

Agenda

Planning and Regulatory Committee

Date: **Wednesday 27 September 2023**

Time: **10.00 am**

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

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

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 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

| | Pages |
|---|-----------|
| PUBLIC INFORMATION | |
| GUIDE TO THE COMMITTEE | |
| NOLAN PRINCIPLES | |
| 1. APOLOGIES FOR ABSENCE | |
| To receive apologies for absence. | |
| 2. NAMED SUBSTITUTES (IF ANY) | |
| To receive details of any Member nominated to attend the meeting in place of a Member of the Committee. | |
| 3. DECLARATIONS OF INTEREST | |
| To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda. | |
| 4. MINUTES | 13 - 22 |
| To approve the minutes of the meeting held on 6 September 2023. | |
| 5. CHAIRPERSON'S ANNOUNCEMENTS | |
| To receive any announcements from the Chairperson. | |
| 6. 221395 - TREDUCHAN FARM, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ | 23 - 52 |
| Residential development of the site and associated works comprising the conversion of traditional agricultural building to four dwellings, and the replacement of modern agricultural buildings with four new- build dwellings. | |
| 7. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER | 53 - 142 |
| Proposed residential development of 25 dwellings along with new access and associated works. | |
| 8. 231864 - LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW | 143 - 158 |
| Proposed creation of a new permanent access for agricultural vehicles from Warren Lane. | |
| 9. 232181 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG | 159 - 166 |
| Proposed single storey garage including garden room/home office. | |
| 10. DATE OF NEXT MEETING | |
| Date of next site inspection – 24 October 2023 | |
| Date of next meeting – 25 October 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 6 September 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, C Gennard, Peter Hamblin, Dan Powell, Stef Simmons, Richard Thomas and Diana Toynbee

In attendance: Councillors Roger Phillips

Officers: Locum Solicitor, Planning & Highways, Highways Representative and Development Manager Hereford and South Team

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Stone.

23. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. MINUTES

RESOLVED: That the minutes of the meeting held on 16 August 2023 be approved.

26. 220646 - TURNPIKE CARAVAN SITE, PEMBRIDGE, HEREFORDSHIRE, HR6 9JZ

The Principal Planning Officer gave a presentation on the application and the updates/representation 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 Pace, spoke on behalf of Pembridge and Shobdon parish councils, Mr Stokes, spoke in objection to the application and Mr Fry, the applicant's agent, spoke in support.

In accordance with the council's constitution, the local award member spoke on the application. He explained that the primary issues regarding the application concerned the highway safety and welfare of travellers, their children and the drivers of vehicles destined to local businesses. The proposed entrance to the site was on a road serving a busy industrial area and evidence was presented of the projected vehicle movements along the road on which the entrance was sited. It was projected that there would be over 600 vehicle movements per day on the road and that movements would continue into the night on the road where there was no lighting. There was concern that there had not been an adequate highway safety assessment due to the access road being located on private land. The

applicant was urged reassess the site with a different layout and a single entrance to address concerns regarding the hazard posed to residents on the site by the busy, unlit access road. The committee was urged to reject the application as it was in conflict with the core strategy and the Pembridge Neighbourhood Development Plan (NDP).

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

- The location for the caravan site was in a suitable position;
- There was an advisory speed limit of 20 miles per hour on the road, but as it was a private road it was not possible to enforce the limit;
- The projected increase in the number of vehicles using the road was significant;
- There was an open space in close proximity to the road. The site would require adequate fencing and the maintenance of that fencing, to prevent open access to the road from the site; and
- The proximity of the road to the site posed serious highway safety concerns and a reassessment of the location of the access was urged.

The local ward member was given the opportunity to close the debate. He explained that objections to the application did not concern the principle of the site in its current location but the highway safety of local residents and drivers.

A motion that the application be refused due to highway safety concerns relating to the entrance to the site and the access road, contrary to core strategy policies TS1 (6), TS7 (8), MT1 and SD1, was proposed by Councillor Stef Simmons and seconded by councillor Richard Thomas. The motion was put to the vote and was carried by a simple majority.

RESOLVED – That:

The application be refused due to highway safety concerns relating to the entrance to the site and the access road, contrary to core strategy policies TS1 (6), TS7 (8), MT1 and SD1.

There was an adjournment at 10:54 a.m.; the meeting reconvened 11:04 a.m.

Councillor Catherine Gennard joined the meeting at 11:04 a.m.

27. 192515 - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL

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 Edwards spoke on behalf of Titley Group Parish Council, Ms Whitlock, spoke in objection to the application, and Mr Tompkins, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application, he explained that the application concerned the scale, layout and landscape of the proposed development. It was noted that the Titley NDP had acquired relevance following inspection by the planning inspectorate and was at a stage where it was to be presented for referendum. There was local concern regarding the design and scale of the proposed properties, in particular the proposed brickwork was not consistent with the local vernacular of stone. The height of the proposed buildings was a concern with the tallest standing at one meter higher than the existing agricultural structures on the site. Due to the design and scale of the buildings there was concern that the development

would have an adverse impact upon the local landscape. It was felt that the application was in conflict with the Titley NDP policies TG5, TG13 and TG16.

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

- The proposed red brick design was felt to be very suburban and unsympathetic to the local area;
- A deferral of the application would allow the applicant to produce a design which was more sympathetic to the locality;
- There was concern regarding the height of the buildings. The ridge heights were felt to be too high and suburban in nature; and
- The layout of the site should be reconsidered to utilise renewable sources of energy more efficiently.

The Local Ward Member was given the opportunity to close the debate. He explained that dialogue between the applicant, the local community and the parish council was necessary to take the application forward.

A motion the application is deferred to allow for a reassessment of the scale, design and layout of the proposed scheme was proposed by councillor Polly Andrews and seconded by Councillor Stef Simmons. The motion was put to the vote and carried unanimously.

RESOLVED – That:

The application is deferred to allow for a reassessment of the scale, design and layout of the proposed scheme.

28. APPENDIX - UPDATES SHEET TO PLANNING COMMITTEE - 6 SEPTEMBER 2023
(Pages 5 - 10)

The meeting ended at 11.48 am

Chairperson

PLANNING COMMITTEE

Date: 6 September 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

220646 - Proposed Extension of Turnpike Traveller Site

Turnpike Caravan Site, Pembridge, Herefordshire, HR6 9JZ

For: Mr Jones per Mr Owen Fry, Shiretown House, 41-43 Broad Street, Hereford, Herefordshire, HR4 9AR

ADDITIONAL REPRESENTATIONS

No additional representations have been received from members of the public.

Following the publication of the Officer Report, the Applicant's Agent has provided the following comments as points of clarification in relation to the site's waste management arrangements and provision for renewable / low carbon energy:

Waste management: In some comments from the Parish Council and objectors concern was raised regarding waste management and litter. The bin collection point is located within the site for the proposed units, it will be within the tenancy agreements for residents on the new and existing sites that residents must store their bins on their own plot, and that bins must only be put in designated collection area for collection. Further to this the site will be managed in accordance with a waste management policy. By preventing bins from being stored permanently on roadsides, the risk of litter is reduced and the visual impact of the bin stores is significantly reduced.

Electric vehicle charging points – The infrastructure to allow EV charging points to be installed is included as part of the refurbishment. The infrastructure is also available on site for the provision of solar panels in future and tenants wishing to install this will have the ability to do so.

Officers have also received information from the local ward Councillor, Roger Phillips, regarding traffic movements associated with businesses using the Torvale Industrial Estate Road. In summary the information provided by Kingspan suggests that the number of HGV movements using the private road could increase to around 350 per day. The accompanying email which is understood to have been sent to all Councillors suggests that this would represent a highway safety risk. The detailed table of traffic movements is included in full at **Appendix A**.

OFFICER COMMENTS

The arrangements for waste are noted. Confirmation of the exact arrangements and ongoing implementation of these will be secured via the Site Management Plan under Condition 8.

With regards to EV charging points, the intention to provide these is noted. An additional condition is recommended to secure full details of the EV points (and any other renewable or low carbon energy infrastructure) prior to the first occupation of the development.

In relation to the data received regarding traffic levels on the Torvale Industrial Estate road, the original source for this information is not provided and no methodology is included to clarify how the reported traffic movements have recorded and modelled. As such, Officers are unable to make any informed assessment of its accuracy or relevance. Notwithstanding

this, Officers would consider that the traffic generation associated with the development proposed is minimal relative to existing movements and the scheme would not lead to a significant uplift in traffic which could not be safely accommodated within the capacity of the highway network.

CHANGE TO RECOMMENDATION

Additional condition recommended as follows:

Prior to the first occupation of the development hereby approved, details of the proposed scheme of electric vehicle (EV) charging points and any other renewable / low carbon energy generation proposed shall be submitted to the Local Planning Authority for written approval. The information shall include details of the number, type/specification and location of all electric vehicle charging points to be provided. The approved scheme of measures shall be implemented prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, policy PEM14 of the Pembridge 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.

