building on the meadow to the north of Headbrook.*

*Yours sincerely,  
Diane Ferriday.*





Further to the above late representation, the applicant has provided the following response (11 August); -

*Good Morning,*

*Following the latest photographs to be added to the planning portal, please find attached photographs taken at 9.30 a.m. today, 11th August 2023.*



#### **OFFICER COMMENTS**

- Officers consider that the matters highlighted in the above late representations / comments do not raise any new material planning considerations not already covered within the Officer's Report.
- It was confirmed on Friday 11 August by the Strategic and Neighbourhood Planning Manager we continue to have a five year housing land supply of 6.27 years. The formal Annual Position Statement and Report will follow in the coming weeks.

#### **CHANGE TO RECOMMENDATION**

- No change to recommendation as set out within the Officer's Report.

Appendix - Applicant's Comments on the Officer Report to Planning Committee of 16.08.23

## **PDA Planning**

Yew Tree House, Byford, Hereford HR4 7LB  
T: 01981 590500 & 07831 105423  
E: info.pdaplanning@gmail.com  
W: www.pdaplanning.co.uk

Town & Country Planning Consultants  
Land, Property and Development Consultants

Peter J Draper, DipTP (Nottm), FPCS    Catherine M Draper, MEd, DipTP (Nottm), PGCE

### **181494 - Land adjacent to Spring Cottage, Headbrook, Kington**

#### **Applicant's Comments on the Officer Report to Planning Committee of 16.08.23**

- Re 1.7: There was no mention of the 5 Year Housing Land Supply (5YHLS) or 'Tilted Balances' in the 2018 Planning Committee's debate nor is it mentioned as such in the debate recording, the subsequent Committee Minutes, or in the Approval Reasons.
- Re 1.8: No 'Tilted Balances' were mentioned in 2018 and therefore were not 'engaged'.
- Re 1.9: The present 5YHLS position does not alter the fundamental reasons for the 2018 Planning Committee approval; the 5YHLS was not fundamental in the reasons for the 2018 approval.
- Re 1.10: The 2018 approval was based on an up to date Local Plan/Core Strategy Policy i.e. Policy KG1 – Development in Kington, which seeks to accommodate around 200 new dwellings in the town (the LP/CS Inspector recommended a minimum of 200 dwellings); the originally approved proposal for Headbrook is for up to 35 dwellings and thus is entirely policy compliant.
- Hence, re 1.10 and 1.11, we cannot understand or agree that there has been a significant change to the planning policy context and certainly no reason for the application being referred to another Planning Committee some 4.5 years later for 'another go'.
- Re 6 and 6.1 and following to 6.15.1: This largely re-presents the original views and/or objections from Council and Statutory Consultees of 2018 and which were fully considered by the 2018 Committee and largely dismissed; there should be no difference now.
- However, the one major difference now concerns Natural England (NE) who had no objection originally in 2018, but then in July 2019 (when the scheme's S.106 Agreement was about to be signed off and a final permission issued) objected on the grounds of the 'Dutch Case' and created the subsequent embargo on all new Herefordshire development within the River Wye SAC area, resulting in nearly 4 years of development stagnation. The proposal has now passed the 'phosphates test' and the required credits have been purchased, such that nutrients neutrality has been secured and NE now has no objections whatsoever.
- Re 7 and 7.1 and following to 7.3.1: This largely re-presents the original views and/or representations/objections of other outside bodies and members of the public; all these were fully considered by the 2018 Committee and generally dismissed and again there should be no difference now.
- Re 7.1/7.1.1: In the Kington Town Council reconsultation views of 10 January 2023, there seems to be some confusion and the overall comment seems to reiterate their original objection of 2018, which was largely based on the now failed Kington Neighbourhood Plan (KNP); this seems at odds with the fact that in February 2020 the Town Council, in considering revision of KNP, now supported the Headbrook housing site under Policy KANP – Housing Delivery.
- Re 7.2/7.2.2/7.2.3: This covers the Public Consultation of May 2018 which was considered fully by the 2018 Committee and the reconsultation of December 2022/January 2023; the reconsultation resulted in very similar objections to those of 2018 which were previously fully considered by the Committee and not accepted. We provided strong rebuttal reasons, emphasising where there were errors of fact, in 2018 (Brief Statement: June 2018) and again in 2023 (Brief Statement No 3: May/June 2023), notwithstanding that there were actually 6 separate representations made in 2023 within the 'time limit' and a further 6 out of time of which 5 had already made earlier, in-time, representations.
- Re 8, Officers Appraisal and 8.1 and following to 8.12: This was all fully considered and debated by the 2018 Committee and they found that the proposal was fully sustainable and appropriate.
- Re 8.13 to 8.27: The Conservation Area at its nearest point is over 70 metres from the proposed housing and cannot be viewed against the existing mix of other commercial and residential building and the existing

landscape; this was fully considered by the 2018 Committee at a site visit and the later debate and it was found that there would be no impingement on the CA.

- Re 8.28 to 8.35: The effect of the proposal on the local landscape was fully considered by the Committee in 2018 both at the site visit and the later debate and the consensus was that there would be little harm to the local landscape and that the green space and landscape enhancement elements of the scheme would benefit the area greatly.
- Re 8.57 to 8.63: This emphasises the work that has gone on since December 2018 and July 2019 to create the nutrient neutrality required by NE and which the proposal now meets fully to the complete satisfaction of NE.
- Re 8.64: This is breathtakingly inaccurate. The S.106 Agreement was fully accepted and ready for signing off in July 2019 (despite the fact that the Council's dilatory inaction had taken since December 2018 to be ready for their signatures, while the applicants had already signed). Following the 2019 development moratorium, in November 2020 the applicants commissioned the necessary environmental work to prove the phosphates credits acceptance and in August 2022 they were invited to apply for the purchase of credits. In April 2023 the applicants paid the Council nearly £63,000 in purchase fees and the original S.106 was amended and agreed with the Council on 21 April to take account of the credits purchase; this was signed by the applicants on 27 April with a promise from the Council to complete the transactions within a few days and to issue the planning permission. By 10 May, the Council had changed the position and reneged on its promise and the applicants were informed that the Planning Application would be referred back to a new Planning Committee – hence the applicants have been waiting for a further four months until 16 August for a resolution with a current and amended S.106 ready for completion.
- Re 8.69: The refusal recommendations are nothing more than a 'cut and paste' job from the original December 2018 officer report, which was fully debated and considered by the Planning Committee, resulting in a clear-cut 11 to 1 vote to approve the planning application, subject to the completion of the S.106 Agreement.
- Re the 5YHLS debate: The 2023 assessment has yet to be published; in a Planning Appeal case at Winforton in 2022 (application 210131), the Council in their Case Statement said, regarding the Headbrook proposal:

*"The application has been assessed and found to be acceptable in all respects, except the need to carry out a positive HRA. The application was placed 'on hold' and in priority queue to be offered phosphate credits. The LPA wrote to the Applicant on 5th August 2022 to invite them to purchase credits that were now available from the Council's Integrated Wetland scheme in Luston. A formal response is required by the 26th August, however the Applicant has informally advised officers that they intend to purchase credits to mitigate for the effects of the development. This would allow for a positive HRA to be carried out. There is therefore a high likelihood that the Council will be able to grant permission in near future and that the housing will subsequently come forward thereafter"*

If the Headbrook proposal was good enough for the Council's appeal evidence in 2022 and the 5YHLS, then it should be good enough for August 2023 and should be approved by the Planning Committee as it was, overwhelmingly, in December 2018.

END

*P J Draper, DipTP (Nottm), FPCS  
On behalf of Mr & Mrs M Turner  
August 2023*

## SCHEDULE OF COMMITTEE UPDATES

**212518/RM - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 191541/O (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**

### ADDITIONAL REPRESENTATIONS

Officers have been made aware of advice provided to the neighbours at Yew Tree Farm by the Environment Agency (EA) in respect of concerns regarding their well. Whilst these comments have not been submitted as a representation on this application, it was felt appropriate to update Members.

*"Thank you for taking the time yesterday to provide us with supplementary information regarding your query, about a proposed septic tank within 50m of your property. Colleagues within our Land & Water and Groundwater & Land Contamination Teams have considered the information available to us and have reached a conclusion for you. The proposed drainage field should be located 50 metres downgradient of the well situated on your property, to comply with the General Binding Rules. This development would therefore need to apply for a discharge permit, so that the discharge from this activity can be thoroughly assessed in greater detail. We feel that your local authority should be satisfied that this is a groundwater discharge activity that warrants further investigation, prior to the implementation of the plans for the proposed development."*

### OFFICER COMMENTS

With regard to the EA's correspondence, Officers are at a slight disadvantage in that we do not know the content of discussions leading to the response. In relation to Regulation 7 of the General Binding Rules, which govern whether or not an environmental permit is required, our position is as follows:

- Regulation 7 states that to prevent groundwater pollution you must check if the discharge point is in a groundwater source protection zone 1 (SPZ1). A groundwater SPZ1 can be the area around a commercial water supply used for drinking water or food production. A suggestion has been made by the Local Member (Cllr Hitchiner) that well water is being used to cultivate crops. However, the advice received from Land Drainage and confirmed via DEFRA's interactive mapping online is that the site does not lie within a groundwater SPZ1.
- Regulation 7 also says that a groundwater SPZ1 can also be any area within 50 metres of a private water supply for human consumption. It is therefore relevant to ask neighbours if they have one and, if so, how far their spring, well or borehole is from your drainage field. Our Private Water Team has confirmed that Yew Tree Farm is not registered as private supply for human consumption. We also know that this area is served by a mains water supply.

On this basis, even if a permit was deemed to be required, we do not envisage that there would be any likely grounds for refusal in the absence of registered use of the well for domestic drinking water. It is important to emphasise that the Council should not seek to duplicate controls that are the responsibility of another authority – in this case the EA and the consideration of a permit application.

### CHANGE TO RECOMMENDATION

N/A



<b>MEETING:</b>	<b>Planning And Regulatory Committee</b>
<b>DATE:</b>	<b>6 September 2023</b>
<b>TITLE OF REPORT:</b>	<b>220646 - Proposed Extension of Turnpike Traveller Site</b> <b>Turnpike Caravan Site, Pembridge, Herefordshire, HR6 9JZ</b> <b>For: Mr Jones per Mr Owen Fry, Shiretown House, 41-43 Broad Street, Hereford, Herefordshire, HR4 9AR</b>
<b>WEB LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220646&amp;search-term=220646">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220646&amp;search-term=220646</a>
<b>Reason Application submitted to Committee – Council Application / Redirection</b>	

**Date Received:** 23 February 2022  
**Expiry Date:** 18 August 2023

**Ward:** Arrow

**Grid Ref:** 338990,259756

**Local Member:** Cllr Roger Phillips

## 1. Site Description and Proposal

- 1.1 The application relates to a site approximately 1.5km to the north of Pembridge which provides pitches for members of the Gypsy and Traveller community. Known as Turnpike, the site is owned and operated by Herefordshire Council and provides six caravan pitches which are served by a number of fixed service buildings and day rooms. The application reports that the site was in use up until March 2021, however it is currently out-of-service with the pitches and buildings in a poor state of repair. The current site totals around 0.5 hectares in area and is bound by the C1032 to the north, from which vehicular access is gained. The site adjoins a private street to the north which provides access to the Torvale Industrial Estate, which is primarily occupied by Kingspan Insulation Ltd. The site is identified by the red line on the aerial image below:



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

1.2 The current application relates to the parcel of agricultural land to the rear (east) of the current site and seeks permission for the provision of a further four pitches and associated infrastructure. The additional pitches would be operated as an extension to the established site, bringing the cumulative pitch total to ten. The existing pitches would continue to be served by the established access off the C1032 to the west, whilst the new pitches would be served by a new access onto the private road to the north that subsequently links to the public network at the north-west corner of the site. Pedestrian access would be provided to link the existing and proposed pitches. The new pitches would be arranged in pairs to the south of a new central access road and each pair would share a new service and amenity building. A communal area is proposed to the centre of the site, which includes a children's play area. The application is supported by a scheme of landscaping measures, which includes the creation of new earth bunds, the planting of native trees at the site boundaries and the planting of wildflower meadows. The proposed site plan is shown below:

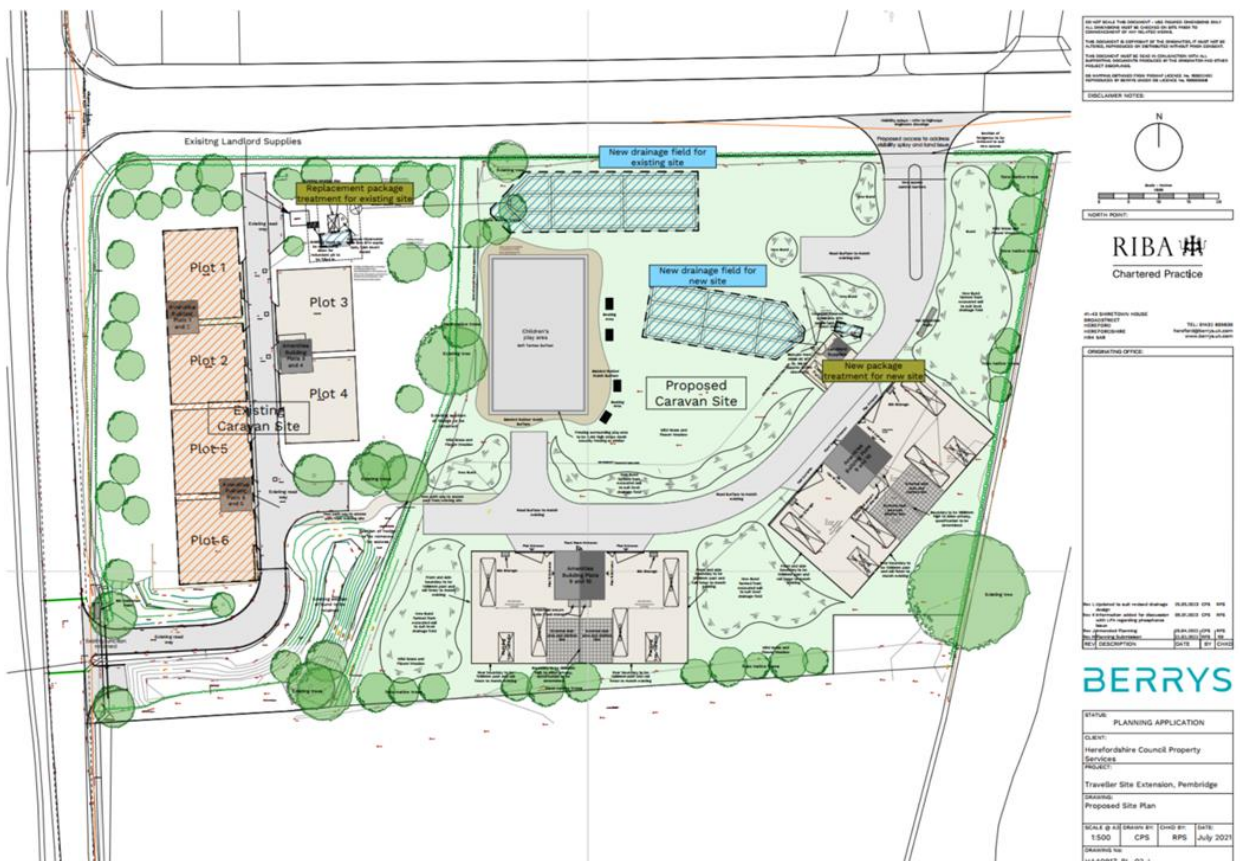


Figure One: Proposed Site Plan

1.3 In addition to the proposed plans, the application is supported by:

- Planning, Design and Access Statement – Berrys
- Highways Access Statement – Berrys (May 2023)
- Nutrient Neutrality Statement – Berrys (May 2023)
- Drainage Calculations and Design – Berrys
- Completed River Lugg Phosphate Calculator (existing and proposed systems)
- Ecology Survey – Turnstone Ecology (TT3260-Pembridge)



## 2. Policies

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

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

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA2	-	Housing in settlements outside Hereford and the market towns
H3	-	Ensuring an appropriate range and mix of housing
H4	-	Traveller Sites
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure r
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

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

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

### 2.2 Herefordshire Traveller's Site Development Plan Document (DPD) 2019

The Travellers' Sites Development Plan Document forms part of the Herefordshire Local Plan. It makes site-specific allocations for new pitches and sets out planning policy for the consideration of additional pitches for Travellers and Travelling Showpeople. The following policies are of relevance to the current application:

- Policy TS1 – Residential Traveller Pitches and Sites
- Policy TS7 – Turnpike, Pembridge

The Travellers' Sites DPD can be viewed here:

<https://www.herefordshire.gov.uk/directory-record/6050/travellers-sites-development-plan-document>

## 2.3 Pembridge Neighbourhood Development Plan (NDP)

The Pembridge Neighbourhood Development Plan was made in March 2019. The following policies from the NDP are considered to be of relevance to the current proposal;

Policy PEM1	–	Promoting Sustainable Development
Policy PEM2	–	Development Strategy
Policy PEM6	–	Design Criteria for Residential Development
Policy PEM18	–	Retaining the Natural Environment and Landscape
Policy PEM21	–	Protection from Flood Risk
Policy PEM23	–	Sustainable Design
Policy PEM25	–	Highway Design Requirements

The Pembridge NDP 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/directory-record/3094/pembridge-neighbourhood-development-plan>

## 2.4 National Planning Policy Framework

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

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

## 2.5 Planning Policy for Traveller Sites

This document sets out the government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

- Policy A - Using evidence to plan positively and manage development
- Policy B - Planning for traveller sites
- Policy C - Sites in rural areas and the countryside
- Policy H - Determining planning applications for traveller sites
- Policy I - Implementation

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

### 3. Planning History

The following applications are of relevance to the site:

PLANNING REFERENCE	DESCRIPTION	DECISION	DATE
DCH870279/F 86/0418/N	Proposed Gypsy Site on Land Adjacent To C1033 Pembridge - Shobdon Road.	Approved	1987
DCNW2004/3374/F DCN044241/F	Formation of new vehicle access, fencing, play area and extension of site	Approved	November 2004

### 4. Consultation Summary

#### Statutory Consultations

#### 4.1 Natural England – No Objections

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.

##### Internationally and nationally designated sites

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI) 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<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

##### European site - River Wye SAC - 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 Lugg 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

#### 4.2 **Welsh Water – Qualified Comments**

**SEWERAGE** - Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from the Environment Agency and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

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

#### **Internal Council Consultations**

#### 4.3 **Transportation Manager (Highways) – No objection**

The proposed extension of the traveller site will result in an additional 8 pitches with associated amenity areas and drainage field. The modest trips associated to the pitches are likely to be accommodated within the capacity of the surrounding highway network.