Appendix A

Private Access to Shobdon Airfield Ind Est
Analysis of Short Medium Term Traffic Flows

| Business | Annual | | | Days per Week | Average per day | Goods Vehicle | | To/From | | Peak per day |
|-----------------------|-----------|------------|----------------|---------------|-----------------|---------------|-----|--------------|-----------|--------------|
| | Movements | 1 or 2 way | Vehicle Passes | | | %age | Nr | Milton Cross | Pembridge | |
| <u>Constant Flow</u> | | | | | | | | | | |
| Kingspan | 122,500 | 1 | 122,500 | 7 | 350 | 100% | 350 | 350 | 0 | 350 |
| Powell & Co | 5,980 | 2 | 11,960 | 5 | 46 | 65% | 30 | 30 | 16 | 46 |
| MAC Industries | 2,250 | 2 | 4,500 | 5 | 17 | 24% | 4 | 13 | 4 | 17 |
| Quarry | 5,000 | 2 | 10,000 | 5 | 38 | 95% | 36 | 36 | 2 | 38 |
| <u>Variable</u> | | | | | | | | | | |
| Craven Grain | 2,766 | 2 | 5,532 | 5 | 21 | 81% | 17 | 17 | 4 | 101 |
| Corbett Farms | 2,500 | 2 | 5,000 | 5 | 19 | 100% | 19 | 19 | 0 | 102 |
| Eckley Poultry Houses | 1,500 | 2 | 3,000 | 5 | 12 | 75% | 9 | 6 | 6 | 70 |
| R Edwards & Co | 375 | 2 | 750 | 5 | 3 | 100% | 3 | 3 | 0 | 25 |
| Herefordshire Biogas | 8,694 | 2 | 17,388 | 6 | 56 | 96% | 54 | 54 | 2 | 130 |
| Shobdon Football Club | 3,600 | 2 | 7,200 | 3 | 46 | 0% | - | 23 | 23 | 70 |
| | | | 187,830 | | 609 | | 522 | 552 | 57 | 950 |

20

192515 - Application for approval of Reserved Matters following outline approval. (160581 - Proposed site for the erection of 5 no. Four bedroom dwellings).

Balance Farm, Titley, Kington, HR5 3RL

For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

OFFICER COMMENTS

Members will note that the Officer recommendation of approval is dependent on the completion of a Section 106 agreement to secure the purchase of Phosphate Credits. In purchasing these credits, the Applicant will be funding the delivery of the Council's integrated wetland project which will mitigate for the effects of the proposed development and deliver net betterment to the River Lugg / River Wye SAC – thus achieving 'Nutrient Neutrality' and allowing for a positive assessment to be completed under the Conservation of Habitats and Species Regulations 2017.

Officers are however cognisant of the announcement made at a national level by the Department for Levelling Up, Housing and Communities on 29th August 2023. In essence, this announcement introduced amendments to be made to the Levelling Up and Regeneration Bill which will remove the restrictions for 'nutrient neutrality' to be demonstrated in relevant catchments. The press release for the announcement can be viewed here:

<https://www.gov.uk/government/news/100000-more-homes-to-be-built-via-reform-of-defective-eu-laws>

At the current point in time, the Bill remains in draft form, needing to complete passage through the House of Lords before final amendments and then Royal Assent. It may therefore still be subject to change as part of this process and hence the full implications of the proposed amendments upon the need to demonstrate 'nutrient neutrality' (and the procedural mechanisms that may be associated with this) are not yet clear.

As such, Members are advised that the Council is continuing with the trading of Phosphate Credits for qualifying applications in order to achieve Nutrient Neutrality until further notice. The Applicant for the current proposal has been contacted in light of the recent announcements from Government and has confirmed that they remain committed to the purchase of credits, as per the Officer Report.

Notwithstanding this, an amendment is made to the Officer recommendation in order to give some flexibility to pursue alternative approaches should the progression of the Bill provide a way forward which allows for nutrient neutrality to be achieved without the purchase of credits being necessary. The previous recommendation and proposed change are set out below:

Previous 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

CHANGE TO 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 **(or subject to any other mechanism considered appropriate by Officers which allows for a positive assessment to be completed in accordance with the Conservation of Habitats and Species Regulations 2017)**, 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.

| | |
|--|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 27 September 2023 |
| TITLE OF REPORT: | <p>221395 - RESIDENTIAL DEVELOPMENT OF THE SITE AND ASSOCIATED WORKS COMPRISING THE CONVERSION OF TRADITIONAL AGRICULTURAL BUILDING TO FOUR DWELLINGS, AND THE REPLACEMENT OF MODERN AGRICULTURAL BUILDINGS WITH FOUR NEW- BUILD DWELLINGS. AT TREDUCHAN FARM, LLANGROVE, ROSS-ON-WYE, HR9 6EZ</p> <p>For: Mr Biggs per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221395&search-term=221395 |
| Reason Application submitted to Committee – Redirection | |

Date Received: 28 April 2022

Ward: Llangarron

Grid Ref: 352034,219584

Expiry Date: 23 June 2022

Local Members: Cllr Elissa Swinglehurst

1. Site Description and Proposal

- 1.1 The application site is a clustered farmstead located to the north-west of the village of Llangrove. It comprises a range of traditional and modern farm buildings along with the host dwelling at Treduchan Farm, Llangrove.
- 1.2 The site comprises two parts. The southern part of the site is a range of large modern portal framed agricultural buildings. The northern part of the site comprises the farmhouse, with traditional stone-built barns arranged around a central farmyard. The traditional farmhouse is unaffected by these proposals. The stone courtyard barns are proposed for conversion. The buildings are thought to date from the 18th or early 19th century and are predominately of local rubble stone walling under corrugated asbestos-cement roofing sheets supported on traditionally jointed and pegged timber trussed and purlin roofs.
- 1.3 Agricultural activities were most recently carried out in the modern buildings. The active agricultural use of the traditional buildings have previously ceased owing to their limited eaves heights, small openings, and shallow spans which is uncondusive to modern agricultural practices.
- 1.4 The site's roadside boundary is demarcated by native species hedgerow. The topography of the site rises from north to south. The site is bound by the village road (U71224) to the north-east,

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

C1248 to the north-west, and fields to the south-west and south-east. The village is c. 150 metres to the south-east of the site.

- 1.5 The site has three accesses to the highway network. The first access is via the U71224 just 10 metres from the junction with the C1248. The second access is via the C1248, 20 metres from the junction with U71224. The third access is also via the C1248, 60 metres from the aforementioned junction.



Site location with the village of Llangrove to the east

- 1.6 The site is not subject to any landscape designations. There are no listed buildings nearby however, the range of traditional barns and associated farmhouse are considered to be of sufficient historic interest and value to represent non-designated heritage assets.
- 1.7 The proposal is for the creation of eight dwellings in total, comprising two main parts; the conversion of traditional agricultural buildings on the northern part of the site to create four dwellings; and the erection of four new-build dwellings on the southern part of the site in lieu of an extant Class Q permission for the conversion of modern agricultural buildings to four dwellings.
- 1.8 The proposal also includes the demolition of all other modern structures at the site, the rearrangement of site accesses, the creation of an orchard, wider soft and hard landscaping proposals, the installation of soakaways, the creation of a new footpath from the site to the village and the creation of a new field access.
- 1.9 The eight dwellings as proposed offer a mix as follows:
- 1 x 2-bed;
 - 4 x 3-bed; and
 - 3 x 4-bed.
- 1.10 The proposal includes the retention of the access on to the U71224. This would serve the four new dwellings created in the traditional range of buildings as well as the existing farmhouse. The other two accesses would be closed and a new access would be created off the C1248 further south, approximately 90 metres south of the junction. This new access would serve the four new build dwellings.

2. Policies

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

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's Countryside
- RA5 - Re-use of rural buildings
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and heritage assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 Llangarron NDP was made 25 March 2022. The following policies are relevant to this application:

- ENV1: Landscape and biodiversity
- ENV2: Protecting historic assets and settlement character
- EMP2: Tourism and rural diversification
- HOU1: New Housing development
- TRA1: Sustainable patterns of movement

2.3 National Planning Policy Framework (NPPF)

The following chapters of the NPPF are considered to be pertinent to this application:

- 1. Introduction
- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

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

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

2.5 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

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

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.

3. Planning History

3.1 The following history is relevant to the application site:

P213889/PA4 – Application to determine if prior approval is required for the change of use for the part of two agricultural buildings and their respective curtilages to four dwellinghouses (two larger and two smaller dwellinghouses) – Prior approval given

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water comments

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

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

4.2 Natural England

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.

Internal Council Consultations

4.3 Team Leader Area Engineer comments (received 24 March 2023)

The proposals seek to convert four agricultural buildings into residential dwellings and demolish four agricultural buildings to allow for the construction of a further four dwellings. The proposed site is therefore for the accommodation of 8 new dwellings on site.

Previous highways comments have stated that further information is needed with regard to the following:

- The submitted plan looks like the wall and the hedgerow are to be removed, please can this be confirmed.
- The hedgerow around plot 6 needs to be removed and the open boarded fence needs to remain.
- Visibility splays need to be provided on both accesses.
- Where are vehicles without garages going to park.

Visibility splays from the proposed access arrangements have been provided as part of the site plan. However it is noted that the visibility splays to the south of the southern access and to the east of the northern access are poor with the potential for these to be extended subject to accommodation of these visibility splays as part of the site layout. It is noted that the block plan states that visibility splays are in accordance with Herefordshire highways design guide requirements however no details as to existing vehicular speeds have been provided to justify this statement.

It is also noted that the northern access is existing. However, the proposed development would see an intensification of use and therefore additional visibility at the access should be provided wherever feasible.

It is also noted that the parish council have objected to the site with one of the reasons given for the objection being the sustainable accessibility of the site with no footway provision linking the proposed development with the neighbouring village of Llangrove. It is however noted that there is limited propensity for these improvements within the rural setting in which the site is located.

The local highway authority therefore requires additional information with regard to the potential for the extension of visibility splays onto the surrounding local highway network in accordance with observed vehicular speeds.

Further comments received 22 August 2023

Plans demonstrating the achievable visibility splays have been demonstrated on drawing P002 rev C. Whilst the splays are not taken to the carriageway edge on the same side as the access as usually required, given the nature of the country lane they are considered to be acceptable in this instance.

The local highway authority therefore have no objections to the development proposals subject to conditions.

4.4 Principal Natural Environment Officer (Ecology) comments

The development is located within the hydrological catchment of the River Wye SAC and the assessment trigger area for the Wye Valley Woodlands SAC (Upper Wye Gorge SSSI - 2km buffer).

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

Notes in respect of HRA

River Wye SAC

The drainage report by H+H Drainage dated 7th October 2021 refers

- There is a mains sewer connection possible at this location and is proposed to be utilised to manage all foul water flows created by the proposed development.
- At this location the mains sewer system is managed by Welsh Water (DCWW) through their Goodrich Wastewater Treatment Works (WwTW).
- Welsh Water have confirmed that a connection to their main sewer network is achievable and that the Goodrich WwTW has sufficient capacity to manage the additional foul water flows created by the proposed development.
- The Goodrich WwTW discharges in to the English Lower Wye area of the River Wye SAC
- Natural England have not currently advised the LPA that this section of the River Wye SAC is failing its conservation status.
- The minimal additional nutrient/phosphate loading created by this development can be accommodated within the phosphate headroom currently secured by the Core Strategy.
- The foul water management scheme can be secured by condition on any planning permission granted.
- With poor local infiltration all surface water will be managed through a Sustainable Drainage System with a final managed flow outfall to local watercourse.
- Surface water managed by SuDS is relevant to manage any potential misconnection of white goods or other pollutants/contaminants that may arise from residential occupation of the development.

- From available information the LPA has no reason to consider for HRA purposes that a suitable SuDS cannot be achieved at this location.
- The use of a SuDS system to manage surface water flows can be secured by a condition on any planning permission granted.

Wye Valley Woodlands SAC (Horseshoe Bat species)

- The ecology reports and optimal period bat surveys by Naturally Wild dated July 2021 and April 2022 are noted and refer.
- It is noted that the three optimal bat surveys completed are, based on BCT survey guidelines, actually only considered as two surveys - as the dusk/dawn undertaken back to back is only considered as one single survey, not two under the guidelines. Given the nature of the site, location and wider information in the reports and available to the LPA this is not considered a significant constraint to the LPA making an informed decision.
- No Horseshoe bats were recorded roosting, foraging or commuting at this location.
- Subject to relevant controls on external lighting no effects on Horseshoe bat populations in respect of the immediate locality of wider in respect of the WW SAC are identified as a result of this development.
- A relevant control of type and use of external lighting associated with the development can be secured by a condition on any planning permission granted.

The HRA appropriate assessment completed by the LPA should be subject to a formal 'no objection' response from Natural England PRIOR to any grant of planning permission.

Other general ecology comments

The supplied ecology reports have identified that the development will impact Bat Roosting a suitable licence will be required from Natural England PRIOR to any works commencing. This licence can only be obtained once planning permission has been granted. Natural England are responsible for all implementation, monitoring and enforcement in respect of Bats and the mitigation licence requirements.

In addition to any required bat mitigation and compensation secured through a relevant NE licence all developments should demonstrate how they will deliver a wider Biodiversity Net Gain. A condition to require a comprehensive Biodiversity Net Gain enhancement plan to be approved prior to any new construction beginning that is based on final plans and designs supplied and is requested.

4.5 Principal Historic Buildings Officer Comments (received 13 December 2022)

The application is in respect of residential development of the site and associated works comprising the conversion of traditional agricultural building to four dwellings, and the replacement of modern agricultural buildings with four new-build dwellings. I note that there have been Built Heritage Comments previously provided, however noting the subsequent response from the agent I have been requested to provide further comments.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990 Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment. National Planning Policy Framework Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4, RA5 Llangarron Parish neighbourhood Development Plan.

The site is a traditional farmstead of house and barns not listed or within a conservation area. The proposal is for the conversion of the traditional farm buildings and in place of the more modern farm buildings 4 dwellings to be erected. It is noted that the modern buildings have the benefit of conversion under class Q development. The current proposal would be a substitution of that consent.

Site Layout.

The farmhouse and traditional barns are arranged in a courtyard with all barns facing into the farmyard. The modern farm buildings are to the South and South West of this grouping. The proposed layout would be for 4 detached properties loosely arranged in a C shape with detached garaging.

Conversion of traditional Buildings to form 4 dwellings

Policy RA5 of the Herefordshire Core Strategy permits the sustainable reuse of redundant buildings in rural areas subject to conditions.

The existing openings of the barns have been utilised for fenestration, and the scheme appears to comply with RA5. I note that the garaging for units 5 and 6 are within part of the barn complex and some external storage within the single storey range. This approach is welcomed as a well designed scheme can be severely compromised by garaging and garden stores. Nonetheless, noting the attractive grouping of the traditional farm buildings around the farmhouse,

I would suggest the following amendments be considered.

- The glazing to the large openings to all units is noted and whilst no objections raised, it would be desirable for the glazing to be set back to the inside wall to create a shadow line which would aid in the conversion scheme. Ideally the smaller openings will also have a shadow line. Ideally the barn doors should be retained/reinstated on the exterior, which would enable the legibility of the building, reinforce its character and if working doors would act as external shutters if needed.
- The openings within a barn reflect its use or former use, which is why the openings should be respected. I note the ventilation slits and opening door on the gable of building 5 facing the road. The proposal seeks to introduce another openings on the ground floor. I would request that this window be omitted to retain the character of the building particularly on the roadside elevation.
- I would request that the new window on the south east elevation of barn 6 be amended to be portrait in orientation and not landscape to mirror the existing and retained fenestration on that elevation
- The single storey cart shed to the rear of unit 5 is to have a pair of three (6) bifold doors. As this appears to be an open shed that is being glazed, it would be preferable for the glazing to be set back within the building by approximately 1m to create a shadow line and to limit the visibility of the bi-fold doors and to ensure that when the doors are open they are contained within the building.
- Care would need to be taken to the boundary treatment, especially adjacent to the roads. A traditional hedge is encouraged as per the proposed layout. The introduction of fencing would not be supported. It is requested that a condition be attached removing permitted development rights for the properties to ensure that the development retains its character.

New Build Elements

The loss of the modern farm buildings and their replacement with 4 houses is noted. However whilst appreciating that the layout replicates a courtyard, the layout as proposed is for 4 detached properties, 2 detached garages and a pair of semi-detached garages. That is 7 individual buildings. It would be significantly preferable for the layout to replicate a barn range, with at least

the garages to plots 7 and 4 being attached to the respective house and plots 2 and 3 to run as a single length with attached garaging, ideally with a continuous ridge line. The garaging at the centre of the design of plots 2 and 3 is particularly suburban in its design with a house and garage adjacent and should be avoided, unless the garaging is an integral part of the design.

This would produce 3 buildings in an U shape which would replicate a barn arrangement. Whilst noting the agricultural character of the design, the layout does not reflect the design inspiration and should be amended accordingly.

Another option would be to have a row of garages in one single storey building, serving several properties. Barns by their very nature have openings that reflect their use, and as such the design of a range of barns often varies in design dependant on the function. The design as proposed offers little variation in design, and that with the detached garages presents a more suburban character than the agricultural design that would be appropriate. I would therefore request that consideration be given to amending the layout and introducing some variation in the design.

Appraisal

The principle of the conversion of the traditional buildings is not opposed, and the scheme is predominantly sympathetic in the conversion. Nonetheless, a few minor amendments are requested to the fenestration which would assist in the preservation of the character of the buildings being retained post conversion.

In respect of the new build, the comments raised by the agent are duly noted. It is acknowledged that the traditional farm buildings are a good quality and reflective of the agricultural practises at the time of construction and their retention via a conversion scheme is supported. It is also acknowledged that the more modern farm buildings on the site are also reflective of the agricultural practises at the time, however could be considered as being of a lesser architectural quality than the traditional buildings.

It is considered that the demolition of the modern farm buildings would enhance the setting of this traditional group of farm buildings. However, consent has been issued for the conversion of the modern farm buildings under class Q. As such the character of the buildings will inevitably change as a result of that conversion.

The proposal seeks to remove the modern farm buildings and in their place erect 4 dwellings replicating agricultural buildings, but not a slavish copy of the original buildings in the design and materials. This approach is welcomed as an exact copy would not be appropriate as the legibility of the historic farmstead would be compromised, whereas an "extension" of the farm buildings by modern farm buildings would reflect how the farming practises evolved at this farmstead and many others.

As such there is no objection to the principle of the replacement of the modern farm buildings by replacement dwellings with the appearance of agricultural buildings in built heritage terms.

However, whereas the existing barns are set in a courtyard and larger structures, they present a unified barn complex which is to be converted, however the new development is for 7 individual buildings loosely arranged in a courtyard however with garages set back from the front elevation and detached, It is not considered that the arrangement of the buildings is reflective of a range of agricultural buildings, and has a more suburban character in its layout.

Policy ENV2 of the Llangarron Parish Neighbourhood Plan requires development proposals to respect local character, and to take opportunities to use designs which reflect local building tradition, features and distinctiveness. It is considered that the replacement of modern farm buildings with a development of a similar character as agricultural buildings would comply with this policy. However, it is not considered that the layout as proposed would have the same character as agricultural buildings and as such concern is raised with the proposed layout only. I note the comments made by the agent in respect of the scale of the modern buildings and

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

would concur, as it could be argued that when the size of the traditional barns are compared to the modern agricultural buildings then the traditional farm buildings are the smaller grouping, which lends the modern buildings more dominance. However the proposal would remove the modern buildings and present a smaller more traditional scale of building, sited away from the road which would grant the traditional buildings more prominence and enhance the setting of the traditional farm buildings which are a characteristic feature in the landscape.

I would therefore consider that amended layout of the new development should be submitted whereas the number of individual buildings is substantially reduced, ideally three buildings in a C shaped courtyard, which would reflect an agricultural range.

With the above requested minor amendments to the traditional barns to be converted I would raise no objection to the conversion and would consider that an amended scheme would satisfy Core Strategy Policy RA5.

The principle of the new build is not opposed and has the potential to enhance the grouping of the traditional farmstead. However the layout of 7 individual buildings is not supported and a more traditional layout of fewer buildings would be encouraged.

I would welcome amended plans to be received taking the above comments into consideration.

Further comments received 2 May 2023

Thank you for consulting me on the amended plans.