It is noted that the access relies on a connection to a private road. This falls outside the jurisdiction of the local highway authority and the applicant should satisfy themselves that they have sufficient rights to make the connection. In addition any works to the road will need to meet the specification of the roads owner.

The layout of the access is appropriate to serve the proposal. The site layout has sufficient vehicle parking and turning space to ensure that vehicles can enter and exit the site in a forward gear.

There are no objections from the local highway authority to the proposed extension to the existing facility.

#### 4.4 **Conservation Manager (Ecology) – No Objections**

##### Assessment as Habitats Regulations Assessment

##### *Key Issues and Potential Pathways:*

The proposed development includes a package treatment connection for 4 new caravan pitches where waste water will be treated by an onsite package treatment works, which sits within the River Lugg SSSI/River Wye SAC catchment in which Natural England's Nutrient Neutrality applies. The additional phosphate load generated by the proposed development has the potential to result in a likely significant effect on the River Wye SAC. A potential effect pathway has been identified and an Appropriate Assessment is therefore required. No other potential effect pathways have been identified.

##### *Impacts of the Project:*

The proposal is for 4 new caravan pitches. 6 pitches are currently in place on the site and are served by an existing package treatment plant and drainage field. The proposed new 4 pitches have been assessed using the standard Natural England methodology and budget calculator.

Infiltration Testing. There is currently a drainage field in place on the site serving the existing 6 pitches. This field has been in place since 2007 and its construction is unknown. Testing shows that soils on the site infiltrate well.

Calculation of PTP Capacity Requirements. It is proposed to install a Danish designed and built packaged system by BioKube which is distributed in the UK by WTE Ltd. The appropriate systems for the level of peak loading at Turnpike are the Mars 3000-3C model, which is certified to EN 12566-3 and EN 12566-6. The system is certified to 1.6 mg/l total phosphate.

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 2.22 kg TP/year.

Mitigation is proposed in this case including the replacement of the existing package treatment plant on the site with a new, better performing and is set out in table 4 below.

#### *Mitigation Requirements and Outcomes*

The proposal is to mitigate the budget of the new development (4 additional pitches) proposed under application 220646 with the replacement of the package treatment plant serving the existing 6 pitches on the site. The current pitches are served by an old package treatment plant for which a value of 9.7mg/l has been agreed as appropriate.

The site as existing (6 pitches)

The Waste Water P load of the development is calculated to be:

Development	6 dwellings
Occupancy	2.3 per dwelling
Additional population	13.8 people
Water usage	120 l per person per day
Waste water volume	1656 l per day
Receiving WwTW environmental permit	9.7 mg/l
Total phosphate after treatment	16,063.2 mg/TP/day
Convert mg/TP/day to kg/TP/day	0.0160632 kg/TP/day
Per year	5.87 kg/TP/year

Waste Water Total Phosphate Load is 5.87 kg/TP/year.

The Current Land Use is residential urban land use (0.49ha) and shrub mix (0.84ha)

The Current P Leaching Load is 0.73 kg TP.

There is no land use change associated with this calculation so the Post Development Land Use equates to an Annual Phosphorus Nutrient Export of 0.73 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	5.87 kg/TP/year
Historic landuse P export	0.73 kg TP
Post development P export	0.73 kg TP
Landuse net change	0 kg TP
Phosphate budget	5.87 kg TP/year
Phosphate budget including 20% buffer	7.04 kg TP/year

The site as proposed (10 pitches) including mitigation

The Waste Water P load of the development is calculated to be:

Development	10 dwellings
Occupancy	2.3 per dwelling
Additional population	23 people
Water usage	120 l per person per day
Waste water volume	2760 l per day
Receiving WwTW environmental permit	1.6 mg/l
Total phosphate after treatment	4416 mg/TP/day
Convert mg/TP/day to kg/TP/day	0.004416 kg/TP/day
Per year	1.61 kg/TP/year

Waste Water Total Phosphate Load is 1.61 kg/TP/year.

The Current Land Use is residential urban land use (0.49ha) and shrub mix (0.84ha)

The Current P Leaching Load is 0.73 kg TP.

The Post Development Land Use is residential urban land which equates to an Annual Phosphorus Nutrient Export of 1.93 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	1.61 kg/TP/year
Historic landuse P export	0.73 kg TP
Post development P export	1.93 kg TP
Landuse net change	1.2 kg TP
Phosphate budget	2.81 kg TP/year
Phosphate budget including 20% buffer	3.38 kg TP/year

It can clearly be seen that the proposed scenario including mitigation which results in 3.38kg TP/yr is a betterment over the existing scenario of 7.04kg TP/yr. Therefore the development proposed, including mitigation, will not have an adverse effect on the integrity of the River Wye SAC and no further mitigation is required.

#### **CONCLUSIONS:**

Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that there would be NO adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.

#### ***Recommended Planning Conditions:***

The following elements of the proposal will be secured by planning condition

- The decommissioning of the existing package treatment plant and drainage field on the site and its replacement with the proposed package treatment plants and new drainage field for the entire 10 pitch development
- The proposed drainage details including the use of the BioKube PTP for the entire site

#### **Protected Species and Biodiversity Matters**

The supplied ecology Preliminary Ecological Assessment by Turnstone Ecology dated 10<sup>th</sup> September 2021 is noted and refers. This report appears relevant and appropriate. No effects on

local populations of protected species is identified as being associated with the proposed development. The LPA doesn't identify the construction of the development as having any likely direct effects on local protected species although the applicant should be reminded of their and their contractors' legal obligation to wildlife protection at all time through the Wildlife & Countryside Act. There are significant records of multiple bat species roosting within the immediate area and all works and lighting must consider the potential sustenance and support of these likely breeding roosts.

#### 4.5 **Strategic Planning Officer – Qualified Comments**

The site is allocated in the Travellers Site DPD under policy TS7. This policy sets out the broad requirements for the development of the extension to the site leaving the detailed layout to be determined at the planning application stage. I consider that the proposals as set out meet the requirements of Policy TS7. However I would point out that Policy TS7 requires a contaminated land assessment which I cannot see reference to in the documentation. The supporting text to policy TS7 states that:

“The site is situated within the former area of the Shobdon airfield. As such a contaminated land assessment should be carried out. A landscape bund is located to the south and east of the existing site. The landscape bund would require partial excavation to provide access into the extended area. Tests should be carried out on the bund to identify the materials before excavation begins.”

However in summary, I am pleased to see this site being brought forward as proposed. The addition of four pitches on this site, together with the refurbishment of the existing pitches, will make an important contribution to the requirement for Traveller pitches in the County.

#### 4.6 **Open Spaces Planning Officer – Qualified Comments**

National Planning Policy Framework (NPPF) 2021:

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Core Strategy(CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

Evidence Base and standards

As part of the Core Strategy review a partial review has been undertaken and completed by LUC consultants of evidence base “Open Space Assessment (2006). The 2023 Open Space Assessment is now complete (this week) but not published as yet on the planning website. However, given that it has been developed in the context of the latest national policy it is considered to provide the latest guidance and recommendations for open space and children's play to be used in support of my comments for this application.

- Herefordshire Open Space Assessment 2023 Recommends
- Natural England green infrastructure quantity standard of
  - 3ha of accessible greenspace per 1000 of the population
  - Everyone has access to good quality green and blue spaces 'close to home'. This is defined as:
    - A 1km distance from a medium sized neighbourhood accessible greenspace (at least 10ha); AND

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- Either a 200m of a doorstep accessible greenspace (at least 0.5ha); OR
- A 300m of a local accessible greenspace (at least 2ha).
- Fields in Trust formal equipped play standard quantity of 0.25ha per 1000 population

Open Space Policy Requirements: In accordance with CS policy OS1 requirements for open space, are to be considered on a site by site basis.

On site provision: At pre-application (ref: 213129) I supported the proposal as presented with regard to the open space and children’s play offer recognising at that time that in accordance with existing CS open space policies and associated evidence base that there were no set standards of provision associated with this type of accommodation - the proposal is for the regeneration and extension to the Turnpike traveller site to create a total of 10 plots - and in general the open space serving this type of provision will be solely for the users of the accommodation.

The site is located outside of the settlement of Pembridge and as such has no direct access to existing open space or children’s play areas within acceptable thresholds. On-site provision is therefore supported in accordance with policy. The submitted site plan shows open space and children’s play as being integral to the overall site similar to pre-application, although the layout has changed from pre-application. The provision of both a formal play space and informal grassed areas with wildflower meadow planting looks to be generous and well located providing easy and safe access and natural surveillance. The area includes some seating. This is supported. In accordance with the Open Space Assessment 2023 and recommended standards of provision, there is a requirement for “everyone to have access to good quality green spaces close to home and for doorstep accessible greenspace as described above. Given the location and limited access to open space, for only 10 plots the provision looks to be more than adequate for this type of accommodation.

As described in the submitted Design and Access Statement paragraph 3.5, the open space offers both formal play opportunities and natural play opportunities and the inclusion of seating will help support the use of the open space by all family members and this approach is supported. The Open Space Assessment 2023 recommends the provision of multi –functional open spaces in support of the NPPF which recognises the importance of access to high quality open spaces for the health and well-being of communities and the wider benefits to nature and climate change adaption that open space can provided.

My only comment with regard to the soft tarmac surfaced area (to be fenced) is what is the intention for its use given it is to be fenced with 2.4 m high security fencing? No formal equipment is shown or proposed? Could the applicant confirm if the intention is to provide a MUGA style area with a ball court / basket-ball hoop or some play equipment.

Maintenance: Suitable management and maintenance arrangements will be required to support any provision of open space and associated infrastructure within the open space in line with the Council’s policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

It is recommended that submission of details of the Management Company should be conditioned accordingly and submitted as part of the landscape scheme. This should include a written scheme detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities



#### 4.7 **Environmental Health Manager (Contamination) – No Objections subject to Conditions**

The proposed development is on the site of a former airfield, and as such there is a potential for contamination to be present. Because of this I'd recommend the condition below be appended to any approval to ensure it is safe and suitable for its intended use.

#### 4.8 **Land Drainage Officer – No Objections**

The Applicant proposes the construction of four additional residential caravan pitches, with associated infrastructure, adjacent to an existing residential caravan site on a 0.9ha area of greenfield land. The area is relatively flat. It is also proposed that the foul water drainage arrangements for the existing site will be upgraded as part of the development.

##### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the majority of the site is located within the low probability Flood Zone 1. We note that a very small area of the site along the south eastern boundary is within Flood Zone 2, which is on the edge of the River Arrow floodplain. As the proposed caravans will be raised off the ground, it is unlikely that the proposed development will be affected if flooding were to occur. We do not require the planning application to be supported by a Flood Risk Assessment (FRA).

##### Surface Water Flood Risk

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

##### Other Considerations

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

##### Surface Water Drainage

The two concrete pads will be surrounded by a 75m long, 0.5 m wide, 1m depth soakaway, which we deem to be acceptable for this development as percolation test results proved that a discharge to ground is viable.

##### Foul Water Drainage

The foul water drainage arrangements, which comprise of two new drainage fields, cannot meet the River Lugg criteria, however we understand that Ecology have no objections to the application and therefore we do not have any objections. The drainage fields have been adequately sized using a Vp of 22.6, for populations of 24 (136m<sup>2</sup>) and 20 (113m<sup>2</sup>).

##### Overall Comment

It has been confirmed that the site will be managed and operated by Herefordshire Council as the Local Authority. Herefordshire Council will take responsibility for the future management and maintenance of the surface water and foul water drainage infrastructure.

Based on the reviewed documents stated above, provided there are no changes made to the proposed development plans which could result in a flood risk, surface water and foul water drainage arrangements, at any other planning stages and will be constructed in line with the

design and plans under this application, in principle, we hold no objections to the proposed development.

## 5. Representations

### 5.1 Pembridge Parish Council – Objection

*Comments 30<sup>th</sup> May 2022*

Pembridge Parish Councillors received a presentation from the applicants' consultants in November 2021 regarding proposed plans to extend the Turnpike Travellers site. The original plan presented and consulted upon has been changed and points of local knowledge and historical reference highlighted below have not been considered in the final proposals now submitted. Unfortunately, there has been no consultation with the Parish Council on revisions to the plan. This application is for a further four pitches at the rear of the site. Parish Council accepts that these four pitches have been identified for development and have repeatedly raised concern at each stage in regard to the management and overall tidiness of the site.

The main points the Parish Council raise in objection to the application are:

- Safety – The submitted plans now include a new side entrance for the extra pitches off the private roadway alongside the site serving local businesses on the Torvale Industrial Estate. Parish Council had already raised concerns as this road is in constant use by large HGVs and farm traffic and had requested a strong, safe boundary be installed to protect Turnpike residents, especially the children, from straying onto the road in the path of heavy traffic. The proposed exit would breach this boundary.
- Historically the entrance was at the side of the site and moved to the current front position due to challenges and difficulties along the Torvale Road. Visitors to the traveller's site parked along the roadside, making it unpassable for business traffic which highlighted the issue of safety to all users forcing the position change. The proposal does not recognise this history or the fact that it is sensible to expect similar issues to arise which will create significant safety issues to site residents, their children, their visitors and to businesses which use the road to access the industrial estate and other premises. It is perhaps not appreciated that all the HGV traffic that uses the main road turns into the private road and does not go as far as the existing site entrance as traffic of this nature is not permitted over the bridge at Pembridge. If the new entrance is allowed there will be more heavy traffic passing this exit/entrance than the existing entrance has ever had
- Turnpike residents have been using the current front entrance without issue of visibility. The Parish Council believe the entrance should remain at the front of the site to prevent a repetition of the above-mentioned past issues and to avoid serious accidents that the Parish Council feel would inevitably occur.
- Adverse effect on Business. The industrial Estate is home to Kingspan and other users. The proposed exit will cause issues for these companies which are significant employers and has the potential to disrupt their operations. For these reasons the new exit should not be allowed.
- Litter - There is provision for the storage of litter/waste bins included on this plan, which will not be adequate to hold the bins required for Herefordshire Councils new planned waste management scheme (up to four bins per household), the bays should be adequate in size to store all waste bins provided for use.
- Historically the Parish Council has made numerous complaints regarding litter pollution along the C1032 from the overflowing bins at the roadside (which are not taken back into the site and may have not been collected for a variety of reasons). If the bays are not big enough bins will be stranded all over the site and along the roadside creating further litter management issues. When the bins are not regularly emptied the overflowing litter is blown all over the roadway causing an unnecessary extra burden on the Parish Council to arrange regular litter clearance.

- As residents are charged a fee for living on the site it is a business and subject to PEM 13 of the Pembridge NDP. If it cannot be robustly demonstrated that the potential polluting effects of this enterprise can be fully mitigated permission should be refused as Per PEM 13 (e)
- Site Management –Herefordshire Council management of the site has been ineffective and Parish Council are very concerned that extra sites here will heighten issues with general behaviour and lack of consideration to the amenity for local parishioners. It is hoped that proposed CCTV surveillance will help control any anti-social behaviour. Parish Council would like to see a very robust and effective management agreement in place

To conclude Pembridge Parish Council strongly objects to the proposal as presented for the reasons set out above and believes it would be unforgivable if a serious accident involving injury or loss of life were to occur if the new site entrance is created despite the warnings given in this objection. However, if the objections stated above can be resolved the Parish Council would be prepared to reconsider their position.

## 5.2 Further Comments 30<sup>th</sup> June 2023

Pembridge Parish Council continue to have a **STRONG OBJECTION** to this application and is disappointed that the applicant and its consultants appear to have paid virtually no heed to all the issues raised by the Parish Council and other parties who have greater knowledge of the site, its history and problems that they do.

Pembridge Parish Councillors originally received a presentation from the applicants' consultants in November 2021 regarding proposed plans to extend the Turnpike Travellers site. Councillors highlighted at the time concerns with the plan presented. Herefordshire Council has acted upon some of these concerns and the proposal revised, however Pembridge Parish Council still feel further objection should be made.

Pembridge Parish Council has repeatedly raised concern at each stage of this application regarding the management and overall tidiness of the site. As the site has been closed for years, Councillors question whether further expansion is necessary and hope Herefordshire Council might consider renovation of the existing site as a preference to the extension.

The main points the Parish Council continue to raise in objection and wish to highlight concerns regarding the application once more:

- Safety – The re-submitted plans continue to propose a new side entrance for access to the new pitches off the private roadway alongside the site, this roadway serves local businesses on the Torvale Industrial Estate. When Parish Council were first consulted upon, it raised concerns that this road is in constant use by large HGVs and heavy farm traffic and had requested a strong, safe boundary be installed to protect Turnpike residents, especially the children, from straying onto the road in the path of heavy traffic. However, disappointingly the same access remains proposed.
- A reminder that, historically the entrance was at the side of the site and moved to the current front position due to challenges and difficulties along the Torvale Road. Visitors to the traveller's site parked along the roadside, making it unpassable for business traffic which highlighted the issue of safety to all users forcing the position change. The proposal does not recognise this history or the fact that it is sensible to expect similar issues to arise which will create significant safety issues to site residents, their children, their visitors and to businesses which use the road to access the industrial estate and other premises. It is perhaps not appreciated that all the HGV traffic that uses the main road turns into the private road and does not go as far as the existing site entrance as traffic of this nature is not permitted over the bridge at Pembridge. If the new entrance is allowed there will be more heavy traffic passing this exit/entrance than the existing entrance has ever had.

- Turnpike residents have been using the current front entrance without issue of visibility. The Parish Council believe the entrance should remain at the front of the site to prevent a repetition of the above-mentioned past issues and to avoid serious accidents that the Parish Council feel would inevitably occur. Parish Council would also suggest that a sensible speed limit is introduced to slow any danger entering the site off the C1032.
- Following correspondence with the owner of the private roadway, Parish Council is concerned that the entrance to the site is not yet legal and Herefordshire Council should not assume to gain access.
- Adverse effect on Business. The Industrial Estate is home to Kingspan and other businesses. The proposed access will without doubt cause issues for these companies which are significant employers and has the potential to disrupt their operations, especially if vans and caravans are parked along the private roadway denying access. For these reasons the new exit should not be allowed.
- Litter and general state of the site – litter, historically has been a big concern for the Parish Council. The provision for the storage of litter/waste bins included on this plan will not be adequate to hold the bins required for Herefordshire Councils new planned waste management scheme (up to four bins per household), the bays should be adequate in size to store all waste bins provided for use.
- Historically the Parish Council has made numerous complaints regarding litter pollution along the C1032 from the overflowing bins at the roadside (which are not taken back into the site and may have not been collected for a variety of reasons). If the bays are not big enough bins will be stranded all over the site and along the roadside creating further litter management issues. When the bins are not regularly emptied the overflowing litter is blown all over the roadway causing an unnecessary extra burden on the Parish Council to arrange regular litter clearance.
- As residents are charged a fee for living on the site it is a business and subject to PEM 13 of the Pembridge NDP. If it cannot be robustly demonstrated that the potential polluting effects of this enterprise can be fully mitigated permission should be refused as Per PEM 13 (e)
- Site Management –Herefordshire Council management of the site has been ineffective and Parish Council are very concerned that extra sites here will heighten issues with general behaviour and lack of consideration to the amenity for local parishioners. It is hoped that proposed CCTV surveillance will help control any anti-social behaviour. Parish Council would like to see a very robust and effective management agreement in place.