I note the amended plans have sought to address my previous concerns and suggestions which is welcomed with the exception of the ground floor window to the gable of unit 5 which is required as an escape window. The insertion of windows in gables is rarely acceptable as traditionally inappropriate and leads to a visually weak structure. However I note the existing opening in place on the gable, and considering all relevant matters, I note with thanks it has been considered but agree that the subdivision internally would be equally undesirable to the buildings legibility and as such would not raise an objection to it remaining on the plans.

I note with thanks the changes to the fenestration and elevational treatment on the traditional buildings and would raise no objection to the proposed conversion scheme.

In respect of the new build element, I note the revised layout with thanks and would consider that the new layout is much more traditional in its approach and as such would raise no objections.

Policy RA5 of the Herefordshire Core Strategy permits the sustainable reuse of redundant buildings in rural areas subject to conditions and I would consider that the amended proposals would satisfy that policy.

I would consider that the revised layout of the new build would satisfy Policy ENV2 of the Llangarron Parish Neighbourhood Plan which requires development proposals to respect local character, and to take opportunities to use designs which reflect local building tradition, features and distinctiveness.

I can confirm that I would have no objections to the amended layout and plans, however the quality of the scheme would depend on the quality of the execution and as such I would suggest that suitable conditions in terms of materials fenestration details, hard and soft landscaping be considered.

4.6 Principal Natural Environment Officer (Landscape) comments

In terms of landscape visual impact and appearance, the cumulative effect that the new buildings has on the mass of built form in the landscape impacts the landscape character. There is some degree of offsetting with the removal of some agricultural buildings, however it is the change from agricultural use to residential use that influences the appearance. The existing buildings, and

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

therefore the new development overall is visible from public view (i.e. lanes and public right of ways).

There are no national landscape designations associated immediately with the site, however there is a locally designated traditional orchard site, within close proximity east of the site.

In terms of benefits, the development does restore, and renovate old buildings, ensuring their sustainable use, and longevity. The 'upgrade' of materials assists (i.e. roof) in connecting visually with the new parts of the development. The new buildings proposes timber, stone, and corrugated roofing that reflects to some degree the old buildings. If the stone can match the old buildings in colour and design, then this will assist in the integration process. It is unclear what the roof colour is, so this would need clarification to reduce the potential for visual contrast (possible reflectivity).

The new development 'closes' two access points along C1248 and provides one new access. The redundant access points are returned to landscape, and lined with a hedgerow.

The site plan proposal, P003, February 2022, indicates conceptually hedgerows, hedgerow trees, trees and orchard, enhancing the landscape, green infrastructure and biodiversity in accordance with Local Plan SS6, LD1, LD2, and LD3. This appears to reflect the mitigation suggestions outlined in the Landscape Statement, June 2021.

However, there does not appear to be a corresponding detailed soft and (hard) landscape layout to confirm existing trees/hedgerows; proposed landscape, species etc. and hard landscape.

Overall, I am satisfied that the design of the development will complement the existing buildings; and that the development will make enhancements to the old buildings. The proposed landscape consolidates gaps in the existing conditions, and makes enhancements, consolidating the overall settlement. However more detail is required to fully ascertain the landscape intent, and this can be provided as conditions.

It is noted, that the roof colour and finish should be provided. The provision of materials, finishes and colours can be submitted as a condition.

4.7 **Public Rights of Way Officer comments**

No objection

4.8 **Land Drainage comments (received 17 May 2023)**

The Applicant proposes the conversion of traditional agricultural building to four dwellings, and the replacement of modern agricultural buildings with four new- build dwellings. The site covers an area of approx. 1.35ha and is currently used for agricultural works and storage. An ordinary watercourse flows approx. 120m to the southwest of the site. The topography of the site slopes down from approx. 145m in the southeast to approx. 137m in the northwest.

Flood Risk

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning indicates that the site is located within the low risk Flood Zone 1 however the site area is over 1ha.

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

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy.

Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not at risk of surface water flooding, however there is a small area of low-risk surface water ponding likely to be associated with hardstanding in a lower site area. The submitted FRA concludes that there are no known surface water issues in the areas of the site proposed for development. We note proposals for the removal of the existing concrete hardstanding in the area of low-risk surface water ponding.

Other Considerations and Sources of Flood Risk

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

Infiltration testing has been undertaken at the site whereby one infiltration hole was excavated to 1.5mBGL. There is shallow rock around the development which may affect the construction of soakaways. Some infiltration was observed; however, a rate was not calculated due to insufficient permeability.

A groundwater level assessment has been conducted to 2.2mBGL and no groundwater was encountered. As a discharge to ground cannot be achieved, the associated discharge rates have been estimated. The combined roof area of the existing farm buildings is 2114m² meaning the estimated discharge rate is 29.6l/s. The proposed roof area of the development is stated to be 2257m² with an estimated discharge rate of 31.6l/s. Therefore, the proposed discharge rate of the development is 2l/s higher than the existing.

It is stated that the current roof runoff is discharged onto the impermeable hardstanding which runs onto the Public Highway and then to the local watercourse. The proposed surface water drainage arrangements for the new development comprise an attenuation tank to serve an impermeable area of 2257m², which includes all dwellings. The required storage volume for the tank is 108m³. A flow control chamber is proposed to limit the discharge to a watercourse, to no more than 3.04l/s, as this is the greenfield runoff rate for the site. The pipework for the system will be configured from 160mm and 225mm pipework. The proposed outfall location is unclear as a Drainage Layout drawing has not been provided.

We note that rainwater harvesting units will be installed for each dwelling for non-potable uses. As infiltration was observed to depths of approximately 500mmBGL, the additional hardstanding will be permeable.

A drainage layout drawing should be provided to clarify the location of the attenuation tank (which should be located on communal land) and the outfall to the watercourse. The proposed outfall location must be within the land ownership boundary, otherwise, permission from the landowner for an easement will be required. We also request that the Applicant provides details on the future management and maintenance of the shared surface water drainage network for the site. It may be appropriate to consider an attenuation basin rather than a crate system.

Foul Water Drainage

Although percolation testing has been undertaken at the site, a connection to the public foul sewer can be sought as there is a sewer within 240m of the proposed site (8 houses x 30m = 240m). In order to accommodate this connection, we understand that a new shared foul pumped system will be required. It is proposed that the pumping station and rising main will be put forward for adoption by Welsh Water and will, therefore, be constructed to adoptable standards. The pumping system will include at least 24 hours of additional effluent storage.

We await to see evidence from Welsh Water that this new connection can be facilitated and all foul water drainage assets within the site can be adopted.

Overall Comment

We recommend that the following information is provided prior to the Council granting planning permission:

- Submission of a detailed drainage layout drawing to clarify the location of the proposed surface water and foul water drainage infrastructure, including the proposed surface water outfall location to the watercourse.
- Evidence that the Applicant has sought and agreed permissions and an allowable discharge rate to discharge foul water to the public foul sewer from Welsh Water.

Further comments received 4/9/23

Our knowledge of the development proposals has been obtained from the additional sources, following our initial consultation response in May 2022:

- Surface Water Drainage System Maintenance Programme;
- Surface Water Attenuation Layout (June 2022);
- Welsh Water consultation response (31/05/2022);
- Email correspondence between Agent and Welsh Water.

Surface Water Drainage

Infiltration testing has been undertaken at the site whereby one infiltration hole was excavated to 1.5mBGL. There is shallow rock around the development which may affect the construction of soakaways. Some infiltration was observed; however, a rate was not calculated due to insufficient permeability.

A groundwater level assessment has been conducted to 2.2mBGL and no groundwater was encountered.

As a discharge to ground cannot be achieved, the associated discharge rates have been estimated.

The combined roof area of the existing farm buildings is 2114m² meaning the estimated discharge rate is 29.6l/s. The proposed roof area of the development is stated to be 2257m² with an estimated discharge rate of 31.6l/s. Therefore, the proposed discharge rate of the development is 2l/s higher than the existing.

It is stated that the current roof runoff is discharged onto the impermeable hardstanding which runs onto the Public Highway and then to the local watercourse. The proposed surface water drainage arrangements for the new development comprise an attenuation tank to serve an impermeable area of 2257m², which includes all dwellings. The required storage volume for the tank is 108m³ and will be located outside of the redline boundary, to the south of the site, but within the blue line land ownership boundary, in an area of shared, open space. A flow control chamber is proposed to limit the discharge to a watercourse, to no more than 3.04l/s, as this is the greenfield runoff rate for the site. The pipework for the system will be configured from 160mm and 225mm pipework.

We note that rainwater harvesting units will be installed for each dwelling for non-potable uses. As infiltration was observed to depths of approximately 500mmBGL, the additional hardstanding will be permeable.

For this site, and the space available for the SuDS infrastructure, outside of the redline boundary, we would encourage the Applicant to consider the construction of green SuDS in the form of an attenuation basin, rather than a crate system.

Foul Water Drainage

Although percolation testing has been undertaken at the site, a connection to the public foul sewer can be sought as there is a sewer within 240m of the proposed site (8 houses x 30m = 240m). In order to accommodate this connection, we understand that a new shared foul pumped system will be required. It is proposed that the pumping station and rising main will be put forward for adoption by Welsh Water and will, therefore, be constructed to adoptable standards. The pumping system will include at least 24 hours of additional effluent storage. Welsh Water have confirmed that this new connection can be facilitated and all foul water drainage assets within the site can be adopted.

Overall Comment

Based on the reviewed documents stated above, provided there are no changes made to the proposed 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.

Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Submission of a detailed surface water and foul water drainage layout/construction drawing

5. Representations

5.1 Llangarron Parish Council

Llangarron Parish Council objects to the proposals set out in Planning Consultation 221395 and wish to make the following comments.

Councillors acknowledged that the application includes two key proposals. The first is the planned conversion of the old barns to dwellings. The second proposes the removal of the later agricultural buildings and replacing them, outside of the existing footprint, with four new dwellings.