To conclude and reiterate, Pembridge Parish Council continues to strongly object to the proposal as presented for the reasons set out above and believes it can only keep highlighting that there is a high risk of a serious accident involving injury or loss of life which could occur from the proposed site entrance. There is no further provision for waste management and as yet, no details as to site management. It is important that the view of the Parish Council with its local knowledge and historical information should be considered carefully.

### 5.3 **Eardisland Parish Council** (neighbouring) – Qualified Comments

At its meeting on 9 June 2022, Eardisland Parish Council resolved to defer to Pembridge Parish Council and support its objection to application 220646.

### 5.4 **Shobdon Parish Council** (neighbouring) – Objection 31<sup>st</sup> May 2022

This application was discussed at our very well attended monthly parish council last night, and even though we are not a Statutory Consultee (even though this affects several businesses in our Parish) we want to register our decision of **objecting** to this planning application.

The issues raised at the meeting were:

- 1) Local Businesses – this new entrance will make it more difficult for the current businesses to run smoothly as there will be more traffic and disruption on the site of this new entrance.
- 2) Drainage – the drainage system in the application does not comply with the current position in regards to Phosphates or Building regulations.
- 3) Ecology -Part of the ecology report has been redacted, why was this and what did it say?
- 4) Capacity -Is there capacity within the local schools, health Care system etc?
- 5) Transport -There is no local transport links or services.
- 6) Safety -Children/pedestrian safety – the entrance is onto an extremely busy privately owned link road, which is used by HGVs, Lorries, Tractors and Trailers and cars. It is an accident waiting to happen with children riding their bikes/playing on this road by this new proposed entrance.
- 7) Costs - Why does there have to be a new entrance? (HGVs etc do not pass the existing entrance). Could money be better spent on the original entrance?
- 8) Maintenance -Is there a maintenance plan in place for this site? What happens if it is vandalised like the previous site?

## 5.5 River Lugg Internal Drainage Board – Qualified Comments / Standing Advice

Our current guidelines for any increase in surface water discharge are as follows: -

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that infiltration tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District. Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

Recommendations:

This development is just within the IDB district. It is noted surface water from the development is to be discharged to a soakaway. It is noted that infiltration tests have been undertaken which show the site to be suitable for a soakaway. It is noted that foul water will be discharged to a drainage field. Unless there is a change to way to the surface water is to be managed consent is

no required. ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

5.6 **Nine Letters of Objection** were received in response to the initial consultation in May 2022. The key points are summarised as follows:

- Concerns over new access to industrial site road. Existing should be used instead.
- Concerns over potential conflict between site users and industrial traffic as a result of new access being provided to the north of the site onto Torvale Industrial Estate road (HGVs, agricultural traffic, cars and caravans, pedestrians, cyclists)
- Concerns over potential detriment to function of business on Torvale Industrial Estate
- Concerns over water management and impact on River Lugg phosphate situation
- Concerns regarding site management and maintenance arrangements
- Concerns over sustainability of site location to services and facilities
- Concerns over additional pressures upon local education services
- Concerns over necessary rights of access to carry out works on private road

5.7 A further **Four Letters of Objection** were received in response to a further consultation in June 2023. The issues raised as summarised as follows:

- Concerns over new access to industrial site road. Existing should be used instead.
- Concerns over potential conflict between site users and industrial traffic as a result of new access being provided to the north of the site onto Torvale Industrial Estate road (HGVs, agricultural traffic, cars and caravans, pedestrians, cyclists)
- Concerns over potential detriment to function of business on Torvale Industrial Estate
- Concern regarding accuracy of details in proposed plans.
- Concerns over site management, litter and general 'tidiness' of area

5.8 **One Letter of General Comment** has been received raising concerned regarding the ongoing site management and maintenance arrangements.

5.9 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=220646&search-term=220646](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220646&search-term=220646)

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 comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Travellers' Sites Development Plan Document (DPD) and the Pembridge Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS) are also significant material considerations when determining the application.

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.3 A range of CS policies are relevant to development of this nature. As start point however, strategic policy SS1 of the CS sets out the presumption in favour of sustainable development which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9<sup>th</sup> November 2020 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.5 The introduction to the NPPF identifies that it should be read in conjunction with the Government’s Planning Policy for Traveller Sites (PPTS). The PPTS sets the overarching strategy for how Local Planning Authorities should plan for and assess developments for traveller sites. Amongst other things, policy B of the PPTS directs that planning authorities should set pitch targets for gypsies and travellers in accordance with the relevant definition at Annex 1 to address the likely needs in their area. Paragraph 10 directs that in producing their Local Plan, planning authorities should identify and update annually a supply of specific deliverable sites to provide 5 years’ worth of sites against their locally set targets. With the relatively recent adoption of the Travellers Sites DPD and other sites granted permission for pitch extensions, the Council is currently able to demonstrate a 5 year supply of residential pitches. As such, the strategy for traveller’s sites is considered to be up to date and the relevant policies can be afforded full weight.
- 6.6 The proposal here is for additional pitches for residential occupation by persons meeting the definition of ‘Gypsies and Travellers’ as set out within the PPTS. The starting point in terms of establishing the principle of development is therefore the spatial strategy of the development plan. Broadly, in rural areas this seeks to direct new residential development to within or adjoining existing settlements in the first instance. The site here however is outside of any identified settlement and hence policy RA3 of the CS is applicable. This directs that residential development in the countryside will be limited to proposals which satisfy one or more of a number of criteria. Under Criterion 7, RA3 states that one circumstance where residential development outside of settlements may be supported is where the site is providing for the needs of gypsies or other travellers in accordance with CS Policy H4. Policy H4 sets out the approach to travellers sites and states that these accommodation needs will be provided for through the preparation of Travellers Sites Development Plan Document (DPD). It also states that proposals will be supported where;
1. *Sites afford reasonable access to services and facilities, including health and schools.*
  2. *Appropriate screening and landscaping is included within the proposal to protect local amenity and the environment.*
  3. *They promote peaceful and integrated co-existence between the site and the local community.*
  4. *They enable mixed business and residential accommodation (providing for the live-work lifestyle of travellers).*
  5. *They avoid undue pressure on local infrastructure and services.*

6. *In rural areas, the size of the site does not dominate nearby settled communities and;*
7. *They are capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management.*

6.7 The Herefordshire Travellers Site DPD was made in October 2019. It identifies a number of sites to meet the identified need for traveller pitches in the County and this includes making an allocation for additional pitches to be provided as an extension of the established Turnpike site under policy TS7. The policy states that proposals for the development of this site should:

1. *provide 4 additional pitches of a similar scale to the existing site*
2. *Include proposals for the management and use of the remaining part of the site for grazing or orchard / native tree species planting.*
3. *Deliver appropriate landscape enhancements to reflect the Principal Settled Farmlands Landscape character setting including:*
  - a. *appropriate native tree planting for screening in open landscape settlement.*
  - b. *and further landscape enhancements to the existing site frontage.*
4. *Include a suitable and safe play area.*
5. *Provide a contaminated land assessment of the site and of the landscape bund.*
6. *Provide access to the extension area via the existing access onto the highway.*

6.8 The allocation of the site through policy TS7 establishes that it is considered to be an appropriate and sustainable location for the provision of new traveller's pitches. The scheme would serve as an extension to the established site that has been in operation for a number of decades and the supporting text to the allocation at 6.24 of the DPD sets out that it is considered to afford reasonable access to services and facilities on account of its proximity to the village of Pembridge and the presence of nearby bus stops. The principle of development is hence supported from the outset as the proposal aligns with the strategy of the adopted development plan to meet the accommodation needs of Gypsies and Travellers.

6.9 The site would be owned and operated by Herefordshire Council as the local authority. The pitches would be exclusively offered for occupation by those meeting the definition of a 'Gypsy and Traveller' as set out at Annexe 1 of the PPTS and the principle of new residential uses in this location is only acceptable on that basis. A condition is therefore recommended to restrict the use of the site in this manner, which is considered to pass the relevant tests of the NPPF.

6.10 Whilst the principle of development can generally be supported, the specific details of the proposal must be assessed for compliance with the policies of the wider development plan in order for the scheme to be permitted. In addition to the site specific requirements set out above as part of policy TS7, policy TS1 sets out requirements for the development of Traveller's sites more broadly. It reflects the PPTS and brings together many of the aspirations of other development plan policies to require that:

'Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

1. an overall good quality of design which respects the setting of the site and the local landscape character.
2. a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities
3. amenity blocks, where included, should be sensitively designed and sited using appropriate materials for the area.
4. any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced. Any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets should be satisfactorily mitigated.



5. suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.
  6. existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.
  7. a safe area for children to play is included in the site layout where required.
  8. safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.
  9. suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems are maximised.
  10. any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not result in an adverse impact on the amenity of any local residents or other land users.
  11. external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution
- 6.11 Many of the criteria reflect the objectives of policies found in the wider development plan which, amongst other things, seek to ensure that local character is respected, that good standards of amenity are secured and that environmental assets are protected. Policies SD1, LD1, LD2, LD3 and LD4 are relevant in this regard from the CS, as are policies PEM1, PEM6, PEM18, PEM19 and PEM23 of the Pembridge NDP. The policy guidance of the PPTS is also relevant. The most salient issues in this regard are considered in the following paragraphs.

#### **Scheme Details – Design, Local Character and Heritage**

- 6.12 As outlined previously, policies TS1 and H4 set out a range of criteria which will be sought for the design of residential traveller's sites – many related to design and ensuring that any undue impacts on local character or amenity are avoided. TS1 for instance states that schemes should be of an overall good quality of design which respects the setting of the site and local landscape character, whilst H4 requires that appropriate screening and landscaping should be included within the proposal to protect local amenity and the environment. TS7 also sets out site specific requirements for the extension of Turnpike.
- 6.13 Amongst other things, the allocation policy TS7 directs that the site extension should provide an additional four pitches. The proposal scheme aligns with this policy expectation by providing four additional pitches similar in scale to the existing, albeit spread throughout the site at a lower density, with each designed to support two caravans that would be occupied by a single family / group. The total number of caravans on the site and each pitch can be controlled by condition. These controls, combined with the inherent layout of the scheme, is such that Officers are satisfied that the scheme is commensurate to the location and would not have any domineering effect on the local community.
- 6.14 The existing site fronts the highway but is relatively well screened on all sides by landscaping bunds and mature vegetation. As a result, its presence is relatively discrete within the wider landscape – however it is located within the setting of the large Torvale Industrial Estate which heavily influences the character of the landscape in the immediate locale. The area identified for the additional pitches is located to the east of the existing site and comprises a flat parcel of agricultural land that is comparatively more open within the landscape given the more limited vegetation at its boundaries. The scheme would therefore read as representing a degree of encroachment into the countryside, however when considered against the backdrop of the existing site and the nearby industrial estate, Officers are satisfied that this enlargement would not be harmful to landscape character. To mitigate for the visual impacts of the expansion, the application proposes a scheme of landscaping which utilises raised bunds and wildflower meadow planting within the site and new tree planting at its boundaries. The approach in this

regard can be read as a continuation of the strategy used on the existing site which will ensure that the site expansion appropriately assimilates with the area. Full details of the landscaping scheme (including new planting, bunds and boundary treatments) can be secured by condition.

- 6.15 The operational development associated with the application includes the laying of internal access roads, the forming of pitches and play areas and the construction of amenity buildings. The ground level nature of many of these works is such that their impact upon the wider landscape is limited. The amenity buildings would have a greater degree of prominence, however the scale of the buildings is still relatively modest and it is not considered they would be a discordant feature within the wider landscape when viewed in the context of nearby existing development – such as the established site or industrial complex to the north east.
- 6.16 It is not considered that the proposal would have any impact upon any heritage assets, whether designated or not. The nearest assets, such as the Scheduled Monument (SAM- Bowl Barrows) to the north-west or listed buildings at Clear Brook, are several hundred metres away and the scheme would have no demonstrable impact upon their setting. No policy conflict is hence found in this regard.
- 6.17 Taken the above together, Officer's do not identify any conflict with H4, TS1, and TS7 or with the wider policies of the development plan which deal with matters pertaining to design, local character or heritage.

### **Living Conditions and Amenity**

- 6.18 The NPPF seeks to ensure that all developments deliver good standards of living. This is reflected by the NDP and CS, with policy SD1 requiring that proposals achieve satisfactory living conditions for existing and future occupiers of all development. In the context of sites for the Gypsy and Traveller community, policy H4 seeks to ensure that schemes promote peaceful and integrated co-existence between the site and the local community. In terms of the amenity of future occupiers, policy H4 sets out that sites should be capable of accommodating on-site facilities that meet best practice for modern traveller site requirements. This includes through the provision of amenity blocks, play provision and waste management arrangements. Policy TS1 goes on to state that where amenity block are proposed, these should be of good quality and provide a decent standard for washing and cooking facilities.
- 6.19 The site here is in the countryside and does not have any close residential neighbours who might be liable to be detrimentally impacted by its use. As the site is proposed for residential occupation, there is also nothing to suggest that the proposal would not be compatible with neighbouring residential properties in any case. The site is not proposed to support any commercial or business operations. It is noted that concerns have been raised in the local representations received regarding the manner in which the site may be used (such as litter or anti-social behaviour), but it is not appropriate to make assumptions regarding the potential conduct of future occupiers. The site has been designed in a manner which provides all the services and facilities needed to support day-to-day living for future occupiers and thus there is nothing to suggest that peaceful coexistence with the settled community would not be achieved. In order to ensure that this is the case and mitigate any residual risk however, a site management plan can be required by condition to secure details in relation to matters such as site management, maintenance and waste collection.
- 6.20 In terms of the amenity of future occupiers, the site is an extension of an established traveller's site and thus the use is already regarded as acceptable in this location. The site is sufficiently separated from Torvale Industrial Estate to ensure that residents would not be adversely affected by the commercial operations it supports through noise or other nuisance. Each pitch will also have its own dedicated private amenity area with parking and access to facilities within an amenity building; comprising a kitchen, day room, bathroom and utility room. The provision made in this

regard ensures that the scheme complies with the requirements of H4 and TS1 in terms of ensuring occupiers benefit from a good standard of living.

- 6.21 In the spirit of delivering good standards of amenity for occupiers, it is a policy requirement to deliver an on-site play area as per TS1 and TS7. Policy OS1 of the CS sets out the requirements open space, sport and recreation facilities more generally. The scheme here proposes an enclosed hard surfaced play / 'kick-about' area which is adjoined by seating and open grassed areas. This provision is considered to be appropriate to the nature of the development and the positioning within the centre of the site is appropriate in functional terms whilst providing opportunity for natural surveillance. The Council's Open Spaces Planning Officer has been consulted and has offered no objections. This element of the scheme is thus considered to accord with policies TS1, TS7 and OS1.

### **Highways and Access**

- 6.22 In considering the highways implications of development generally, policies MT1 and PEM25 are of most pertinence. These broadly require that all new developments demonstrate that the highways network can satisfactorily absorb the traffic impacts of the development by ensuring that safe access is delivered whilst providing appropriate operational and manoeuvring space. Both policies, in conjunction with strategic policies SS4 and SS7, also require that development proposals should encourage active travel and promote accessibility through means other than the private car wherever possible. These policies reflect the principles set out at Chapter 9 of the NPPF. Paragraph 111 also directs that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.23 The Council's Traveller Site DPD sets out more bespoke highways requirements, including under TS1 8) that safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site should be provided for. Policy TS7 also sets out a specific requirement for the extension of Turnpike, in so far as point 6) directs that the scheme should 'provide access to the extension area via the existing access onto the highway'.
- 6.24 The existing pitches to the west of the site are served by an access onto the C1032. This would be retained to serve the existing pitches, however it is proposed that the four new pitches would be served by the creation of a new access onto the private road to the north of the site. The private road serves the Torvale Industrial estate and links to the C1032 around 130m to the west of the new access, which then provides access on to the wider public highways network.
- 6.25 This proposal to provide an entirely new highways access to the site, rather than utilising the existing arrangement, means that there is immediately tension with the requirements of TS7 6). This policy directs that access to the new pitches should be provided from the existing access onto the C1032, which it is acknowledged that this proposal does not do. It is noted that the failure to utilise the existing access to the site and the potential impact of the new access onto the Torvale Industrial Estate access road is the prevailing concern in representations received from local Parish Councils, residents and businesses.
- 6.26 The application has provided a Highways Design Statement (May 2023) which sets out the justification for the site access strategy. The supplied statement reflects pre-application discussions with the local highways authority whereby the scheme originally sought to utilise the existing access onto the C1032 to serve the additional pitches, in line with the policy requirements of TS7. However, it is apparent that the existing access onto the C1032 suffers from poor visibility to the south on account of obstructions posed by the presence of a hedgerow immediately adjacent to the carriageway edge. The hedgerow and land beyond it does not sit within the public highway extents and is in the control of a third party, meaning there is limited scope for the situation to be improved. In that context, the Local Highways Authority made clear that they would be unable to support additional pitches being served by the existing access to the C1032 as the intensification in use would pose an unacceptable risk to highways safety. The applicant, in consultation with the local highways authority, has explored the feasibility of moving the access

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onto the C1032 to an alternative location on western site boundary, however the alternatives would still suffer from limited visibility and would result in the loss of existing pitches within the site which would render the project unviable.

- 6.27 As an alternative, the application proposes a new access onto the private Torvale Industrial Estate road to the north. The junction from the site onto the private road would deliver visibility splays of 2.4m x 43m in both directions, whilst the subsequent junction between the private road and the C1032 would deliver splays of 2.4m X 160m to the north and 2.4.m x 215m to the south. The Council's Transportation Manager has confirmed that the arrangements proposed are conducive with preserving the safe and efficient operation of the network, whilst the layout also provides adequate operational and manoeuvring space for vehicles towing caravans. They hence offer no objection. Although the local concerns regarding the potential for conflict between site users and traffic associated with the nearby industrial estate are noted, the access arrangements have been designed to an appropriate standard to avoid this and as such there is nothing to suggest that such conflicts would occur provided the access arrangements are used correctly. Any residual potential for conflict in this regard can be further mitigated by securing a Site Management Plan through condition, which can include measures to manage arrivals and departures from the site. A full specification for the new access has been provided on the engineering plan and this will be also secured by condition, as will preservation of the visibility splays. Subject to this, there is no conflict with MT1 or PEM25.
- 6.28 In drawing the above conclusions, Officers are cognisant of the fact that the existing pitches were originally served by an access onto the private road to the north of the site but this was replaced with the current access onto the C1032 following the grant of planning permission in 2004. The documents associated with application DCNW2004/3374/F make it clear that the replacement access was sought in response to safety concerns regarding large amounts of industrial traffic passing the previous access onto the private road. At face value therefore, there is a clear and understandable logic to the concerns of the Parish Council, local residents and businesses that the proposal to reintroduce a new access onto the private road could resurrect the problems that the 2004 application was designed to address. Figure 2 below compares the previous access (red) and the new access currently proposed (green).