Councillors commented that the conversion of the old barns would be an attractive and positive development provided there is no future application to replace them but raised the following issues.

- The site is outside the settlement boundary of the village of Llangrove.
- There is no suitable access from the site to the village for pedestrians on a narrow and busy road which is a grave Health & Safety concern. Councillors suggested that the inclusion of a footpath to facilitate a safe pedestrian route would be a necessity and encourage less use of the car.
- Llangrove has already been subject to significant development and there is concern over the potential for a further eight dwellings in the village and the consequent increase in traffic
- Llangarron Parish has significantly over exceeded their 2031 housing target.
- It is noted that it is intended to join the houses to the Welsh Water sewage system. Councillors would now wish to see a full capacity report from Welsh Water as to the capacity of the system as well as a detailed plan of the work necessary to connect a further 9 properties with the potential disruption to the road network this may cause.
- Councillors were concerned over the potential use of the newly created orchard as a site further development in the future and we would strenuously object to future applications to increase the footprints of any of the buildings.
- We are very disappointed with applicant's decision against the use of local building materials in the construction of the proposed dwellings which is contrary to the aspirations set out in the NDP.
- The potential impact on the River Wye SAC and SSSI with the increased levels of pollution that will flow from the development. The proposed holding tank will be insufficient in the event of the extreme rainfall events which the parish has experienced in recent winters. We would wish to see a hydrological plan for such events.

- The Class Q approval for the later agricultural buildings is now assumed to be no longer applicable as the footprint is not being followed. Therefore this new application to build on open countryside we expect to be subject to a new full application.

Further comments received 14 April 2023

This is a full planning application for an open countryside site whereby the conversion will take place of the original smaller old stone agricultural barns and the demolition of two modern large general purpose agricultural barns to be replaced with four houses of mixed sizes within the curtilage of the two barns. Altogether the proposed development will be comprised of one 2-bedroom dwelling, four 3 bedroom, and three 4 bedroom dwellings. Two other general purpose agricultural barns would be demolished creating space for gardens and a resident's orchard.

There is an extant Class Q consent under P213889/PA4 which is considered a 'fall-back position' by the applicant. The Parish Council is unable to change the Class Q which is a permitted development for agricultural buildings to convert to a use falling within Class C3 (dwellinghouses) under the Town and Country Planning (General Permitted Development) Order (2015).

The Parish Council has no objection to the conversion of the old stone barns and consider this important in retaining the character of the farm. The barns will have natural slate roofs, rubble stone walls and some purpose made hardwood windows and doors, all enhancing the character of the old agricultural stone barns in accordance with HOU1 of the Llangarron NDP.

The proposed replacement of the newer barns to provide houses that have a smaller footprint and height than the existing modern general purpose barns is not a proposal that the Parish Council is prepared to support, even though the area would also be landscaped with private gardens hedged with native hedging plants and a communal orchard. Currently, there is a lack of habitats for wildlife but with the proposed planting regime and communal orchard, the site would be enhanced; there would be provision for bat and bird boxes with low level lighting to protect habitats and dark skies.

The new-builds would be of a high specification of insulation for heating and water consumption. The proposal is for the new dwellings to be of vertical timber cladding with grey stain finish and corrugated metal roofs to maintain the impression of agricultural buildings. Doors and windows will be aluminium framed with a powder coat finish. Unfortunately these are not local materials as specified in the NDP (HOU1), but the rationale behind this is that they would fit in with the sense and environment of a farm outside the village.

The site lies outside the Llangarron Parish NDP settlement boundary around the village of Llangrove which has already been subject to significant development. There is concern over the potential for a further eight new dwellings in the village, four of which would be new-builds, and thus producing an increase in traffic. Already Llangarron Parish has significantly exceeded their 2031 housing target. Within the applicant's Planning Statement concerning the erection of the four new-build dwellings, the following passage of Section 5 states:

“The erection of four new-build dwellings

5.1 Compliance with the development plan

5.1.1 The NDP defines settlement boundaries for four villages within the neighbourhood area. The site is not within the settlement boundaries, the nearest of which is Llangrove, 160 metres to the east of the site. Accordingly, the site has an open countryside location, and the Core Strategy Policy RA3 is most relevant. Unlike the part of the scheme which relies on conversion, the new build element does not fulfil any of the seven circumstances set out under Policy RA3 whereby we accept that this part of the scheme is contrary to the Core Strategy and the Development Plan in the round.”

This explicitly states by the applicant that they admit that the four new-builds do not adhere to either Core Strategy Policy RA3 (Herefordshire's countryside) or the NDP Llangrove Settlement Boundary.

Observations:

1. The site is outside the NDP Settlement Boundary of the village of Llangrove, contrary to Core Strategy Policy RA3 and Llangarron NDP.
2. Llangarron Parish has significantly exceeded its 2031 housing target.
3. Councillors acknowledge that the application includes two key proposals. The first is the planned conversion of the old barns to four dwellings. Councillors commented that the conversion of the old barns would be an attractive and positive development provided there is no future application to replace them. The second proposes the removal of the later agricultural barns and replacing them with four new-build dwellings. The applicant still has the 'fall-back' position of changing the existing later barns into houses, under Class Q, which is permitted development.
4. Llangrove has already been subject to significant development and there is concern over the proposal for a further eight dwellings in the village and the consequent increase in traffic.
5. Councillors suggested that the inclusion of a footpath, up the field side of the hedge to the gateway onto the road, to facilitate a safe pedestrian route to Llangrove school, pub and village hall would be a necessity, encourage walking and less use of the car. This would avoid isolation or offer an alternative to walking on an unlit, very busy, single track road with blind bends, for several hundred metres which is a serious Health and Safety concern (Core Strategy Policy MT1 and Herefordshire Core Strategy 3.19: Reducing the need to travel by car). There is a provision in the planning application for the applicant to state if they propose to create any new rights of way. The answer was 'No'.
6. There was universal disappointment with applicant's decision against the use of local building materials in the construction of the proposed new-build dwellings which is contrary to the aspirations set out in the NDP housing policy (HOU1).
7. It is noted that it is intended to join the houses to the Welsh Water sewage system 240 metres away incorporating a pumping system. Councillors would now wish to see a full capacity report from Dwr Cymru Welsh Water (DCWW) as to the capacity of the system as well as a detailed plan of the work necessary to connect a further nine properties with the potential disruption to the road network this may cause. (NDP ENV4 and Core Strategy Policy SD4).
The Foul Drainage Strategy (compiled by H&H Drainage) states that DCWW is likely to adopt the new foul raw sewage pumping station which must be designed to include at least 24 hours of effluent capacity in addition to the normal working capacity. Can assurances be made that DCWW is likely to adopt the system?
DCWW and Herefordshire Council will need to approve the sewage connection and the surface water controlled with the use of permeable surfaces and water harvesting.
8. There are concerns over potential impact on the River Wye SAC and SSSI with the increased levels of pollution that will flow from the development (Core Strategy Policy SD4). The proposed holding tank will be insufficient in the event of the extreme rainfall events which the parish has experienced in recent winters. The Parish Council would wish to see a hydrological plan for such events.
9. Councillors were concerned over the potential use of the site for further development in the future and would strongly object to any future alterations in size and/or use of the original old stone buildings.

Conclusion

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

In conclusion and for the reasons outlined above Llangarron Parish Council continues to object to the proposals set out in Planning Consultation 221395

5.2 In response to the public consultation a total of 20 objections have been received throughout the process. The objections detailed the following points:

- Protecting the historic barns is supported, it is the new builds that will be encroaching into the countryside
- Concerns for people walking to the village along the narrow lane
- Already fulfilled quota of housing
- Concern over increase in traffic on the road from Llangrove to Whitchurch
- Roads needs repairing due to potholes, only going to get worse with additional cars
- Larger houses often beyond the budget of young, local residents
- Could set precedent for more houses to infill back to the village
- Wildlife at the barns and nearby pond
- Extra pressure of services
- New development outside of settlement boundary
- Overdevelopment in the countryside
- Isolated from villages
- Will the new builds be in keeping with the existing stone farm buildings
- Class Q fallback should not give licence for new builds
- Ecological impact
- Surface water drainage concerns
- New development does not enhance the look of the site nor sympathetic to farm house
- Light pollution

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=221395&search-term=221395

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

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the made Llangarron Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 Following this year's survey work, the Housing Land Supply for 2023 is 5.84 years. Effectively this means that the housing policies in the adopted Core Strategy can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result para 14 of the NPPF is not engaged.
- 6.4 This application is two-fold in that it seeks to convert exiting farm buildings into 4 units of residential accommodation and associated parking. The second element is that of the demolition

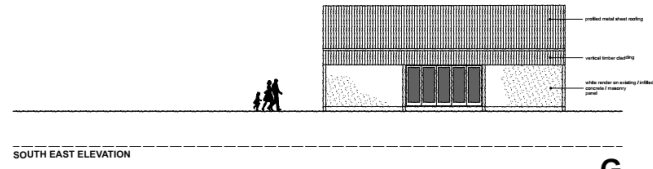
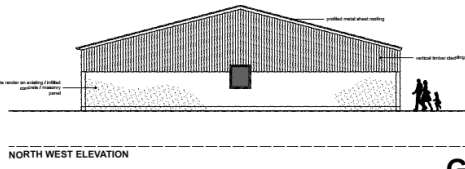
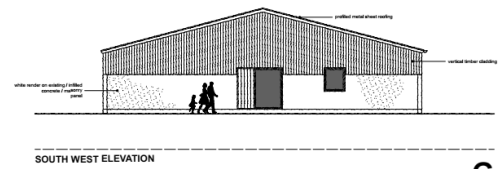
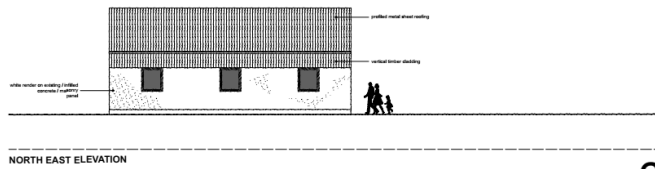
of the modern agricultural buildings and replacing with the 4 units of new housing. The principle of each element will be dealt with in turn below.