**Figure Two:** Plan comparing previous and proposed access arrangements to Torvale Road

- 6.29 As can be seen from the plan above, there are significant material differences between the earlier access to the site and the one proposed by this application. The previous access for instance was

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close to the junction between the private road and the C1032, which would have promoted increased potential for conflict between industrial traffic trying to negotiate this junction and traffic emanating from the travellers site. The new access proposed is 110m further to the east, thus removing this potential conflict with the junction on the C1032. The new access is also designed to higher specification than the previous, having a greater width and radius which makes it easier to negotiate for vehicles towing caravans. Increased provision is also made within the site for parking and manoeuvring, reducing the potential for overspill onto the public network. With that in mind and being mindful of the conclusions of the preceding paragraphs, Officers are satisfied that the proposal would not lead to a repeat of issues that may have occurred in the past.

- 6.30 It is noted that representations received have questioned whether the applicant benefits from the necessary right to utilise the private access road to the north. This is however a civil matter and establishing whether or not the applicant benefits from such rights is not incumbent upon the decision maker before determining a planning application. Nonetheless, the applicant has advised that they consider themselves to hold the necessary rights to deliver the new access and for traffic to travel the private road. A condition can be attached to ensure that the access is delivered in accordance with the approved details before the site can be brought into use.
- 6.31 To summarise therefore, Officers consider that the proposal delivers a satisfactory access arrangement which preserves the safe and efficient function of the highways network. There is hence no conflict with MT1, PEM25 or TS1. It is acknowledged however that there is tension with TS7 in the sense that the site extension is not served by the existing access arrangement to the C1032. This tension must be weighed in the planning balance.

### **Ecology and Green Infrastructure**

- 6.32 In respect of matters of ecology and protected species, CS policy LD2 applies. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. LD1 and LD3 are also pertinent to matters of green infrastructure in the sense that they require proposals to maintain and extend tree cover where it makes a positive contribution to visual amenity and the biodiversity of an area. Similar principles are set out in NDP by policy PEM18 and, in the specific context of travellers site, policy TS1 (6) of the DPD directs that existing tree and hedgerows that are important to amenity should be retained with appropriate replacements provided where needed.
- 6.33 The area of the proposed extension comprises poor quality grassland. Boundary features comprise hedgerows to the western and northern boundaries, a post-and-wire fence to the east and an open boundary to arable fields to the south. To the south east corner of the site there is a mature oak, whilst a number of smaller trees are found within the existing site to the west. The majority of trees and hedgerows are to be retained as part of the development, which notably includes the mature oak. There would however be some loss of green infrastructure features in order to create a new means of access onto the private road to the north and to facilitate link between the old site and the new to the west. Although unfortunate, it is considered that the loss of these features can adequately be mitigated and compensated for by new planting as part of the detailed landscaping scheme. An outline plan for this has been provided, however full details will be secured by way of condition. It is considered appropriate that a 'pre-commencement' condition be employed in this instance, in order to secure specific details of works to trees and protection measures for those that are to be retained before any work begins. Subject to this, Officers are satisfied that there would be no conflict with relevant policies as the scheme makes adequate provision for the protection, conservation and enhancement of green infrastructure assets.
- 6.34 The application is supported by a Preliminary Ecological Assessment which concludes that the proposal would not have any detrimental effect on local protected species or habitats. The Council's Ecologist has reviewed this and has no reason to dispute the conclusions of the report based on the site conditions and evidence available. No objections are hence offered. Informative

notes are attached to the permission to remind the Applicant and their contractors of their obligations with regards to protected species should they be encountered during the construction phase. A condition is also attached to secure a scheme of ecological enhancements. Subject to this, there is no policy conflict found.

### **Contaminated Land**

- 6.35 The application site and surrounding area are associated with a number of potentially contaminative former land uses and operations. This includes a former military use on account of the location on the peripheries of Shobdon Airfield, as well as land former the eastern boundary of the site being identified as an area of filled ground – most likely associated with the surrounding network of drainage ditches. Policy SD1 of the CS broadly requires that all development should assess and address land contamination issues where they exist, whilst policy TS7 of the Travellers Site DPD recognises the constraint to this specific site and states under point 5) that any proposal should ‘provide a contaminated land assessment of the site and of the landscape bund’.
- 6.36 The applicant in this case is cognisant of the contamination potential and associated policy requirements, but has sought that the requirement for a detailed assessment be addressed by way of a pre-commencement condition. This has been discussed with the Council's Technical Officer for contaminated land and they are supportive of such an approach. Officers are satisfied that any contamination issues can be adequately assessed and, if necessary, mitigated for by measures secured through an appropriately worded condition. There is hence no policy conflict found with SD1 or TS7 5).

### **Drainage, Flood Risk and Habitats Regulations**

- 6.37 Policies SD3 and SD4 of the CS are most relevant with regards to drainage matters. Policy SD3 considers measures for sustainable water management, requiring these to be an integral element of new development in order to reduce flood risk and avoid an adverse impact upon water quantity. Policy SD4 of the CS relates to wastewater management and river water quality, and requires that new developments should seek to connect to the existing mains wastewater infrastructure in the first instance. If this is not possible then private treatments arrangements would need to be provided, with a package treatment plant discharging to soakaways or watercourse being the preferred method. It would also need to be demonstrated that these arrangements would have no likely significant effect upon water quality or designated conservation sites such as the River Wye SAC. Policy TS1 (9) of the Travellers Site DPD also requires that sites ensure that suitable arrangements for foul sewerage disposal and surface water drainage are brought forward as part of any development proposal.
- 6.38 The rural nature of the site is such that it is not served by a public sewer. As such, private arrangements are to be provided in the form of a new package treatment plant and associated drainage fields. Two of these systems are to be installed as part of the development; one serving the four new plots and another to replace an aging system serving the six existing ones. The application has provided a specification and design for the new systems, including the results of site tests to confirm suitability of ground conditions, and the Council's Land Drainage Engineer has confirmed they have no objections to the proposed arrangement. In terms of the management of surface water, runoff from new impermeable areas is to be directed to soakaways and the Council's Drainage Engineer again has no objections. There is hence no conflict found with SD3, SD4 or TS1 (9).
- 6.39 In terms of flood risk, the majority of the site is identified to be in Flood Zone 1 based on Environment Agency (EA) mapping (low risk – less than 0.1% annual probability) and there is no evidence of the parcel of land in question having flooded in the past. It is noted that a very small area of the site to the south east corner is on the periphery of the River Arrow flood plain and is hence identified as being in Flood Zone 2 (medium probability – between 0.1% and 1% annual

probability), however there is no development directly proposed in this area and the location of the pitches is outside the area of risk. As such, it is considered that future occupants would not be at risk from flooding and the development would not contribute to an increased risk elsewhere. The Council's Drainage Engineer offers no objections in this regard.

- 6.40 The proposal site is located in the catchment of the River Lugg, which is a tributary of the River Wye Special Area of Conservation (SAC) where there is a need to assess the application in line with the Conservation of Habitats and Species Regulations (2017). The River Lugg, which is part of the designated SAC site, is currently failing its conservation targets on phosphate levels. Following advice issued by Natural England (as the relevant statutory body) in July 2019, Herefordshire Council has been unable to approve new developments within the Lugg catchment unless it can be demonstrated with certainty that it would have a neutral impact on water quality and the integrity of the designated site. This has become known as the need to demonstrate 'nutrient neutrality'. For a development of this nature, the typical pathway for the proposal to have an impact upon the integrity of the designated site is through the generation of additional foul water and the discharge of phosphates to the environment in treated effluent.
- 6.41 The application here is supported by a 'Nutrient Neutrality' strategy which sets out how the potential phosphate export from the new pitches would be mitigated against. The strategy recognises that the six existing pitches are served by an older package treatment plant which is less efficient at removing phosphates from waste and thus leads to a relatively high nutrient export of 9.7mg/L at present. This forms a legal baseline against which the proposed development can be assessed. As such, it is proposed to replace the existing system with a newer and highly efficient package treatment plant which has a significantly lower phosphate export rate of 1.6 mg/L. A second system of the same specification will be installed to manage foul water from the four new pitches proposed, both served by their own soakaway drainage field. Taken together, and combined with changes in land use, the measures would mean that the post-development scenario would result in a lower phosphate export into the River Lugg catchment than the current situation (3.38kg TP/yr in the proposed scenario, as opposed to 7.04kg TP/yr in the existing). The scheme thus represent clear 'betterment' and the Council's Ecologist has completed an 'Appropriate Assessment' which confirms this. That assessment has been reviewed by Natural England, as the relevant statutory body, and they have confirmed they have no objections to the scheme. Subject to conditions being attached to secure the implementation of the plans and the replacement of the current system, the LPA considers that there would be no detriment to the integrity of the River Lugg / River Wye SAC and hence the scheme is compliant with the Habitats Regulations.

### **Planning Balance and Conclusion**

- 6.42 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay. The development plan in this case comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Travellers' Sites Development Plan Document (DPD) and the Pembridge Neighbourhood Development Plan (NDP). These documents are currently regarded as being up-to-date and can thus be afforded full weight for decision making.
- 6.43 In the first instance, the site has been allocated through policy TS7 of the Travellers' Sites DPD as a suitable location for the provision of four traveller's pitches as an extension of the established facilities at Turnpike. The principle of the development is hence supported from the outset as the site has already been identified in the Development Plan as being a suitable and sustainable location in which to meet the accommodation needs of the Gypsy and Traveller community. The provision of such accommodation is a considerable social benefit which weighs in favour of the scheme and helps to ensure that the local planning authority can continue to maintain a five year supply of deliverable sites, as required by the Government's Planning Policy for Traveller Sites.

- 6.44 In terms of the specific details of the proposal, the scheme broadly aligns with the vision for the site as laid down in policy TS7 in terms of the pitch quantum and facilities, provision of landscaping measures and provision of an internal play area. The requirement for a contaminated land assessment (and any subsequent remediation that may be required) can be secured by way of condition. In the context of these salient points and other relevant material planning considerations, it should be noted that no significant harms have been identified with regards to the environmental, social or economic objectives of sustainable development. There are no objections from any technical consultee.
- 6.45 Notwithstanding this, it is acknowledged that there is a conflict with policy TS7 6) in so far as vehicular access to the new pitches is not provided via the existing access onto the C1032. For the reasons set out earlier within this report however, Officers are of the view that compliance with this policy could not be achieved without unduly compromising highway safety. The potential for harm in this regard is a significant material consideration which is considered to justify a departure from policy. The scheme has provided an alternative arrangement onto the private highway to the north of the site which ensures that safe access can be achieved and this has been confirmed as being acceptable by the Local Highways Authority. The scheme therefore accords with the general highways requirements of MT1 and PEM23 in terms of providing safe and effective access to the site. With that in mind, Officers consider that the technical conflict identified with TS7 6) does not outweigh the benefits of the scheme and would not justify planning permission being refused.
- 6.46 Considered as a whole therefore, the proposal is considered to be representative of sustainable development as envisaged by the NPPF. Approval is recommended accordingly, subject to the schedule of conditions set out below.

## RECOMMENDATION

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
2. **The development hereby approved shall be carried out in accordance with the following approved plans and documents, unless where otherwise stipulated by conditions attached to this permission:**
  - **Amended Site Location Plan PL\_01\_B received 6<sup>th</sup> June 2023**
  - **Amended Site Plan HA40917\_PL\_02\_L received 6<sup>th</sup> June 2023**
  - **Proposed Civils (Engineering) Plan SA40959-BRY-ST-PL-C-0001-B May 2023**
  - **Site Access Arrangements Plan SA40957-BRY-ST-PL-C-0001**
  - **Amenity Building Elevation and Floor Plans HA40917\_PL\_10\_C**
  - **Highways Access Statement – Berrys (May 2023)**
  - **Nutrient Neutrality Statement – Berrys (May 2023)**
  - **Drainage Calculations and Design – Berrys**
  - **Completed River Lugg Phosphate Calculator (existing and proposed systems)**
  - **Ecology Survey – Turnstone Ecology (TT3260-Pembridge)**

**Reason: To ensure adherence to the approved plans and details in the interests of securing a satisfactory form of development which complies with policies SD1, LD1, RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, policies PEM6, PEM18**

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



and PEM23 of the Pembridge Neighbourhood Development Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

### **Pre-commencement Conditions**

3. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** In the interests of human health and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.

4. No development shall take place until a fully detailed scheme of landscaping has been submitted to and approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

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

**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, policies TS1 and TS7 of the Travellers Sites Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

5. The landscaping for the site shall be carried out in accordance with the details approved pursuant to condition 4 attached to this permission, in accordance with the following timings:
- a) The approved scheme of tree and hedgerow protection measures shall be implemented in full prior to any other construction works commencing and thereafter shall be retained for the duration of the construction phase
  - b) 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
  - c) The hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Travellers Sites Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres in each direction along the nearside edge of the adjoining carriageway (In accordance with the details shown on approved plan SA40957-BRY-ST-PL-C-0001. 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 policies MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

#### **Conditions to Discharge**

7. Prior to the first occupation of the development hereby approved, a fully detailed and specified Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a site layout plan at an appropriate scale setting out the location, type and number of habitat enhancement features to include;
- Fixed habitat boxes supporting bird nesting; bat roosting; insect and hedgehog homes;
  - 'Hedgehog Highways' to be included in any 'solid' boundary features.
  - Natural habitat features, such as log piles etc

The measures shall be implemented in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework,

**NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and policy PEM18 of the Pembridge Neighbourhood Development Plan.**

- 8. Prior to the first occupation of the development, a detailed Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, the following matters:**
- **Details of general site management, maintenance and monitoring arrangements**
  - **Details management and maintenance arrangements for shared open space and play facilities.**
  - **Details of procedure for managing new arrivals and departures**
  - **Arrangements for the storage and collection of rubbish and litter**
  - **Details of site rules / Code of Conduct for pitch occupiers**
  - **Details of procedures to deal with issues / complaints raised by both pitch occupiers and local residents**

**The site shall thereafter be operated in accordance with approved plan.**

**Reason: In order to ensure the site is operated in an a manner which is conducive with preserving the amenity of the area, the living standards of existing and proposed residents and the safe operation of the highways network in accordance with policies SD1, LD1, RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, policies PEM6, PEM18 and PEM23 of the Pembridge Neighbourhood Development Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).**

- 9. Prior to the first occupation of the new pitches hereby approved, the existing package treatment plant system serving the existing site (Plots 1 to 6 inclusive) shall be fully decommissioned, removed from the site and the land reinstated in accordance with a method statement which has first been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework**

- 10. The contamination remediation Scheme, as approved pursuant to condition no. 3 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.**

### **Compliance and Monitoring Conditions**

- 11. The residential pitches hereby approved shall only be occupied by persons meeting the definition of a 'gypsy and traveller' as defined in Annex 1 of the Planning Policy**

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

for Traveller Sites (2015), or any subsequent revoking or re-enacting of that policy with or without modification).

**Reason:** In order to ensure the site is used for the specific purposes applied for and to reflect the justification for the provision of new residential uses in the countryside in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

12. No more than eight caravans (as defined by the Caravan Sites and Control of Development Act 1960 and The Caravan Sites Act 1968) shall be stationed on the site extension hereby approved at any time, at a maximum rate of two caravans per pitch.

**Reason:** To ensure adherence to the approved plans and to ensure that the use of the site can be adequately controlled, in the interests of preventing the proliferation of residential uses within the countryside and ensuring the scale of the site remains commensurate with the location in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

13. The amenity buildings shall only be used for purposes ancillary to the residential occupation of the associated traveller pitches and shall at no time be used for habitable overnight accommodation.

**Reason:** To ensure that the amenity buildings are used for ancillary purposes in the manner specified by the application and to control residential uses within the countryside in accordance with policies RA3 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 and TS7 of the Herefordshire Traveller Site Development Plan Document, and to reflect the principles established by the National Planning Policy Framework and the Planning Policy for Traveller Sites (2015).

14. None of the new residential pitches or facilities hereby approved shall be occupied until the existing pitches (Plots 1 to 6 inclusive) have been disconnected from the existing package treatment plant system and foul water flows redirected to the new package treatment plant and drainage field system, in accordance with the approved drainage scheme shown on approved plans HA40917\_PL\_02\_L and as set out within the Nutrient Neutrality Statement May 2023. The approved arrangements shall thereafter be maintained for the lifetime of the development.

**Reason:** To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

15. The development hereby approved shall not be occupied until the new access to the site from the private road (Torvale Industrial Estate Road) has been constructed in accordance with the details and specification shown on approved plans SA40957-BRY-ST-PL-C-0001 (Access Plan) and SA40959-BRY-ST-PL-C-0001-B (Civils Plan) and is fully available for use. Thereafter those arrangements shall be maintained for the lifetime of the development.

**Reason:** To ensure that adequate access arrangements are in place to serve the new pitches in the interest of preserving the safe and efficient function of the road

network in accordance with MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

16. Any gates, barriers or doors to the new vehicular access to the site from the private road to the north shall be set back a minimum of 15 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In order to ensure there is sufficient space available for towing vehicles to wait to enter the site without causing an obstruction to traffic on the adjoining carriageway, in order to preserve the safe and efficient operation of the highways network and to comply with policies MT1 and H4 of the Herefordshire Local Plan Core Strategy, policies TS1 of the Travellers Site Development Plan Document, policy PEM25 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

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

Reason: In the interests of human health and to ensure that any contamination issues are appropriately addressed, in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy, policy TS7 of the Traveller Site Development Plan Document, policy PEM23 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework.

18. The scheme of foul and surface water management works (as shown on approved plan Proposed Site Plan HA40917\_PL\_02\_L and Proposed Civils SA40959-BRY-ST-PL-C-0001-B) shall be implemented in full prior to the first occupation of the development. Those arrangements shall thereafter be maintained for the lifetime of the development.