Re-use of rural buildings

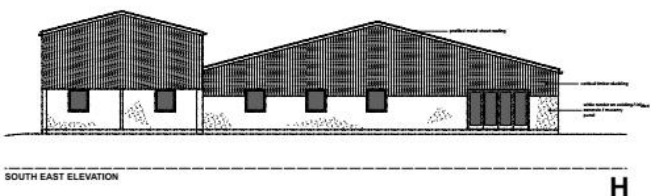
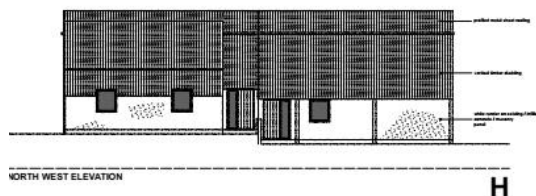
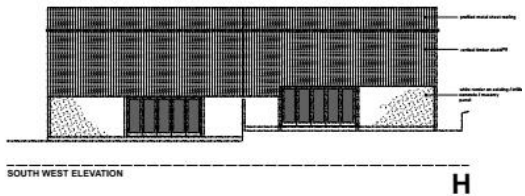
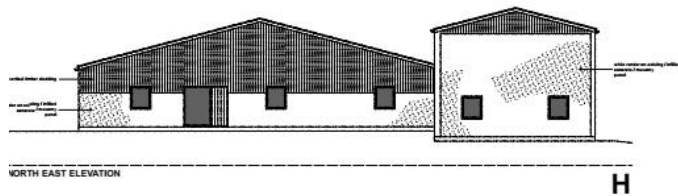
- 6.5 CS policy RA5 states that the sustainable re-use of individual or disused buildings, which contributes to residential development will be permitted where:
1. Design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;
 2. Design proposals make adequate provision for protected and priority species and associated habitats;
 3. The proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;
 4. The buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and
 5. The building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.
- 6.6 NDP policy EMP2 states that proposals for rural diversification could include the creation of new accommodation through the sensitive conversion of existing buildings.
- 6.7 The proposal would provide a new use for a stone barn, which is currently disused, and in turn should secure its retention and provide four new dwellings to contribute to housing supply.
- 6.8 The existing stone barns are considered to be of permanent and substantial construction, there will be no alterations nor extensions to the existing buildings, the adjacent agricultural use is that of arable land, with the activities on site adjacent in the modern farm buildings ceasing, with Class Q approval for residential use and also to be considered as part of this application. Therefore, it is considered that the proposed use for residential is not in conflict with adjacent uses.
- 6.9 The design of the conversions respect the original character and ensure retention and future maintenance and viable use of the non-designated heritage assets.
- 6.10 Overall, the alterations to the existing stone barns are considered acceptable and they are considered suitable for conversion in accordance with CS Policy RA5 and the NDP policies EMP2 and ENV2.

Removal of modern buildings and development of 4 new builds

- 6.11 The site is located approximately 160m from the edge of the defined settlement boundary of Llangrove and is therefore considered to be open countryside and falls to be assessed against CS policy RA3 and NDP policy HOU1. New housing development would not be accepted within the open countryside unless meeting one of the exception criteria detailed within Policy RA3.
- 6.12 It is acknowledged that, this proposal does not meet any of the exception criteria of Policy RA3, however there is a genuine fall-back position for 4 dwellings on the site through the extant Class Q prior approval. There is no demonstrated reason why the four dwellings as approved would not be developed and as such it is considered that this is a genuine fall-back which should be afforded significant weight in the decision making process. The elevations below illustrate the approved plans for the Class Q development.



Approved Class Q unit G (2 dwellings)



Approved Class Q unit H (2 dwellings)ffoota

6.13 Officers consider that the currently proposed site layout is a much improved one when compared to the Class Q layout. It reflects a traditional courtyard appearance more akin to the existing farmyard and provides better amenity space and garaging arrangements. The overall design of the proposals is an improvement from the scheme resulting from the Class Q approval, which by its nature has strict and rather restrictive limitations in terms of design quality, layout and landscaping. Within this application there is provision made for significantly improved landscaping and ecological benefits from the scheme that simply cannot be achieved through the Class Q prior approval process. In addition, the latterly proposed permissive footpath running from the residential development to the village will provide increased connectivity to the village and improved sustainability to allow future residents to utilise the facilities within the village without the need to use the car.

6.14 Accordingly when considering the proposed development as a whole and having particular regard to the genuine fall-back position and the enhanced design, layout, improved connectivity to the village and landscaping associated with the proposed scheme, conditional support is offered.

Heritage impacts

- 6.15 Chapter 16 of the NPPF discusses the requirements to maintain heritage assets, and that they should be conserved in a manner appropriate to their significance.
- 6.16 CS policy LD4 mirrors the NPPF, in that it states that heritage assets should be protected, conserved and where possible enhanced, emphasising the original form and function where possible. Development proposals should seek the retention and repair of heritage assets.
- 6.17 This proposal seeks to retain the existing barns on the north western side of the site and to the west of the farmhouse. Given their age, completeness, and architectural and historical values, they are considered Non-Designated Heritage Assets.
- 6.18 All of the agricultural buildings retain a number of historic features and fabric, such as roof trusses, timberwork, flagstone threshing flooring, cobbled flooring, feed racks etc. but three of the structures are particularly rare as their primary internal features survive and evidence their former uses.
- 6.19 The Building Conservation Officer welcomes the retention, repair and sympathetic conversion of these traditional stone barns.
- 6.20 Further to the above, NDP policy ENV2 requires development proposals to respect local character, and to take opportunities to use designs which reflect local building tradition, features and distinctiveness. It is considered that the replacement of modern farm buildings with a development of a similar character as agricultural buildings would comply with this policy. The proposal seeks to remove the modern farm buildings and in their place erect 4 dwellings redolent of more traditional agricultural buildings without creating a pastiche version of historic buildings in terms of their design and materials. This approach is welcomed by the Building Conservation Officer as it is considered a pastiche would not be appropriate as the legibility of the historic farmstead would be compromised, whereas an “extension” of the farm buildings by modern farm buildings would reflect how the farming practises evolved at this farmstead.
- 6.21 Amendments to the site layout of the new builds were received, to reflect an improved courtyard character, with fewer individual buildings, following original comments received from the Building Conservation Officer.
- 6.22 In line with the positive benefits referred to above, it is considered that the demolition of the modern farm buildings would enhance the setting of this traditional group of farm buildings. Given that approval has been issued for the conversion of the modern farm buildings under class Q, the existing character of these buildings will inevitably change as a result of that conversion. The proposal would remove the modern buildings and present a smaller more traditional scale of building, sited away from the road which would grant the traditional buildings more prominence and enhance the overall setting of the traditional farm buildings which are a characteristic feature in the landscape.
- 6.23 As such there is no objection from the Building Conservation Officer to the principle of the removal of the modern farm buildings and their replacement with the dwellings as proposed which is considered to enhance the grouping of the traditional farmstead.

Highways

- 6.24 Policy MT1 of the CS and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 108 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 110 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be

undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 111).

- 6.25 Given that there is an established presence of 4 approved dwellings on the site and a lawful agricultural use of the site as a whole, against which the proposed redevelopment is to be assessed. It is not considered that there will be any tangible uplift in vehicle movements.
- 6.26 The proposal is considered to provide sufficient parking and turning within the site, ensuring that there will be no parking on the roadside. Electric vehicle charging points and cycle parking provision is also made within the garages. There are sufficient visibility splays provided at the existing access and the proposed access with no objections raised from Highways in regards to highway safety. Therefore, the proposal complies with CS policy MT1 and the NPPF.

Drainage/Habitat Regulations

- 6.27 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many actors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.28 The proposal is to manage surface flow to an attenuation tank with outfall on the applicants land, any new hard surfaces will be permeable surfaces across the site. In addition, there will be rain water harvesting units for each dwelling.
- 6.29 Foul water flows are proposed to be connected to the mains foul drainage and Welsh Water have confirmed that a connection is acceptable. Any future application for connection will need to be submitted to Welsh Water for technical assessment and would be subject to a legal agreement with Welsh Water, as is required for sites involving multiple connections.
- 6.30 The land drainage consultants have no objections to the proposals, subject to conditions and as such the proposal is considered to comply with CS Policies SD3 and SD4.

Ecology/Habitat Regulations

- 6.31 CS policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.32 The application is accompanied by an Ecological Assessment and Bat Survey. The Council's Ecologist has reviewed this and is content with the findings and recommendations, subject to these being conditioned on any approval.
- 6.33 From available data and information there is no reason to consider that the proposed development will have any significant effect on local protected species populations and other wildlife subject to the 'intrinsically dark landscape that benefits local amenity and nature conservation' is concerned. It is considered that this can be mitigated and maintained through the use of a condition to ensure all external lighting is minimised and designed with wildlife and dark skies considered.

- 6.34 With no 'effects' on the integrity of the River Wye Special Area of Conservation (SAC) being identified for this project; and no additional mitigation measures outside of those embedded within the application being required or proposed it is appropriate to consider that this application can be 'screened out' from requiring any further detailed appropriate assessment.
- 6.35 The proposal is found to comply with the aims of CS policies LD2, LD3, SD3 and SD4 and all reasonable and responsible measures have been taken such so as to ensure the Council's legal duty of care has been exercised.

Landscape impacts

- 6.36 The site is not located within a designated landscape but the locality undoubtedly represents an attractive landscape context and setting for the site and it is recognised that any intensification of use and hard landscaping can impact upon this. There are trees and soft landscaping proposed on the site plans and a detailed landscaping scheme can be conditioned to ensure the most site appropriate trees and shrubs are provided and to ensure mitigation against the increased use of the site.
- 6.37 No objections are raised by the Landscape Officer and it is not considered that the proposal will have an adverse impact upon the overall character of the site nor the rural setting in accordance with CS policy LD1 and NDP policy ENV1.