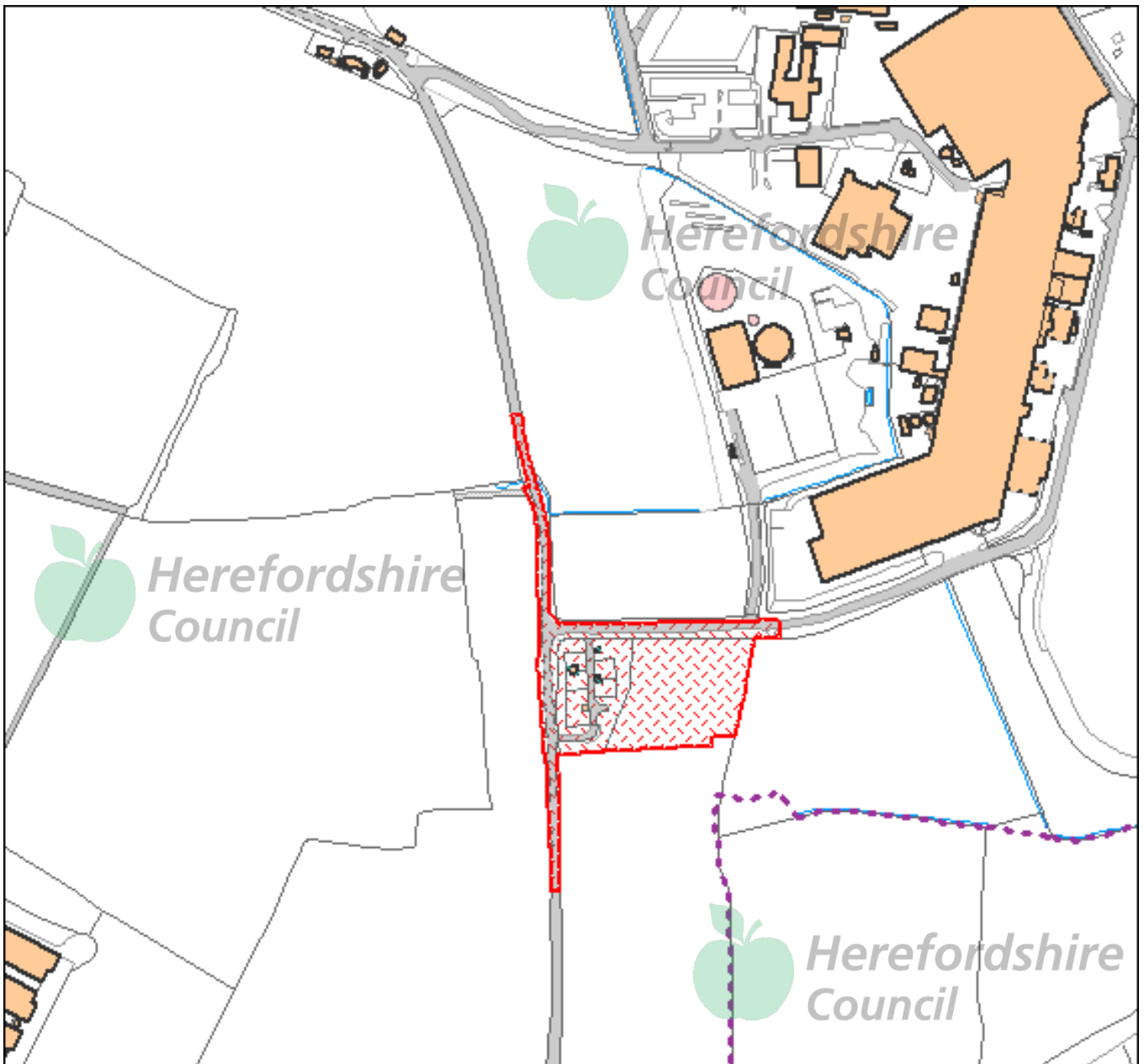
Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, policy TS1 of the Travellers Site DPD, policy PEM21 of the Pembridge Neighbourhood Development Plan and the National Planning Policy Framework

19. The development hereby approved shall be carried out in accordance with the recommendations, working methods and mitigations measures set out within the Ecological Assessment by Turnstone Ecology dated 10th September 2021.

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.

## INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained**
- 3. With regards to the requirements of Conditions 3, 9 and 17 (contaminated land), the assessments required should be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.**
- 4. The proposed development is crossed by trunk/distribution watermains, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for these watermains to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**



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**APPLICATION NO:** 220646

**SITE ADDRESS :** TURNPIKE CARAVAN SITE, PEMBRIDGE, HEREFORDSHIRE, HR6 9JZ

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>6 September 2023</b>
<b>TITLE OF REPORT:</b>	<b>192515 - Application for approval of Reserved Matters following outline approval. (160581 - Proposed site for the erection of 5 no. Four bedroom dwellings).</b>  <b>Balance Farm, Titley, Kington, HR5 3RL</b>  <b>For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&amp;search=192515">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&amp;search=192515</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 15 July 2019**

**Ward: Arrow**

**Grid Ref: 332822,259747**

**Expiry Date: 9 September 2019**

Local Member: Cllr Roger Phillips

**1. Site Description and Proposal**

1.1 The application relates to a site in the village of Titley in the north west of the county. The site lies on the west side of the village and just to the north of the unclassified highway known as Eywood Lane (U91602). The location of the application site is denoted by the red star on the map below;



**Figure 1: Site Location**

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

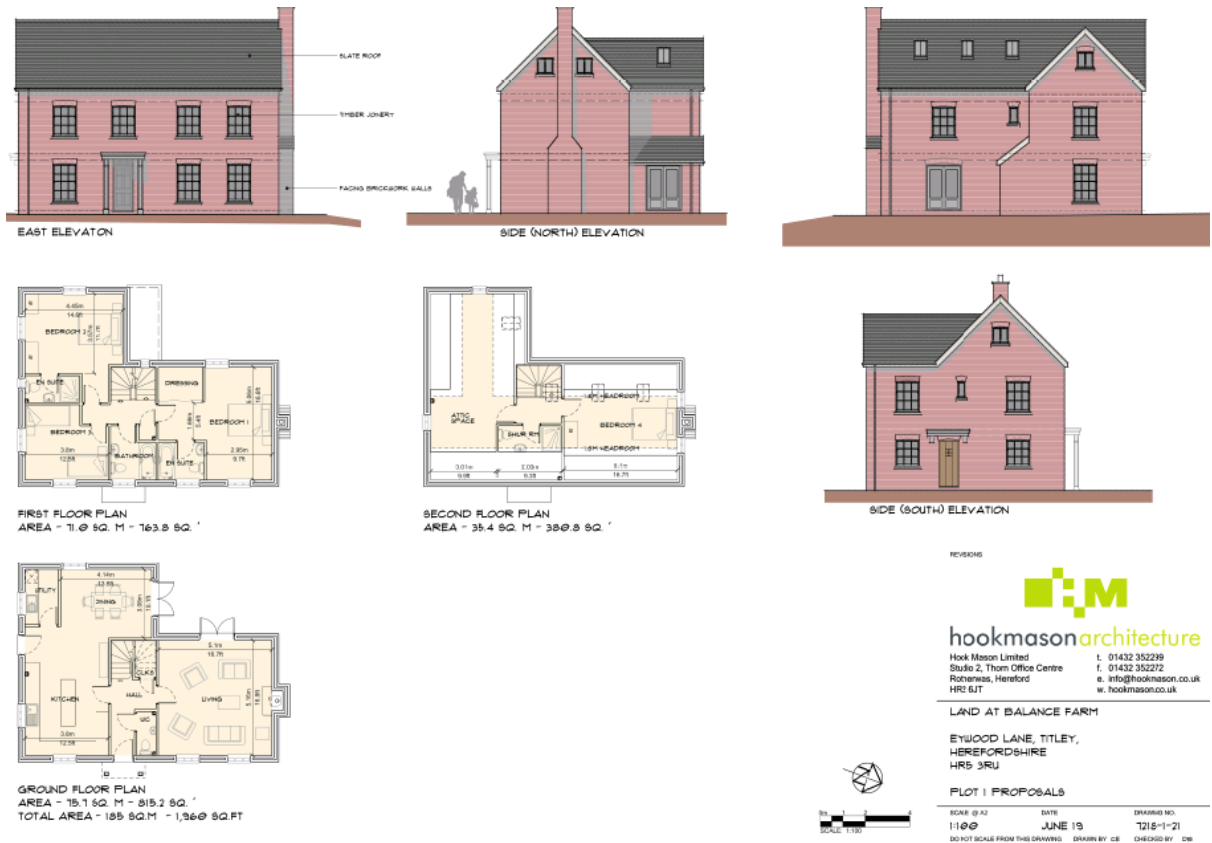
- 1.2 The site is a wedge shaped parcel of land that occupies a slight depression next to the adjacent highway. It currently hosts a steel framed agricultural building and adjoining bunker which appear to be in use for general agricultural storage. A number of residential properties are found to the east of the site in the complex of converted traditional agricultural buildings known as Balance Barns. Historically these were associated with The Balance Farmhouse, which sits approximately 50m to the south east of the site and is listed at Grade II. Although not within the designated area, the site is in close proximity to the Grade II registered park and garden of Eywood. The boundary of the designated area is located to the west of the site, and the former gatehouse lodge to the park is found near to the site access.
- 1.3 The site is accessed from the south off the unclassified Eywood Lane (U91602). Eywood Lane is a 'no-through' road to the west, where it provides access to a number of dwellings, farms and the wildlife site at Titley Pools. Access from the site to the wider highways network is gained via the junction onto the B4355 approximately 100m to the east towards the centre of the village.
- 1.4 The site currently has the benefit of outline planning permission for the erection of five four bedroom dwellings. Outline permission was granted with all matters reserved in July 2016 under local authority reference number P160581/O. Reserved Matters approval in respect of access was granted on appeal in August 2019 (Local Authority Reference P181476/RM / Appeal reference APP/W1850/W/19/3225568).
- 1.5 The current application is made in line with the conditions of the outline permission and seeks approval of the outstanding reserved matters. These are appearance, landscaping, layout and scale. For the avoidance of doubt, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines each of these as follows:
- "appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
  - "landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
    - a. screening by fences, walls or other means;
    - b. the planting of trees, hedges, shrubs or grass
    - c. the formation of banks, terraces or other earthworks
    - d. the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and  
the provision of other amenity features;
  - "layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
  - "scale" except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings
- 1.6 The proposed layout plan for the site is shown in Figure 2 below:



**Figure 2: Proposed Site Layout**

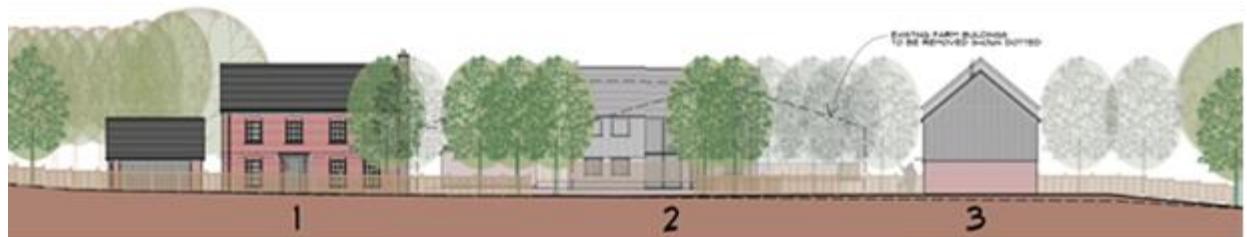
- 1.7 The Reserved Matters submission shows five detached four bedroom dwellings, which is in line with the details established through the grant of the outline permission. The access to the site would be from Eywood Lane to the south in accordance with the details approved under application P181476/RM and this would lead to a shared driveway which extends to the north and terminates in a shared parking area at the centre of the site. The site has been designed to reflect a traditional farmyard typology with a larger 'farmhouse' style unit positioned at the front of the site near to the highways access and the remaining units being positioned behind this arranged around a central courtyard. A shared single storey garage block, finished in timber cladding under slate, is also proposed adjacent to the shared central area.

1.8 Plot 1 is located closest to the road and is intended to be redolent of a traditional rural farmhouse. The principal elevation of the building would be orientated to the east and accommodation would be spread across three floors. The main element of the building has a narrow span with a steeply pitched roof with a smaller projection being found to the rear. Externally the building would be finished with red brick under a slate roof. The design includes detailing such as an external chimney breast, a canopy porch, arched window lintels, leaded windows and timber joinery. A detached garage is proposed to the south of the house. The floor plans and elevations are shown in Figure 3 below;



**Figure 3: Plot 1 Elevations and Floor Plans**

1.9 The remaining units on Plots 2-5 are sited further to the north within the site and are all of a similar design which is based upon the principles of vernacular agricultural buildings. They are two storeys in height and have a simple linear form with a relatively narrow span and minimal number of protrusions. Externally they would be finished with facing brick at ground floor level with vertical timber boarding above under a slate roof. Fenestration would be of timber. The floor plans and elevations of Unit 2 are shown at Figure 4 below. Unit 2 would be sited with its principal elevation orientated to the north- east and its ridge on a broadly north-south axis. The remaining units on Plots 3-5 are arranged in a row perpendicularly to Unit 2 with their principal elevations facing south east and ridges running broadly east to west. The detached garage block would be sited parallel to these units on the opposite site of the courtyard. It would be finished externally in brick under a slate roof. A north-south site section is shown below:



Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



1.10 In terms of landscaping, amended plans have been submitted as part of the application process which show the existing earth embankment and evergreen trees which form the site's western boundary towards Eywood Park to be retained. The existing hedgerow to the northern boundary would also be retained however a group of Ash trees to the site's north western corner are proposed for removal. Gaps in existing boundary features would be infilled with new planting. To the eastern boundary a new hedgerow would be planted along with a number of scattered trees to include English Oak, Field Maple, Limes and Rowan. Internal boundaries between plots would be formed by hazel wattle fencing. Full details of the proposed landscaping including planting specifications are shown on plan 19/500/02A, as shown below:



**Figure 6: Landscaping Plan**

## 2. POLICIES

### 2.1 Herefordshire Local Plan – Core Strategy 2015

The following policies are considered to be of relevance to this application:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
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

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

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

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

### 2.2 The National Planning Policy Framework (July 2021)

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

The full National Planning Policy Framework can be viewed through the following link;

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

### 2.3 Titley Neighbourhood Development Plan (emerging)

The Titley Group NDP has reached its examination consultation stage. The examiner's report was received on the 7 July 2023.

With regards to para 48 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking each of these criteria in turn:

1. As the examiner's report have been received, the material weight is adjudged as substantial within regarding to progress of the plan.
2. As the examination has taken place all the unresolved objections for Reg16 stage have been addressed.
3. The NDP has been concluded as meeting the basic conditions and being in conformity within national and local policy.

Therefore the current weight of the Titley Group NDP, in accordance within para 48, would be **significant**. The referendum is planned for the 19 October 2023.

With regards to this specific site, the Examiner has specifically addressed its relationship with the settlement boundary and Policy TG5 within their report. The report has recommended that the site not be included within the settlement boundary at the current stage, however if development commences on the site then the boundary should be amended again to include it. This concurs with the settlement boundary as drafted within the R16 version of the NDP.

The following policies from the emerging Titley NDP are of relevance to this scheme:

- TG1: Sustainable development
- TG2: Housing needs and requirements
- TG5: Titley settlement boundary
- TG10: Infrastructure
- TG11: Renewable energy
- TG13: Landscape
- TG14: Natural Environment
- TG15: Historic environment
- TG16: Design and access

The draft Titley Group Neighbourhood Development Plan and relevant supporting documentation can be viewed through the following link;

<https://www.herefordshire.gov.uk/downloads/file/24734/neighbourhood-development-plan-november-2022>

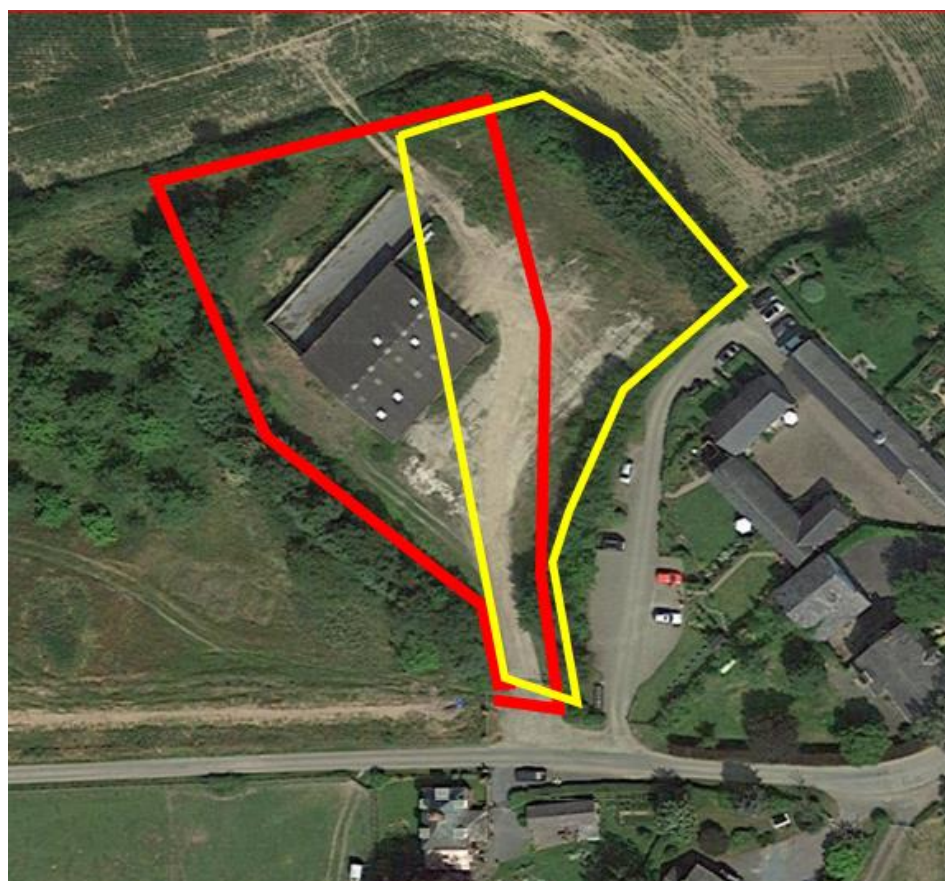
### 3. PLANNING HISTORY

3.1 The following applications apply directly to this site and are relevant to the current application;

Reference	Description	Decision
P181476/ RM	Application for approval of reserved matters following outline approval P160581/O. Access only.	Allowed on appeal – 8th August 2019 (APP/W1850/W/19/3225568)
P160581/O	Proposed site for the erection of 5 no. four bedroom dwellings (Outline – all matters reserved)	Approved 27th July 2016

The following application relates to land outside of the red line for the current application, but relates to the eastern part of the Balance Farm farmyard which adjoins Balance Barns (Fig 6).

Reference	Description	Decision
P162824/O	Site for the proposed erection of 5 dwellings.	Refused. Appeal dismissed on highways safety grounds - Jul 2017 (APP/W1850/W/17/3168668).