Conclusion

- 6.38 Overall it is considered that the proposal will result in the beneficial reuse of rural buildings, maintaining their heritage value and upkeep without significantly altering their character and appearance. Whilst it is acknowledged that the proposals include 4 new dwellings in a rural location where policies do prevent unjustified new residential development, there is the genuine fall back position of the extent Class Q prior approval for 4 dwellings through the conversion of the modern agricultural buildings coming forward for development to take into account. Taken as a whole, these proposals will provide an enhancement over the approved Class Q scheme in terms of landscape, residential amenity, and in particular heritage value so far as the setting of the traditional farmstead buildings are concerned. In addition, the proposal is providing for improved connectivity from the site to the village through the permissive footpath for residents.
- 6.39 Officers have carefully considered the representations raised in response to publicity for this application and the applicants have sought to address technical issues and concerns during the process. Officers are mindful of the lack of technical objections from internal and statutory consultees and following assessment and consideration conclude that the proposal is compliant with the policies of the Development Plan and consider that there are no material planning considerations or issues that would lead to a conclusion that planning permission should not be granted.
- 6.40 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development. The scheme will bring forward 8 dwellings of various mix, along with the associated economic and social benefits that farm conversion schemes in rural settlements support, and the additional ecological and heritage benefits that the proposal supports.

RECOMMENDATION

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

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

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

- 2. The development shall be carried out strictly in accordance with the approved plans (drawing nos. P002C; P003D; P100B; P101B; P102B; P103B; P104A; P105A; P106A; P107A; Permissive path route), except where otherwise stipulated by conditions attached to this permission.**

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

- 3. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**

- a) 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.**

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

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

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

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

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

- 7. With the exception of site clearance and groundworks, no further development shall commence until detailed surface water and foul water drainage layout and construction drawings have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of the development hereby approved.**

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

- 8. Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission shall discharge through connection to the local mains sewer network managed by Welsh Water’s Goodrich Wastewater Treatment Works.**

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

- 9. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a suitably sized Sustainable Drainage System (SuDS).**

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

- 10. At no time shall any external lighting, except low power (under 550 Lumens/5 watts), ‘warm’ LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.**

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Bat Conservation Trust or Institution of Lighting Professionals.

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

- 11. The ecological protection working methods scheme and mitigation measures (including specific Bat related recommendations) as detailed in the ecology report by**

Naturally Wild dated April 2022 shall be fully implemented and hereafter maintained unless otherwise approved in writing by the local planning authority.

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

- 12. Prior to any new construction work commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features such as at least TEN habitat boxes supporting bird nesting and TWO hedgehog homes and 'hedgehog highways' through all solid boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority. All tree and woody shrub planting should only consist of locally characteristic native species.**

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

- 13. 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

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

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

- 15. Before any other works hereby approved are commenced, visibility splays as per drawing P002 rev C should be provided. Nothing over 0.6m in height, measured from the height of the carriageway of the public highway, should be placed within the splays.**

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

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

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

- 17. Prior to the first occupation of the dwellings hereby approved the existing vehicular access points onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work in relation to the closure of the access points.**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

- 19. Those parts of the development which are to be of stonework shall be of local stone, properly coursed, laid on its natural bed in a mortar approved by the local planning authority prior to the commencement of any works to the stonework.. The works shall be carried out in accordance with the approved details**

Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 20. All alterations to external elevations shall be made good using matching and where available original materials.**

Reason: To maintain the appearance of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21. Prior to the first occupation of the dwellings hereby permitted, a scheme of the Implementation, management and maintenance of the permissive path detailed on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The path shall be made available for use and thereafter managed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.**

Reason: To provide alternative means of pedestrian access in accordance with the aims of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. Application Approved Following Revisions

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

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

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

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

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval.

In relation to energy efficiency, the Approved Document Part L1B makes specific reference to exemptions and considerations for certain building types, including, *'Buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture'*.

They advise, *'the aim should be to improve energy efficiency as far as is reasonably practicable...work should not prejudice the character of the host building or increase the risk of long-term deterioration of the building fabric or fittings.'*

Additional guidance on appropriate materials can be found online in the following document:

- *Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings; Historic England, 2015.*

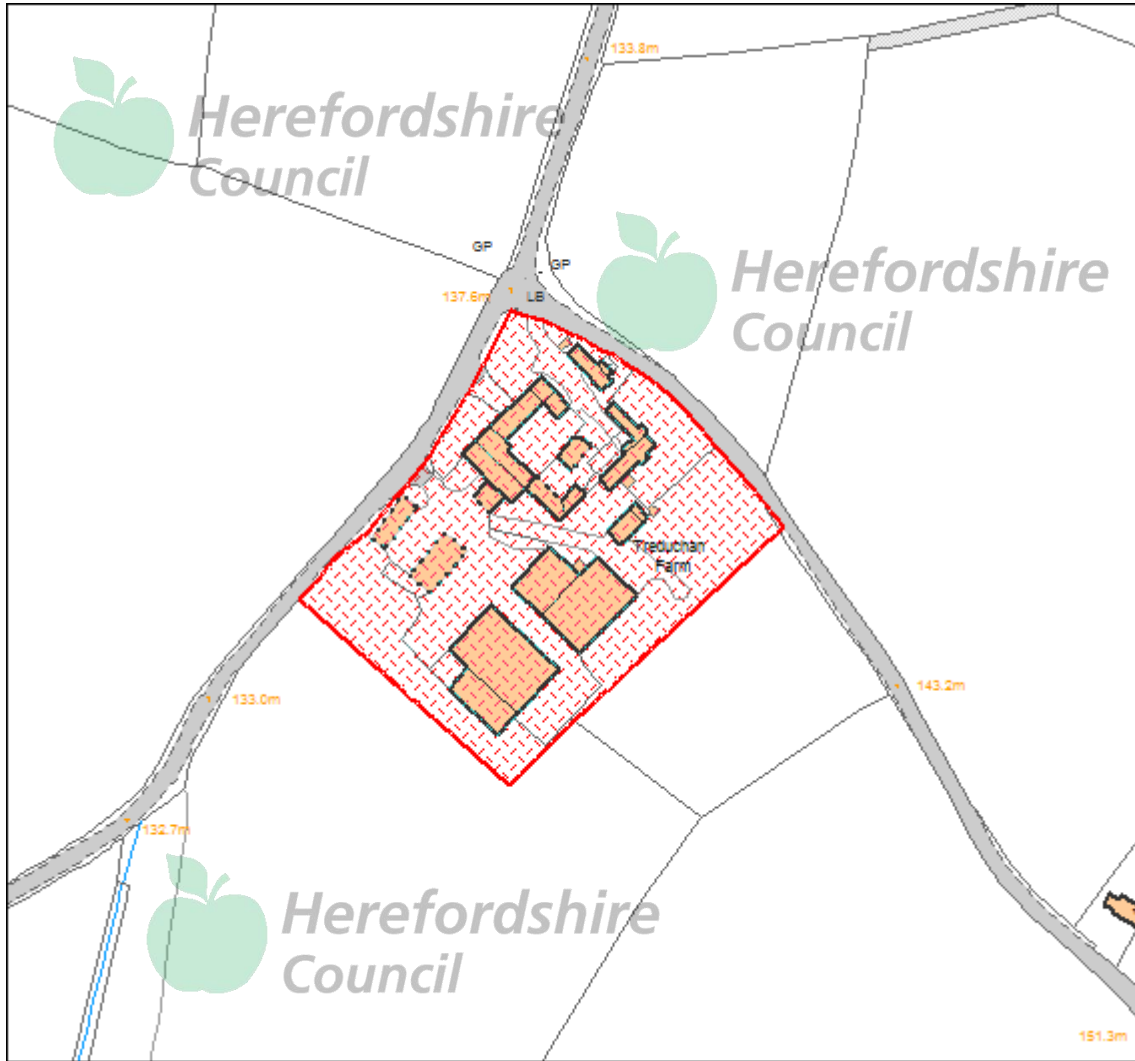
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 221395

SITE ADDRESS : TREDUCHAN FARM, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

| | |
|---|--|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 27 SEPTEMBER 2023 |
| TITLE OF REPORT: | 181384 - PROPOSED RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS. AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, For: Mr Brown per Miss Beth Hamblett, Matthews Warehouse, High Orchard Street, Gloucester Quays, GL2 5QY |
| WEBSITE LINK: | Planning Search – Herefordshire Council |
| Reason Application submitted to Committee – Previously referred to Committee in 2018 – Contrary to policy. | |

Date Received: 12 April 2018

**Ward: Leominster
North & Rural
Cllr John Stone**

Grid Ref: 351783,261253

Expiry Date: 30 June 2023
Local Member: Cllr John Stone

1. Background

- 1.1 The application was considered by the Planning and Regulatory Committee (“the Committee”) on 22 August 2018.
- 1.2 The Committee resolution was that officers named in the Scheme of Delegation to Officers be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to the obligations in the draft heads of terms and any additional matters and terms as considered appropriate. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions which are included within the 2018 Committee Report (**Appendix 1**). The Conditions listed are summarised as follows:
- Time limit for commencement (full planning permission);
 - Development in accordance with the approved plans;
 - Samples of external materials;
 - Retention of existing trees/hedgerows;
 - Protection of trees/hedgerows that are to be retained;
 - Landscaping scheme;
 - Landscaping scheme – implementation;
 - Appointment of qualified ecological clerk of works to conduct ecological inspection;
 - Implementation of ecology report recommendations;

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- No windows including rooflights to be constructed in any elevations of bungalows on Plots 1 to 3;
- Vehicular access construction;
- Parking - estate development;
- Junction improvement/off site works;
- On site roads - submission of details;
- Secure covered cycle parking provision;
- Details of slab levels;
- Details of proposed foul and surface water drainage arrangements.