- Current Site – P160581/O
- Site of Dismissed Appeal – P162824/O

**Figure 6 – Plan identifying current site (red) and site of dismissed appeal (yellow)**  
[boundaries approximate]

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789



## 4. CONSULTATION SUMMARY

### Statutory Consultations

#### 4.1. **Natural England** – No Objections (Consultation May 2023)

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

#### Further advice on mitigation

This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

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

Your Authority has undertaken an Appropriate Assessment, informed by a nutrient budget which concludes that the proposal will not result in adverse effects on the integrity of the River Wye SAC. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

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

#### 4.2 **Gardens Trust** – No Response

#### 4.3 **Welsh Water** – No Objections

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

### Internal Council Consultations

#### 4.4 **Area Engineer Team Leader** – No objections

As this is a reserved matters (RM) application with the outline of development already established, comments will be kept to the RM outlined in the Application Form. This follows on from application 160581/O.

There are no layout issues from a highway perspective. The developer should include provision for cycle parking. The parking, turning and manoeuvring space as shown on the site layout plan (7218-1-20) is adequate. Detailed dimensions will be secured by condition.

Conclusion: No objection - Condition CB2, CAJ, CAT, CAQ

#### 4.5 Conservation Manager (Ecology) – No Objections

##### Key Issues and Potential Pathways

The proposed development includes a mains foul sewerage connection for 5 new dwellings which will be treated at the Severn Trent Titley Kington sewage treatment works, which sits within the River Lugg SSSI/River Wye SAC catchment in which Natural England's Nutrient Neutrality applies.

The additional phosphate load generated by the proposed development has the potential to result in a likely significant effect on the River Wye SAC. A potential effect pathway has been identified and an Appropriate Assessment is therefore required.

No other potential effect pathways have been identified.

##### Impacts of Plan / Project

##### Foul Water Mains Connection – Phosphate Credit Purchase

The proposal is for 5 new dwellings under this application. The proposal has been assessed using the standard Natural England methodology and budget calculator.

Assumed occupancy is 2.3 person per dwelling (agreed as locally acceptable).

Water usage is 110L per person per day (agreed as locally acceptable).

The site is 0.3 ha.

Waste Water will be discharged from the site via a connection to mains sewer and will be treated at the Titley Kington STW Waste Water Treatment Works, which has a phosphate limit of 5 mg/l. This has been used in the calculations in line with the NE methodology.

The Waste Water P load of the development is calculated to be:

Development	5 dwellings
Occupancy	2.3 per dwelling
Additional population	11.5 people
Water usage	110l per person per day
Waste water volume	1265l per day
Receiving WwTW environmental permit	5 mg/l
Total phosphate after treatment	6325mg/TP/day
Convert mg/TP/day to kg/TP/day	0.006325 kg/TP/day
Per year	2.31 kg/TP/year

Waste Water Total Phosphate Load is 2.31 kg/TP/year.

The Current Land Use is general agricultural use

The Current P Leaching Load is 0.04 kg TP.

The Post Development Land Use is residential urban Land which equates to an Annual Phosphorus Nutrient Export of 0.5 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	2.31 kg/TP/year
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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

Historic land use P export	0.04 kg TP
Post development P export	0.5 kg TP
Land use net change	0.46 kg TP
Phosphate budget	2.77 kg TP/year
Phosphate budget including 20% buffer	3.32 kg TP/year

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year. Mitigation is proposed in this case including the purchase of Phosphate credits and is set out in table 4 below.

### **Mitigation Requirements and Outcomes**

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year.

The development has applied for, and received, an allocation of phosphate credits from Herefordshire Council at a cost of £14,000 per kg as follows:

Annual phosphorous load to mitigate 3.32 TP/year \* £14,000 per kg

= 3.32 \* £14,000

= £46,480

This proposal is a valid Planning Application awaiting a positive determination subject to receipt of Phosphate Credits and the developer is prepared to enter into legal agreement with the Council through either a S106 agreement or a S106 agreement including a S111 agreement for phased development to secure the financial payment for phosphate credits.

Herefordshire Council’s Phosphate Credit Allocation Process (taken from the Council’s Phosphate Credit Pricing and Allocation Policy April 2022):

‘The Phosphate Credit Allocation Process is a staged process setting out how Phosphate credits that are generated by Herefordshire Council Integrated Wetlands can be secured by developers to offset the phosphate load of their development. The process necessitates a number of steps which can be run in tandem simultaneously. This process is monitored throughout and will span several services as well as requiring engagement with, statutory consultees, and developers themselves. Credits will only be released as they become available.

The process starts with developers working out the number of credits needed using the Council’s Phosphate Calculator Budget Tool supplied by Natural England. The developers are then kept on a list according to ‘first come first served’ policy as stated above. As credits become available and when applications are ready for determination, case officers will contact developers and provide them with an invitation to apply for credits. The developer submits this alongside their phosphate calculations, a S106 legal document and an online payment for their allocated credits. Their application is reviewed internally by Legal and Ecology and in consultation with Natural England.

Permission can then be granted or refused. If refused, developers have a set amount of time to go through the appeals procedure, credits will be held as stated above. Where permission is granted, HRA conditions are applied and they have a set amount of time and requirements they must fulfil otherwise the credits are returned to Herefordshire Council and payment is reimbursed to developers as stated above.’

Phosphate Credits in Herefordshire are being generated through the delivery, by Herefordshire Council, of a program of integrated wetlands associated with existing Waste Water Treatment Works (Wwtw). The first integrated wetland was delivered in 2022 on land adjacent to the Luston Wwtw. As set out in the feasibility study for the wetland<sup>1</sup> 'The purpose of the wetland would be to provide enhanced treatment for removal of phosphorus from the final effluent of the Luston Waste Water Treatment Works (WWTW), to contribute to the resolution of the current embargo on housing development and to deliver nutrient neutrality for future housing.'

The aim, in creation of the Luston Integrated Wetland is reducing the Total Phosphorus (TP) in the effluent leaving the Luston WWTW from 4.24mg/L TP to less than 1mg/L TP.

The Council, working with partners, has assessed potential for integrated wetlands at 8 sites of which Luston is the first to be granted planning permission (under application 213571) and constructed. Natural England have been engaged with the development of the integrated wetland program and did not object to the planning application to create the Luston wetland for the purpose of selling Phosphate Credits.

The precautionary principal has been applied to the construction of the Luston wetland, and will be applied to any further integrated wetlands created under the project:

'To provide a robust wetland design and provide certainty, WUF applied a number of steps to ensure that the design can be considered to provide certainty under the Habitats Directive. These are outlined below and presented in the following sections:

- The primary objective of the wetland is to provide an effluent quality that leaves the wetland at less than 1mgTP/l. To achieve this, and provide certainty around the design, WUF have designed the wetland on the basis of a reduction to 0.8mg/l. This has effectively introduced a 20% buffer and over-sized the wetland to provide greater certainty in its overall future performance, thus adopting a precautionary approach.
- A water balance has been developed and the design has been tested against UK Climate Projections (UKCP) estimates for rainfall and evapo-transpiration in 2070. Understanding the water balance is essential to ensure that the wetland design is robust under current and future climate change conditions and that the hydrology of the system will not be compromised.
- Due to uncertainties with wetland design models, WUF has adopted an approach outlined in the Treatment Wetlands publication (Dotro et al., V7 2017) which recommends application of multiple models to provide sensitivity in terms of calculation of overall design.
- Continued monitoring of phosphorus and flow data at the site to provide increasing and greater understanding of the current operation of the treatment works.'
- Text taken from the WUF feasibility study.

The full technical design and modelling work for the Luston wetland can be found at in the Wetland Feasibility, Design & Offsetting Report for the Luston Wetland by Wye & Usk Foundation (May 2022).

Additionally, the precautionary principle is applied to the allocation of Phosphate Credits with 80% of the capacity generated by the creation of each integrated wetland being allocated to development and 20% of the capacity generated being allocated to providing river betterment. [HC Global Template \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/global-template)

The sale of phosphate credits to developers will allow the Council to recoup its expenditure in delivering the Strategic Wetlands (and credit costs will be regularly reviewed as new wetlands

are brought forward) and will also provide ongoing income for the long term management and maintenance of the wetland features.

## Conclusion

On the basis of the program of integrated wetland delivery and the phosphate credit system developed by Herefordshire Council in partnership with a number of organisations including Natural England and given that the development can secure a mains drainage connection and has committed to purchasing the phosphate credits required to address the phosphate load generated by the development this proposal it is not considered to have a likely impact on the integrity of the SAC and planning permission can therefore be granted.

## Recommended Conditions

1. None of the dwellings approved by this permission shall be occupied prior to the 1st August 2023.

Reason: To ensure that the Luston integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Lugg / River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006)

2. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

### 4.6 Conservation Manager (Landscape) – No Objections subject to conditions.

#### Comments following amended plans:

I am satisfied, that the applicant has amended the drawings to:

- Retain the tree belt in full to the west of the site.
- Relocate garage for plot 1 and patio for plot 2 to avoid excavation of bank and provide appropriate PRZ protection and construction methods to avoid damage to roots.

## Initial Comments 2019:

### **Designations and constraints**

- Within landscape setting of Eywood Park and Garden (Registered grade II listed C18 landscape park).
- Landscape Character – Principal Timbered Farmland.
- Traditional Orchard adjacent western boundary.
- Public Right of Way (PROW) footpath TL12 and TL13.

### **Impacts on Landscape**

- Loss of evergreen and deciduous trees (Refer figure 3), that forms a landscape setting (Refer figure 1 and 2) to a grade II listed landscape park and landscape edge to the village of Titley.
- Loss of existing green infrastructure.

### **Outcome**

#### *Significant landscape setting*

- Eywood Landscape Park, a grade II Historic England listed park and garden, with a predominate evergreen treed backdrop (Figure 1) that is reflected at the entrance (Figure 2) forms a visually important landscape setting.

#### *Exposure of built form in a significant landscape setting*

- The removal of an established (predominately evergreen) band of trees (Figure 3) that forms a landscape setting to Eywood Landscape Park and a distinctive landscape edge to the village of Titley (Refer figure 2) will expose buildings (Figure 4) and damage a valued landscape

#### *Loss of existing green infrastructure*

- The removal of the trees will denude the ground, exposing a bare ledge between two steep slopes increasing soil erosion and runoff.
- The trees that are proposed to be retained are vulnerable due to the bare steep slopes. It is questionable whether they will survive, therefore further increasing the exposure of buildings and further reducing the green infrastructure.
- An existing wildlife habitat will be lost.

#### **4.7 Conservation Manager (Arboriculture) – No objection**

I have viewed the soft landscaping proposals and see that the landscape officer has provided conditions to ensure they are adhered to. In light of this I have no further comments to add.

#### **4.8 Conservation Manager (Historic Buildings) – No objections**

The proposed design for 5 houses and garaging is generally good, taking its cues from the form of a traditional farmstead with farmhouse and regular courtyard of outbuildings. The covered walkway linking units 3 and 4 is a good way of allowing separate units assume the linear form of a more typical agricultural building. This site plan will not go against the grain of development in the settlement where complexes of similar form are present. As outline permission was granted for 4 bedroom houses, this approach to the site layout is appropriate, avoiding sub-urban cul-de-sac layouts which would not sit well within the village context.

Subject to further detail, the scale, proportions, materials and detailing of the individual units as proposed are in accordance with paragraph 127 of the National Planning Policy Framework which requires development to be in sympathy with local character and history.

This proposal would not harm the setting of grade II listed Balance Farmhouse to the south.

I refer to the comments of my colleague the Landscape Officer over the impact on Eywood Park.

The boundary treatments specified are a reasonable compromise in maintaining an overall agricultural feel to the development whilst allowing private amenity space to the dwellings.

We do ask that standard conditions on material finishes and joinery details are requested. The quality of brick used will have particular impact on the success of the scheme. A standard black Bitmac finish would not be typical of a rural village, so we would ask that a more neutral colour finish was used, or alternative hard surfacing which is more rural in character.

#### 4.9 **Environmental Health (Contaminated Land)** – No comments

#### 4.10 **Strategic and Neighbourhood Planning Manager** – Qualified Comments

The Titley Group NDP has reached its examination consultation stage. The examiner's report was received on the 7 July 2023.

With regards to para 48 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking each of these criteria in turn:

- 1) As the examiner's report have been received, the material weight is adjudged as substantial within regarding to progress of the plan.
- 2) As the examination has taken place all the unresolved objections for Reg16 stage have been addressed.
- 3) The NDP has been concluded as meeting the basic conditions and being in conformity within national and local policy.

Therefore the current weight of the Titley Group NDP, in accordance within para 48, would be **significant**. The referendum is planned for the 19 October 2023.

The examiner's report specifically addressed the settlement boundary and Policy TG5. At this stage the settlement boundary has been amended via a recommendation to remove the current application site but has suggested that if the site commences then the settlement boundary should be amended again to include the site. This concurs with the settlement boundary as drafted within the Rge16 version of the NDP. Therefore signification weight should be attached to the delineation of this settlement boundary in the planning balance.

As at April 2023, Titley Group parish has had 14 built and 8 commitments meaning that the parish have a residual proportional growth of 1 unit.

## 5. REPRESENTATIONS

### 5.1 Titley Group Parish Council – Objection

#### Representation 15<sup>th</sup> June 2023

With reference to our previous comments (dated 16/8/2019 and 13/11/2019) concerning this application, we would reiterate our continuing objection to these proposals. Noting the considerable number of objections posted on the Hereford Council's planning portal, previous village meetings and our most recent consultations on our Neighbourhood Development Plan, there remains considerable objection to these plans within the Titley community. We would like to emphasize the following points:

Our NDP has been resubmitted and is currently being examined at Regulation 16 after previously failing at referendum. We would consider that the main reason for failure, would have been the adjustment of the Titley settlement boundary to include the Balance Farm application site at the request of the examiner.

The resubmitted NDP provides further reasoning for not including the Balance Farm site within the settlement boundary and it therefore remains outside of it.

Due to the contentious nature of this application and requests from both ward councillor and ourselves, we would ask that this application be determined through the Planning Committee.

The majority of objections raised in our previous submission we consider remain valid. The general 'urban' feel to the detailed plans being contrary to both the thrust of our NDP and indeed the overall very rural setting of the village.

We note the aspirational environmental proposals including additional insulation, solar panels and air source heat pumps, but ask whether these should be considered from a planning perspective unless they can be enforced. The lack of pedestrian access, cycle storage only secondary to the garage provision and reliance on brick, rather than locally sourced materials, give the impression that environmental consideration is not a priority.

#### Representation 13<sup>th</sup> November 2019

We note that the amendments only deal with the retention of all the fir trees on the western boundary and a few minor alterations to the landscaping and in no way address the many issues raised in our previous submission. Namely, the increased height and visibility, house size and type, location, road safety, drainage problems, sustainability, access to village services, suitability of building materials, layout and visual appearance. We, therefore, continue to strongly object to this application.

In respect of our NDP (currently under inspection) this proposal lies outside our settlement boundary. We allocated more than sufficient housing to fulfill our proportional growth in locations where road safety would not be an issue and commitment was being made to provide a mix of housing in keeping with local demand. This application would therefore undermine our emerging plan and severely reduce its potential for success at referendum.

Even within the last 12 months the need to build houses in a sustainable manner has become increasingly urgent. Hereford Councils declaration of the climate emergency and the commitment to 'supporting a planning system that protects and enhances landscape,



biodiversity and historic assets and seeks to ensure that development is sustainable' should at least require applications to consider sustainability. This application only refers to sustainability when quoting Hereford Councils own policies and fails to even try and deliver in terms of materials, construction, alternative forms of transport (eg cycling,walking), conservation (eg rain water capture) and renewable forms of power supply. Without any commitment to reducing the carbon footprint of this development, how can the council give its support. In the current climate emergency, it is paramount that developments, that will remain with us through this century are sympathetic to our increasingly fragile environment

### Representation 16<sup>th</sup> August 2019

Following the site and subsequent open meeting, and also further representations made to the Parish Council by local residents, there remains within our community strong opposition to this development. Although the reserved matters appeal regarding the entrance arrangements has recently been approved by the Inspector, the fact that the proposal will cause significant harm to road safety at the Eywood Lane/B4355 junction remains. This is seen by our community as a failure of Hereford Councils Planning and Highways Department to have adequately investigated the effects of the original outline planning on the wider road network, with the result of placing our residents at increased risk of road accident (Tittley Neighbourhood Development Plan 5.16, Policy TG16 item 4). We cannot therefore support this application on the grounds that it will diminish road safety.

The Parish Council strongly objected to the outline plans provision of four bedroom houses in a Housing Area that predominantly requires two and three bedrooms. We wrote to both you and our M.P. regarding this, with the response that local market demand will regulate the size of house a developer will build. We are unaware of any change in the type of demand locally yet the detailed plans still look to provide only four bedroom accommodation. The Parish Council cannot support a development that does not look to meet the needs of our local community or the surrounding area (Tittley Group Neighbourhood Plan 5.17,5.19, Policy TG6).

We would also consider that in the context of Tittley the building of five large houses constitutes a major development. The village is characterised by a linear form of settlement. The proposal would be in effect a substantial 'backland' development which would not respect the settlement character. The Parish Council cannot support a development that does not respect the settlement character (TGNP Policy TG 6, 5.15,5.16).

With regard to the detailed plans and statement; Firstly we would note that the roof height proposed is a substantial increase on the existing barn. We are concerned that this will make the development 'stand out' from the adjoining properties including the Grade II listed Balance Farm and Barn Conversions and also the Grade II listed Eywood Park. We also think the increased height would make the proposal potentially much more visible from further afield e.g. Green Lane, The Mortimer Trail. The Parish council consider that the detailed plans do not respect the character of adjoining development and therefore cannot support them (TGNP TG 16 item 1, TG15).

There are many traditional farmyards within our community. Examples can be seen at The Balance, itself, Tittley Court, Flintsham Court, The Highlands, Park Farm and many more. All of these were built with locally quarried stone. The idea that red brick will give the impression of a local traditional farmyard is frankly ridiculous and will serve only to give the impression of a new housing estate style development. Details such as the vertical (as opposed to traditional horizontal) boarding, the portico and diminutive chimney stack on the 'farm house' and the all brick single line of double garages add to the overall impression of an urban design. Four of the houses are of almost identical design again giving the overall impression of an estate. The Parish Council therefore feel that the detailing does not respect the character of adjoining properties or indeed the wider village (TGNP TG16 item 1, 8.8).

We note that the ecological survey carried out for the outline planning permission regularly references the assumption that little or no removal of existing boundary trees will be carried out. The detailed landscaping proposals, although look to plant a new hedge line and trees, do however show the removal of the existing cypress tree planting and many other relatively mature trees. Local anecdotal evidence suggests the presence of bats, owls assorted song birds and badgers on, or adjacent to, the site. We feel a further survey taking into account the detailed landscaping should be undertaken to properly assess the potential loss of habitat so provision can be made both during construction and after to accommodate wildlife present (TGNDP TG16 item6&7). We are further concerned that the removal of the cypress trees along with the increased roof height will make the site too visible from the Grade II listed Eywood Parkland to the west (TGNDP TG15 item 1).

We have previously written regarding flooding along School lane and at the War Memorial and our concerns that this development may exacerbate the problem. It was noted at the site meeting that there was existing drainage on the site but no detail of outfall/soakaway system was known. The detailed plans for the proposal refer only to a soak away system for handling storm water. Again, local anecdotal evidence, suggests that large quantities of rainwater enter this site on its Northern boundary from adjoining farmland during the wet winter months. The Parish Council would like to ask for a more extensive survey of the existing drainage and proposals to mitigate potential run off from both the site itself and soakaways based in heavy clay soils.

The Parish Council would like to raise several concerns regarding the environmental impact of this development. The detailed plans allow for only vehicular access to the site. How do pedestrians access either these houses or the village without having to walk in the access road or indeed Eywood Lane (where there exists a known risk to road safety)? No footpath provision has been detailed. Also no provision is made or referred to for alternative forms of transport, most notably cycling (TGNDP TG16 item4). There is no detail for any 'street lighting' requirements and if required, the effect this would have on adjoining properties. It would seem that as the garages are some distance from the houses some form of lighting would be required for people to park then safely walk to their homes across a shared access. Titley has no street lighting and provision here of such would have an adverse impact on both existing residential amenity and the environment through light spillage (TGNDP TG16 item 5).

No detail has been supplied regarding how these homes are to be powered. Titley Group Parish council takes very seriously our need as a community to safeguard the environment for the future. Our current Building Regulations are generally regarded as inadequate and lag far behind many of our European neighbours. We feel that it is imperative that new house builds look very seriously at how they can minimise their carbon emissions through use of building materials, alternative energy sources (e.g. solar, ground source heat pumps, rainwater capture etc) and reduction in dependence on fossil fuels for transport. Within only a few years we would be ashamed to have built unsustainable houses where there is ample potential here for so much better (TGNDP TG16 item 2).

In conclusion, Titley Group Parish Council feel that these inappropriate plans are so much at odds with the thrust of our Neighbourhood Development Plan that they are impossible to support. The redundant site, if no longer to be used for agriculture, should be developed in a sensitive, sustainable manner so that it becomes an asset to our community rather than separate from it. We are happy to consult with the agent or owner to help facilitate this. We are, however, opposed to these plans and given the history of opposition within the community and subsequent appeals ask for any decision to be referred to the Planning Committee.

5.2 **Letters of Objection** have been received from 23 individuals. They raise the following points;

- Proposal conflicts with the Titley Neighbourhood Plan policies and is against the wishes of the local community

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- The proposal is outside the settlement boundary and Titley Parish has made plans to meet its housing needs elsewhere through the Neighbourhood Plan
- Highways safety concerns over junction between B4355 and Eywood Lane
- There is an inadequate level of parking and internal manoeuvring space
- The size of the houses does not meet local need for smaller more affordable homes
- The proposal does not respect the linear character of the village
- The site is prominent in views from the highway and public footpaths (including the Mortimer Trail) and there would be an adverse landscape impact
- The design and appearance of the dwellings is not appropriate to local context. The use of brick and vertical boarding is not in keeping with local character. Stone and horizontal weatherboarding should be used instead
- The design of the 'farmhouse' is not reflective of local character or distinctiveness
- The new buildings are excessive in height and larger than existing buildings on site
- The proposal would effect the setting of the adjacent barns, listed building and park
- The proposal is contrary to Titley's linear pattern of development
- Five dwellings is an overdevelopment of the site
- The proposal would effect the views and amenity of residents in Balance Barns
- The plans are not clear as to which trees would be retained and how the bank to the west of the site would be treated
- The site is observed to be used by protected species and wildlife. The proposal does not follow the recommendations of the Ecology report on the outline application
- Site has surface water runoff issues that need to be addressed through a drainage scheme
- The proposal involves the removal of a large number of valuable trees
- The new planting near to the site entrance will impinge upon the access and the setting of the adjoining parkland
- The proposal does not make any provision for renewable energy or other sustainability features
- The retention of the evergreen trees will deprive houses of light
- The size of the site seems to have increased from outline to reserved matters
- It is unclear how the site access will interact with neighbouring site that has been sold with permission for a farm workers dwelling

5.3 The consultation responses can be viewed on the Council's website by using the link:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=192515&search=192515](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&search=192515)

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

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

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

6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration in determining the application.

6.3 It is also noted that the Titley Group Parish has prepared a Neighbourhood Development Plan. The emerging NDP has been subject to independent examination and a local referendum is planned for the 19<sup>th</sup> October 2023. Although not yet formally forming part of the development

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plan, the emerging NDP may be given significant weight in accordance with the tests set out at Paragraph 48 of the NPPF. This has been confirmed by the Council's Strategic and Neighbourhood Planning Manager

- 6.4 Paragraph 11 of the NPPF states that all planning decisions should apply a presumption in favour of sustainable development. For decision taking, this means that proposals which accord with an up-to-date development plan should be approved without delay. The Council is currently able to demonstrate a housing land supply which exceeds 5 years and therefore the relevant policies of the development plan are regarded as being 'up-to-date'.
- 6.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The new local plan is not currently at a stage where it may be afforded any weight. The level of consistency between the policies in the CS and the NPPF therefore need to be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to housing provision, safeguarding local character and heritage; and protecting features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.6 Policy SS1 of the Core Strategy reflects the positive presumption set out within the NPPF and confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise. Similarly, policy TG1 of the emerging Titley NDP states that proposals which contribute to sustainable development within the Titley Group Neighbourhood Area will be supported.

### **Planning History and Current Application**

- 6.7 Outline Planning Permission (OPP) was granted on the site in 2016 for 'Proposed site for the erection of 5 no. four bedroom dwellings' with all matters reserved. A reserved matters application for the approval of access arrangements was allowed on appeal in August 2019 (P181476/RM). The current application seeks approval of the remaining reserved matters and was confirmed valid on the 24<sup>th</sup> July 2019, which was within the timescale for submission as required by Condition 1 attached to the OPP. The OPP hence remains extant.
- 6.8 It is acknowledged that the principle of the site being developed and its relationship with the settlement boundary for Titley as set out within the draft NDP is a common theme in the objections received from the Parish Council as local residents. It is acknowledged in this regard that the proposal site does sit outside of the draft settlement boundary defined in policy TG5 of the emerging NDP and the site is hence not a location where the principle of housing would be supported by this policy. This tension is readily acknowledged. However, the fact remains here that outline planning permission has already been granted and this remains extant. This clearly establishes the principle of the development on the site as being acceptable and this is not a matter which the LPA is entitled to revisit as part of the current application for approval of reserved matters. It is a material consideration which should be afforded significant and overriding weight.
- 6.9 An application for approval of reserved matters in respect of access was allowed on appeal in August 2019 (P181476/RM). This established that access to the site would be gained from Eyewood Lane to the south and technical details of the access, including the provision of

appropriate visibility splays, were conditioned as part of that permission. Those details have been carried forward as part of the current scheme. Whilst therefore again noting that highways safety concerns are a common theme in the objections received from the Parish Council and local residents, these matters have already been addressed as part of the outline permission and approval of reserved matters application P181476/RM. It is not within the gift of the LPA to consider those matters again.

- 6.10 The current application is made in accordance with the conditions defined by the Outline permission seeks approval of the outstanding reserved matters. In this case the outstanding matters relate to layout, scale, appearance and landscaping, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and set out at Paragraph 1.5 of this report.

### **Layout, Scale and Appearance**

- 6.11 In considering the details of the Reserved Matters scheme, strategic policy SS6 of the CS is relevant in that it sets out that all development proposals should conserve and enhance the environmental assets that contribute towards the county's distinctiveness, particularly its settlement pattern, landscape, biodiversity and heritage assets. This is reflected by policy RA2 which states that residential development in the county's rural settlements should result in high quality sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and landscape setting. Policy LD1 is of further relevance in this regard in so far as it requires that schemes demonstrate that they have been positively influenced by the character of the surrounding landscape and townscape in terms of the site selection, design, scale and nature of the development proposed. Schemes should also incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. In respect of new buildings, policy SD1 requires that developments should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials whilst respecting the scale, height proportions and massing of surrounding development.

- 6.12 From the emerging Titley NDP, policy TG1 sets out objectives relevant to the achievement of sustainable development. Amongst other things, this sets out that all schemes will be expected to take all opportunities to conserve and enhance the landscape and the distinctive natural and historic environments whilst avoiding undue loss of visual amenity. Policy TG13 sets out that development proposals should protect and enhance the valued landscape by adherence to a number of principles, which include:

1. Designing, siting and locating development in ways that secure positive landscape and visual impacts
2. Ensuring that sightlines to and from Offa's Dyke, the Mortimer trail, Herefordshire Trail, Titley Loop, Eywood Lane and access to Titley Pools SSSI are preserved
3. Protecting locally important features and views identified in this NDP
4. Avoiding or mitigating the individual and cumulative non-visual impacts of proposed development, including noise, odour, dust, traffic, illumination and disturbance
5. Where harm to the landscape cannot be avoided it must be fully mitigated through sympathetic landscape planting

- 6.13 Policy TG16 deals with matters of design and access and, amongst other things, directs that development proposals should achieve a high quality design by respecting the character of adjoining development and the wider landscape, having regard to siting, scale, height, massing, detailing, materials and means of enclosure. It also requires that developments should retain and incorporate features of amenity and biodiversity value such as trees and hedgerows whilst providing for new landscaping which is in keeping with prevailing character of the surrounding area. Materials should also be incorporated which reflect the local vernacular and colour palette,

unless sympathetic alternatives are justified. Although not yet forming part of these development plan, these policies attract significant weight.

- 6.14 The preceding policies are all reflective of the principles established in the NPPF, particularly Chapter 12 with regards to achieving well designed places. This chapter highlights that good design is a key aspect of sustainable development and Paragraph 130 sets out a number of principles which should be pursued through both plan making and decision taking in order to achieve this. Amongst other things, the principles include that developments should be visually attractive as a result of good architecture, layout and effective landscaping whilst establishing and maintaining a strong sense of place.
- 6.15 Whilst outside the draft settlement boundary for Titley within the emerging NDP, the site in this instance is on the western edge of the village and relates closely to the built up part of the settlement with residential properties being located to the south and east. The built form of the site's immediate surroundings is characterised by a cluster of historic dwellings, converted farmsteads, and a small number of more recent houses which are loosely focused around the junction of the B4365 and Eywood Lane. The layout of the scheme presented takes direction from the historic farmsteads in particular and the arrangement of buildings is redolent of a traditional agricultural site. An individually designed unit with a strong domestic character occupies the more prominent land near to the roadside in the manner of a typical farmhouse, whilst the remaining units are positioned in a more regimented courtyard style arrangement on the land to the rear of the site and are of a simpler design which reflects vernacular agricultural buildings. This approach is considered to be appropriate to the context of the site; responding both to the pattern of development in the immediate locality as well as spatial constraints such as the site's irregular shape. It is noted that the Council's Conservation Officer is supportive of the proposed site layout and comments that it would avoid the creation of a suburban cul-de-sac type arrangement, which would not sit well within the rural village context.
- 6.16 In respect of appearance, the design of each unit continues the agricultural typology seen in the site layout and is considered to be broadly acceptable. The unit to the fore of the site seeks to reflect a traditional farmhouse design and in doing so features a narrow building span with a relatively steeply pitched roof which is seen throughout the surrounding village. It also utilises features and detailing which are distinctive to the rural character of the area, such as the symmetrical positioning of fenestration, arched window lintels and an external chimney breast. The remaining units are reflective of traditional agricultural buildings and are characterised by a simple rectilinear form with uninterrupted roof planes. The palette of materials is varied, comprising red brick, timber boarding and slate. It is noted that the suitability of brick has been questioned in local representations, however a review of the wider context reveals numerous examples of red brick buildings such as the former farmstead at Rhiwlas Cottages or the adjacent Eywood Lodge. It is not therefore considered that this material is inappropriate or out of keeping with the character of the surrounding area. Specific details of the brick to be used, including the bond and mortar type, can be secured by condition. Specific details of cladding and roofing will also be secured through this means, as well as details of the timber fenestration.
- 6.17 With regards to scale, the unit to the fore of the site would measure 8.6 metres to its ridge whilst the remaining units to the rear would be smaller at 8.2m. Whilst this is slightly larger than the current agricultural building on the site, it is not considered that the increase is significant or that it would be detrimental to the character of the locality. The increase in the height of the dwellings would be offset to a certain extent by a reduced physical mass relative to the current building on the site, and the height of the units would be commensurate to the scale of surrounding development in any case. As such, it is considered that the development is appropriate with regards to scale.

## Housing Mix

- 6.18 In terms of the size of the dwellings themselves (in so far as this is relevant to the matter of 'scale'), all units would provide four bedrooms of accommodation to future occupiers. It is noted that local representations have raised concerns that this means that the scheme provides exclusively for larger dwellings and hence would not contribute to providing the mix of housing sizes that are required to meet the needs of the local community. These concerns are duly acknowledged and it is not denied that the scheme fails to provide the range of houses that would ordinarily be sought in line with the latest Housing Market Area Needs Assessment (2021). However, it is highlighted that the size of the dwellings was inherently fixed as part of the development description approved at the outline stage – i.e. 'site for the erection of 5 no. four bedroom dwellings' (*Officer emphasis added*). The matter of housing mix can hence not be revisited again here and, given the Reserved Matters scheme accords with the mix approved at outline stage, it is considered to be acceptable.

## Residential Amenity

- 6.19 Policy SD1 of the CS requires that all development proposals secure high standards of amenity for all residents and avoid any potential for adverse impacts through means such as overlooking, overshadowing or overbearing. Policy TG16 of the emerging Titley NDP also directs that proposals for new housing should be sited and designed to avoid adverse impacts on the amenity of the future occupants from the operation of existing uses, such as agriculture and businesses. Both policies are reflective of the principles set out at Chapter 12 of the NPPF.
- 6.20 It was established with the grant of OPP that the site is appropriate for residential development and that there would be no compatibility issues with neighbouring uses, which are either residential or agricultural in nature. The reserved matters scheme has been designed in a manner which ensures that good standards of amenity is achieved for future residents, with good areas of private curtilage provided and no potential for adverse impacts identified a result of overlooking, overshadowing or overbearing. The amenity of existing dwellings in the locale would also not be compromised by the development, on account of the degree of separation between them and the new builds and intervening screening. Good standards of amenity are hence achieved and there is hence no conflict found with the aforementioned policies.

## Layout – Access Considerations

- 6.21 With regards to accessibility and highways considerations, it is noted that the proposed scheme adheres to the access arrangements approved under earlier reserved matters application P181476/RM and the areas for consideration at this stage are therefore those related solely to the internal layout of the site. In this regard, policy MT1 of the CS requires that developments are laid out to have appropriate operational and manoeuvring space having regard to the vehicle and cycle parking standards set out within the Council's Highways Design Guide. Policy TG16 of the draft NDP is also relevant in so far as it requires schemes to include provision for pedestrians and cyclists to encourage active travel. Both of these policies are reflective of the principles set out at Chapter 9 of the NPPF.
- 6.22 Having reviewed the scheme, the Council's Transportation Manager has confirmed that the internal layout is acceptable and no objections are consequently offered. The site layout provides adequate space to ensure a range of vehicles, including larger refuse collection vehicles if needed, can manoeuvre within the site and sufficient parking provision is made to support the development through a combination of garaging, spaces within curtilage and allocated parking on the central courtyard. The internal layout also adopts the principles for shared private drives as set out within the Council's Design Guide, including the use of shared spaces, turning heads and passing places. The garaging proposed to each unit also provides opportunities for the secure storage of bicycles. On this basis, it is considered that the layout of

the scheme is acceptable from a functional perspective and no conflict with MT1 or TG16 is identified.

## **Landscaping**

- 6.23 Landscaping in the context of an RM application means the treatment of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated. As set out previously, policy LD1 of the CS is relevant in this regard and requires that schemes incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. There is similar provision in emerging policies TG13, TG14 and TG16, although these also introduce additional requirements that are more tailored and local grounded in the Titley Group Parish.
- 6.24 It is noted that the landscaping and layout proposals have been amended since the initial submission, with the current scheme of landscaping set out on plan 19/500/02A. Importantly, the amended plans retain the belt of mixed coniferous and deciduous trees which sit atop an earth embankment to the west of the site. This feature currently forms an important visual landscape buffer between the site and the open countryside beyond, helping to mitigate the visual impact of both the existing agricultural buildings and the proposed new dwellings upon the setting of Eywood Park to the west. The retention of this feature ensures that this mitigation continues and that established features of ecological value are protected, in accordance with policies LD1, LD3 and TG13. There would be some removal of trees at the north-west corner of the site, however it is considered that these are adequately compensated for elsewhere.
- 6.25 The landscaping strategy makes provision for extensive new native species hedgerow planting throughout the site, including a new 90m length to form a boundary to the east of the site and further provision to gap-up the existing hedgerows to the north and west. New tree planting is also proposed throughout the site, both in communal areas on the approach from the highway and within the curtilage of each dwelling. The measures will help to ensure that the scheme assimilates with the location, as well as enhancing the biodiversity value of the site. With regards to hard landscaping, boundary treatments are considered to be sensitive to the rural setting; with low post and top-rail fencing being used to the central courtyard in a manner that aids visual permeability and the maintains the openness of this area. Treatments between rear curtilages are to comprise hazel wattle panels, which avoid an over-urbanising effect whilst still achieving the levels of privacy expected by residents. It is noted that the access road and internal courtyard are shown to be finished in tarmac, however this is considered to be a suburban form of treatment that is not in keeping with the rural nature of the site. A condition is therefore attached to secure an alternative surface finish, such as block paving or gravel.
- 6.26 Overall, the landscaping scheme is considered to be appropriate to context and in accordance with the policies of the development plan. It is noted that specialist advice has been sought from the Council's Landscape Officer and no objections have been offered. A condition is recommended to secure implementation of the approved scheme, as well as a condition to secure a scheme of landscape management and maintenance for a period of 10 years to ensure new planting robustly establishes itself.

## **Impact upon Heritage Assets**

- 6.27 The site lies within the setting of two designated heritage assets. The Grade II listed Balance Farmhouse is located approximately 50m to the east of the site, and the site's western boundary abuts the Grade II Registered Park and Garden of Eywood Park. The converted Balance Barns to the east of the site are not subject of any formal designations, but are considered to have some heritage value as traditional agricultural buildings.
- 6.28 The NPPF directs at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to



the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. In considering the potential of the development to affect the setting of a listed building, the Local Planning Authority also has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These heritage duties are manifested in the development plan through CS policies SS6 and LD4. The former is a strategic policy and it sets the expectation that developments should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. The latter is more detailed and, amongst other things, requires that new developments should 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. The emerging Titley Group NDP also contains a heritage policy at TG15. This reinforces similar principles to LD4 and the NPPF in terms of the need to protect, conserve and enhance designated heritage assets CS policy LD1 is also relevant in this sense in that it directs that schemes should conserve and enhance the natural, historic and scenic beauty of the important landscapes and features such as nationally and local designated parks and gardens. TG13 adds further in requiring that developments should respect the valued landscape character including associated important views and local features of interest.

- 6.29 It is noted that it was incumbent on the LPA to exercise the heritage duties set out above at the outline stage and the grant of that permission has established that the site is capable of accommodating residential development without leading to harm to the significance of heritage assets, subject to an appropriate design being secured at reserved matters stage.
- 6.30 Balance Farm House is located around 50m to the east of the site. Based on observations of the building and its list description, significance is derived from its traditional form, historic fabric and particular architectural features. Historically the building was associated with a farmstead of traditional barns, however these have now been converted to residential uses. Although the layout of the buildings and sympathetic manner of conversion allows for the historic relationship between the former barns and farmhouse to still be understood, the change to residential use has undoubtedly altered the surroundings of the farmhouse in a manner which means residential uses (rather than agricultural) are now a defining characteristic of its setting. The result of this is that the significance of Balance Farm is mainly experienced from within its own curtilage. Although there are views of the property from Eywood Lane, there is limited inter-visibility between the listed building and the proposal site on account of intervening vegetation, other development and the difference in levels between the two sites. The potential for the re-development of the site to residential uses to demonstrably affect the setting of the listed building is hence limited.
- 6.31 The proposal site currently hosts a large modern agricultural building which is to be demolished as part of the proposals. The settlement pattern in the surrounding area is mainly one of a dispersed nature, but there is a cluster of buildings and a number of farm complexes in the immediate vicinity of the proposal site. As identified in earlier sections of this report, the RM scheme takes direction from the local context and displays a layout and character that is sympathetic to local character and architectural styling. As such, it is not considered that the scheme would lead to any negative impacts on the character of the landscape or village setting when compared to the existing situation. It would also not affect the relationship between Balance Farm and the converted barns which adjoin it. As such, the ability to appreciate and understand Balance Farm's past connection with agricultural uses would not be materially affected by the development of the application site.
- 6.32 Taking all of this into account, it is considered that the scheme would not alter the setting of Balance Farm (or the converted barns) in a manner which is demonstrably harmful to its

significance. The features which give the building special interest and the characteristics within its setting which contribute to its significance would be preserved. It is highlighted that specialist advice has been sought from the Council's Historic Buildings Officer and the response received supports the view that there would be no harm to the significance of the listed building. Officer's give this view significant weight.

- 6.33 With regards to the setting of Eywood Park, this lies to the west of the site and has significance as a result of its historical and aesthetic value as an example of an 18<sup>th</sup> century designed landscape. Eywood Lane was originally a secondary entrance to the park, but in recent times has become the main approach with a 19<sup>th</sup> century lodge and wall being located opposite the entrance to the proposal site. The proposal site and the park however are separated by a belt of tall and dense planting which means there is limited inter-visibility. This screening will be maintained as part of the scheme and would serve to reduce the impact of the development when viewed from the park. Moreover, when the site is experienced from within the park it is viewed against the backdrop of existing built form which makes up the western edge of Titley in any case, thereby reducing the impact of the new dwellings further. Overall therefore, it is considered that the scheme would not adversely affect the setting or significance of Eywood Park. It is noted that the Council's Landscape Officer has not offered any objections in this regard and Officer's again give this view significant weight.
- 6.34 In summary therefore, it is considered that the proposal would preserve the settings of the nearby heritage assets and would not lead to any demonstrable harm to their significance. It follows that the proposals comply with policies LD4 and LD1 of the CS and policies TG13 and TG15 of the emerging Titley NDP. The heritage duties imposed upon the LPA by Section 66 of the Act are accordingly discharged.

#### **Sustainability and Climate change**

- 6.35 The Applicant has completed the Council's Climate Change Checklist and this indicates that the scheme would seek to provide solar panels, air source heat pumps and charging points for electric vehicles. These measures would align with those sought through policies SD1 and SD2 and the measures which are encouraged by policies TG1 and TG11. Specific details will be secured by condition.

#### **Assessment under the Habitats Regulations**

- 6.36 The proposal site is located in the catchment of the River Lugg, which is a tributary of the River Wye Special Area of Conservation (SAC) and forms part of the designated site, is currently failing its conservation targets on phosphate levels. Following advice issued by Natural England (as the relevant statutory body) in July 2019, Herefordshire Council has been unable to approve developments within the Lugg catchment unless it can be demonstrated with certainty that it would have a neutral impact on water quality and the integrity of the designated site. This has become known as the need to demonstrate 'nutrient neutrality'. Case law has also made clear that this requirement applies to all multi-stage consents (such as outline and reserved matters) where there has been a significant change in circumstance since the first permission was granted. In this case, the River Lugg has moved to a 'failing' status since the outline permission was granted and this is a significant change in circumstance which means that the 'nutrient neutrality' must be shown for the scheme before the RM can be issued. The inability to demonstrate this has effectively led to the application being placed 'on hold' since it was submitted in 2019.
- 6.37 These duties are set out by the Conservation of Habitats & Species Regulations 2017. There is similar provision to protect environmental assets in the CS, with policy LD2 setting out that development likely to harm sites of European importance will not be permitted. Policy SD4 deals with wastewater management and sets out that development should not undermine the achievement of water quality targets and that permission will only be granted in SAC

catchments where there will be no adverse impact on the integrity of that site. This is echoed by emerging policy TG14 of the NDP, which reflects the more recent issues within the Lugg and states that:

All development proposals should demonstrate that they would not have an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance. Planning permission will only be granted if clear and convincing evidence is provided to show that the proposed development would not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate calculator and any other current associated guidance'

- 6.38 The proposal for residential development would generate additional foul water that is proposed to be managed through a connection to the mains sewer network serving Titley. This is an acceptable arrangement in principle and is secured as part of the outline permission. However, the additional sewerage load generated by the development has the potential to impact upon the River Wye SAC through the discharge of treated effluent containing phosphate into the Lugg catchment. The LPA must be able to ensure that this potential impact is mitigated for and that the proposal would lead to no adverse impact upon the integrity of the designated site before it can approve the RM.
- 6.39 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 6.40 The applicant has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 3.32kg TP/year which must be mitigated for to avoid detriment to the River Lugg. The Council's Conservation Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 6.41 The applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 (plus VAT) per Kg of phosphate generated. Based upon the annual phosphorus load of 3.32kg TP/year, the Applicant is required to purchase credits to the value of £46,480. This will be secured by a S106 legal agreement.
- 6.42 The Council's Ecologist has completed an appropriate assessment which is summarised at Section 4.5 of this report. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits and the imposition of conditions, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy.
- 6.43 This assessment has been submitted to Natural England for consideration and a response has been received to confirm that the statutory body agreed with the LPA's conclusions. The proposed development will be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection. The LPA,

as the competent authority, is therefore able to conclude that the proposal would have no adverse effect on the on the integrity of the River Lugg / River Wye SAC.

- 6.44 With regards to the conditions recommended by the Council's Ecologist, it is noted the first of these sought to prevent occupation of the dwellings before 1<sup>st</sup> August 2023 in order to ensure that the Luston wetland had reached a point that it could be relied upon to provide mitigation. That date has however now passed and the wetland is now operational. The condition has therefore become superfluous through the passage of time and to impose it would not pass the relevant tests set out in the NPPF. The second condition recommended seeks to secure a scheme of measures to enable the efficient use of water prior to first occupation. Whilst the requirements of the condition are reasonable and justified with regards to policy, it is a duplication of Condition 10 that is already attached to the outline permission. Provision is hence already in place to secure the efficiency measures and hence there is no need to impose a duplicate condition on the RM approval.

### **Other Matters**

- 6.45 In respect of drainage arrangements, it was established as part of the Outline permission that foul water would be managed through a connection to the mains sewer network and that surface water would be managed through the use of soakaways in accordance with the principles established by Core Strategy policies SD3 and SD4. These arrangements are secured, broadly, through Conditions 8 and 9 attached to the outline permission. There are no conditions attached to the outline permission to require full and specific technical details of the drainage arrangements to be submitted to the LPA for approval and these do not form one of the Reserved Matters requiring approval in line with the definitions of the DMPO. Whilst the concerns of local residents and the Parish Council in respect of surface water in particular are therefore acknowledged, the LPA does not have remit to require further information in this regard. The outline permission secures an outline strategy that accords with policy and securing a suitable technical specification for those systems will be a matter for the statutory undertaker DCWW and the Building Regulations.
- 6.46 With regards to protected species, an ecology survey was supplied in support of the original outline application and Condition 5 attached to that permission secures implementation of the mitigation measures set out therein. It also requires that the development be overseen by a qualified ecologist and that a scheme of habitat protection and enhancement scheme be supplied to the LPA for approval prior to the commencement of the development. Those details will follow as part of a separate application. Subject to this condition, the LPA is satisfied that its duties in respect of protected species are fulfilled.

### **Summary and Conclusion**

- 6.47 In accordance with Paragraph 11 of the NPPF, all planning decisions should apply a presumption in favour of sustainable development. Paragraph 11 requires that proposals which accord with an up to date development plan should be approved without delay.
- 6.48 The site in this case benefits from an extant outline planning permission which provides for the erection of five four bedroomed dwellings. The principle of the development is hence already established. Details of the access arrangements to the site have already been approved as part of 181476/RM. This application seeks approval of the outstanding reserved matters, these being appearance, layout, scale and landscaping.
- 6.49 The application provides the requisite level of detailed to address the outstanding reserved matters and as required by the conditions attached to the outline. In terms of the layout, the scheme has taken direction from the agricultural origins of the site and this is manifested in layout influenced by the principles of a traditional farmstead. The result is a scheme which is sympathetic to context and avoids an overly suburban development which would otherwise

erode the character of the village. The scale and appearance of the scheme is a suitable response to the local vernacular, with precise details of materials and finishes to be secured by condition. The scheme of landscaping is also appropriate, retaining important trees and boundary features which contribute to local character whilst proposing additional planting and sensitive hard landscaping features which will ensure the scheme assimilates appropriately to its surroundings. These matters combined ensure that the scheme would not harm the amenity of any existing residents, and there is no harm identified to the setting or significance of nearby heritage assets such as the Grade II listed Balance Farm, the Grade II registered park of Eywood or the undesignated assets of Balance Barns.

- 6.50 Although not a 'Reserved Matter' per se, the LPA has an overarching duty when exercising its planning functions to ensure that there would be no harm to the integrity of designated conservation sites. In this case, that includes the River Lugg / River Wye SAC which is afforded protection under the Habitats Regulations. The LPA is able to conclude that the proposal scheme would have no adverse impact upon the integrity of the designated site, subject to the Applicant purchasing Phosphate Credits to mitigate for the effects of the development. This will be secured as part of a Section 106 agreement.
- 6.51 It is acknowledged that the application is one that is a source of contention locally and this is reflected in the objections received from the Parish Council and representations of local residents. The prevailing concerns in these submissions include general objections to the principle of the site being developed for housing; the location outside the draft settlement boundary for Titley; the potential impact upon highways safety; and the size of the dwellings in terms of meeting local housing needs. These concerns have been discussed in the earlier sections of this report, but it is reiterated here that these are not matters which are open for consideration as part of the current Reserved Matters application. The principle of development was established by the outline permission, as was the size of the dwellings to be erected on the site. With regards to highways matters, the access arrangement to the site was fixed through Reserved Matters application 181476/RM and in allowing that appeal the Inspector made very clear that issues regarding the safety of the wider highways network are not valid considerations as part of a Reserved Matters application.
- 6.52 Overall, the proposal for the Reserved Matters of appearance, scale layout and landscaping are considered to be acceptable. No objections have been received from any technical consultee and there has been no conflict identified with the policies of the Core Strategy or the emerging Titley Group Neighbourhood Development Plan. Officers therefore consider that there are no material or technical reasons to refuse the application, and such approval is recommended subject to the conditions set out below and the completion of a S106 agreement to secure the purchase of phosphate credits.

## **RECOMMENDATION:**

**That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation:**

### **Standard Conditions**

1. **The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:**
  - **Amended Site Section 7218-1-26A**
  - **Amended Site Layout 7218-1-20A**
  - **Amended Landscape Proposals 19/500/02A**

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- Amended Garage Plan (Plot 2 – 5) 7218-1-28A
- Amended Garage Plan (Plot 1) 7218-1-27A
- Plot 1 Plans and Elevations 7218-1-21
- Plot 2 Plans and Elevations 7218-1-22
- Plot 3 Plans and Elevations 7218-1-23
- Plot 4 Plans and Elevations 7218-1-24
- Plot 5 Plans and Elevations 7218-1-25

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA2, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG13, TG14, TG15 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

#### **Conditions to be Discharged**

2. **Details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being undertaken on site:**
  - a) **Details and/or samples of brickwork (including type of material, bond and mortar type to be used)**
  - b) **Details and/or samples of external timber cladding**
  - c) **Details and/or samples of roofing materials**
  - d) **Details of all windows, doors and rooflights including**
    - **Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings**
    - **Method & type of glazing.**
    - **Colour Scheme/Surface Finish**
  - e) **Details and/or samples of rainwater goods**

**The work shall subsequently be carried out in full accordance with such approved details.**

**Reason:** To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG15 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. **Prior to the first occupation of any dwelling, details of the proposed scheme of renewable / low carbon energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied March 2023) shall be supplied to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved prior to the first occupation of the dwellings.**

**Reason:** To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policies TG1 and TG11 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

4. Prior to the first occupation of any dwelling to which this permission relates, the vehicular parking areas shown on the approved plans shall be properly consolidated, surfaced and drained in accordance a specification which has first been submitted to an approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to 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, policy TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

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

- Surface finishes
- Drainage details
- Future maintenance arrangements

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

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any dwelling hereby approved, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The scheme of management and maintenance shall subsequently be carried out in accordance with this approved schedule. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan 19/500/02A.

**Reason:** To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

7. Prior to the first occupation of any dwelling, written and illustrative details (type/specification and location) of at least one electric vehicle charging point per plot shall have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation of the dwelling to which it relates and shall 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, policy TG1 and TG11 of the emerging Titley Group Neighbourhood Development Plan, 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

### Compliance Conditions

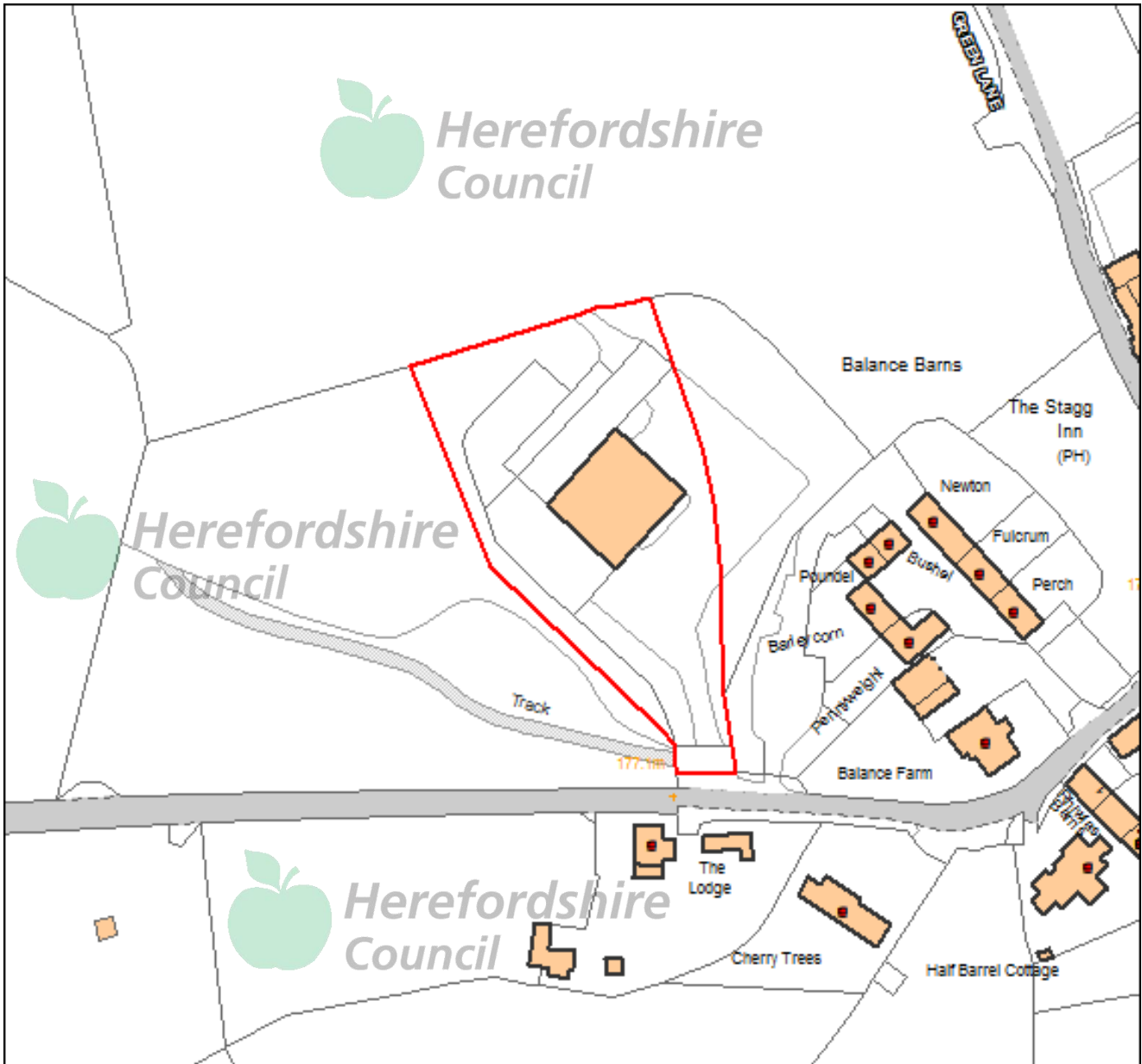
8. **All planting, seeding or turf laying in the approved landscaping scheme (19/500/02A – Peter Quinn Associates) shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner. The hard landscaping shall be carried out in accordance with the approved plans and be completed prior to the first occupation of the development.**

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.**

9. **Apart from where explicitly identified for removal on landscaping plan 19/500/02A and tree survey 19/500/01, no retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.**

**Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.**





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**APPLICATION NO:** 192515

**SITE ADDRESS :** BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