- 1.3 Following the Committee's resolution and prior to the completion of the required Section 106 agreement, Natural England advised Herefordshire Council that it could no longer rely upon the Nutrient Management Plan to offset the phosphate generated by development. The associated restrictions imposed follow a judgement in the Court of Justice of the European Union on the application of the Habitats Regulations. Known as the 'Dutch Case', the judgement essentially directed that in situations where a designated site is already failing its conservation objectives, planning permission can only be granted for new development where it can be shown the development would have a neutral impact (or represent betterment) upon the integrity of the designated site. This is referred to as 'nutrient neutrality'. Those requirements have been transferred into law in the United Kingdom following its exit from the European Union.
- 1.4 The application site is located within the hydrological 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. It 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 as the Local Planning Authority (LPA) has been unable to approve new developments within the Lugg catchment unless it can be demonstrated with certainty that it would be nutrient neutral with respect to water quality and the integrity of the designated site.
- 1.5 The application proposal is for residential development and would therefore generate foul water that is proposed to be managed through an on-site package treatment plant with sufficient capacity using a biological form of phosphate reduction technology 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 effects on the River Wye SAC.
- 1.6 A potential effect pathway has been identified and therefore the Local Planning Authority is required to complete an 'Appropriate Assessment' before planning permission can be granted.
- 1.7 Following the 2018 Committee, a draft planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the draft heads of terms was prepared. In the period of time between the 2018 planning committee and the legal agreement being finalised (it was signed by the applicant), Natural England wrote to the Council confirming it could no longer rely upon the Nutrient Management Plan.
- 1.8 A positive Appropriate Assessment was not possible in respect of the application proposals on the basis of the advice provided by Natural England as the statutory consultee in this matter. The applicant explored alternatives, through submission of a revised foul and surface water drainage strategy, but there were no methods available to mitigate for the effects of the development and therefore it could not be concluded the proposal would have a neutral effect on the integrity of the River Lugg SAC. As a result, the application was placed 'on hold' pending a mitigation solution that would allow for a positive HRA to be completed.
- 1.9 In the interim, Herefordshire Council has been developing a project to deliver a series of integrated wetlands to provide secondary treatment to discharge of mains wastewater treatment works. The first site in Luston has been granted planning permission with construction completed.

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

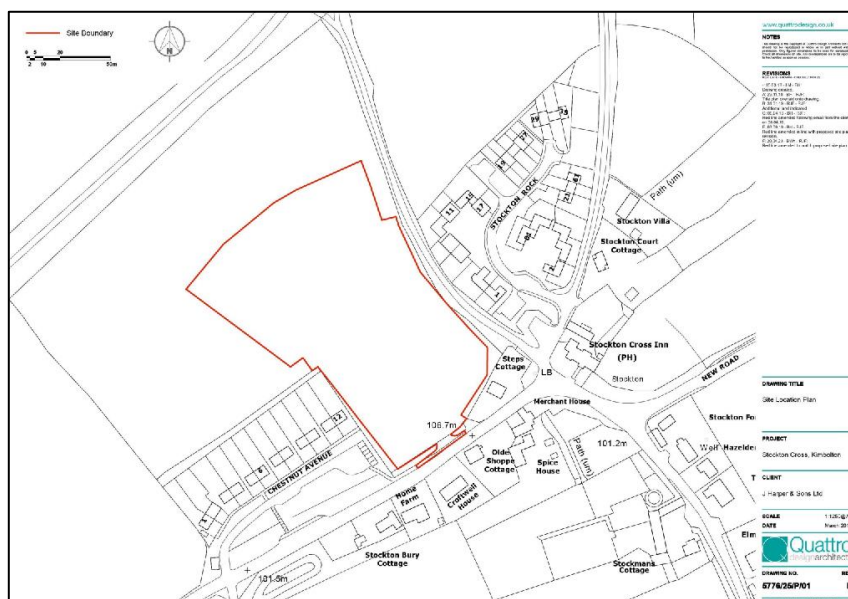
The delivery of the wetlands will reduce the amount of phosphate entering the catchment, allowing Herefordshire Council to offer a Phosphate Credits scheme to mitigate for the effects of proposed development (achieve nutrient neutrality) whilst still delivering net betterment to water quality in the Lugg catchment.

- 1.10 Herefordshire Council's Cabinet took the decision to authorise the commencement of credit trading in July 2022 - <https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?Id=8974>.
- 1.11 The Council's approach is to offer Phosphate Credits as they become available, in validation order. Credits are now available for the application proposal and on the basis of the mitigation provided through the purchase of credits, a positive appropriate assessment has now been completed and agreed by Natural England. Officers have undertaken a review of all aspects of the application proposals including the submitted plans and supporting documentation, and considered the proposals on the basis of the current planning policy context.
- 1.12 The Committee's resolution comprised the completion of a S106 agreement on the basis of the Draft Heads of Terms presented at that time and also based on conditions. The 2018 Committee Report, including recommended conditions can be found at **Appendix 1**. The minutes of the 22 August 2018 meeting can also be found at **Appendix 2**.
- 1.13 The S106 requirements differ and there have been some amendments to the application proposals since the application was previously presented to Committee. As such, from a procedural perspective officers do not consider the current resolution provides scope for such changes and the application needs to be brought back to Planning Committee.
- 1.14 The 2018 report remains relevant, but the below will focus on amendments to the application, additional representations received since the resolution at committee and updated assessment based on the current planning policy position.

2. Site Description

2.1 The application site lies between pre-existing residential development of The Chestnuts and Stockton Road, on the northern side of the A4112. The site is currently pasture land and is an irregularly shaped field that rises from the road.

2.2 Below is an extract of the submitted Site Location Plan (Drawing ref: 5776/25/P/01 Rev F):



Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

3. Proposal and Background

- 3.1 The application seeks full planning permission for the proposed residential development of the site for 25 dwellings along with new access and associated works.
- 3.2 Outline planning permission has previously been granted on the site for all matters apart from access (Ref: 151145) for the erection of up to 21 dwellings. Subsequently, approval of reserved matters pursuant to the outline planning permission was granted 27 March 2018 (Ref: 180323) but not before an earlier submission had been refused and dismissed on appeal (Ref: 163693). The main issues with the first reserved matters submission revolved around layout and the mix of housing proposed.
- 3.3 The original outline planning permission (Ref: 151145/O) was granted subject to a Section 106 Agreement. This included a contribution of £270,053.33 in lieu of on site affordable housing and was agreed on the basis there was not a need for additional affordable housing provision in the village.
- 3.4 The current planning application which was considered by the Committee on 22 August 2018 comprised a revised residential development to the above permitted schemes, made in full as opposed to outline and instead of the 21 dwellings previously permitted, proposed 25 dwellings. The scheme was developed principally to address concerns raised regarding the absence of affordable housing from the permitted RM (Ref: 180323). The submission of the current full planning application in 2018, followed detailed discussion and negotiation with the applicant to secure a level of on-site affordable housing. As a result of discussions, the current application was submitted proposing 21 open market dwellings, together with 4 affordable dwellings to meet definitions set out in Annex 2 of the National Planning Policy Framework.
- 3.5 The 2018 Committee report outlined should the extant planning permission be implemented, a commuted sum of £270,053.33 would be received by the Council to be used to deliver affordable housing elsewhere and that in this case, there are no other sites in Kimbolton that are likely to deliver affordable housing. At that time, it was considered the sum would be used in the wider Leominster Housing Market Area, most likely in Leominster itself where schemes are more likely to come forward with little or no benefit to local people wishing to remain in the village.
- 3.6 The scheme presented to Committee in 2018 was not policy compliant in as much as the 4 affordable housing units proposed equates to 16% of the overall scheme as opposed to the 40% sought by Policy H1 of the Core Strategy and K9 of the NDP. However, officers recognised a significant benefit to securing an on-site provision which weighed heavily in favour of the application. In reaching this conclusion officers took account of the village being unlikely to deliver any affordable housing through the payment of a commuted sum and that the extant permission is a reasonable fallback position.
- 3.7 Committee supported the officer recommendation and as set out, resolved officers to issue planning permission subject to the completion of a S106 Agreement and on the basis of the conditions put forward. However owing to the HRA issues outlined above, the application was placed on hold awaiting credits becoming available.
- 3.8 Since the above, there has been a material change in the status of the fallback position in respect of the scheme. This will be discussed in more detail within the relevant section of this report, but in summary, the previous outline (Ref: 151145/O) and permitted reserved matters (Ref: 180323/RM) are no longer extant. The application has also been subject to amendments. The proposal remains for 25 dwellings and the access, general layout, design and appearance of the dwellings remain unaltered. However there are changes in terms of housing mix, affordable housing provision and drainage arrangements.

Below is an extract of the Proposed Site Plan (Drawing Ref: 5776/25/P/10).



- 3.9 The proposal now comprises 6 affordable housing units, 4 x 2 bed homes and 2 x 3 bed homes, all of which will be two storeys. This represents an additional 2 affordable housing units to that previously presented to Committee and equates to a total of 24% affordable housing provision for the scheme. In terms of open market housing, a total of 19 dwellings are proposed comprising 2 x 2 bed homes, 3 x 3 bed bungalows, 10 x 3 bed homes and 2 x 4 bed homes. This equates to 76% open market dwellings across the scheme.
- 3.10 The proposed design approach remains consistent. The scale of the development is predominantly two storeys, with three single storey bungalows (Plots 1, 2 and 3) positioned to the south east of the site, and adjacent to Steps Cottage. Dwellings are fairly traditional in terms of appearance comprising a mixture of red brick, white and cream render, red and grey concrete roof tiles, white uPVC windows and rear doors, timber front doors and porch detailing. The design approach is also consistent with the previously approved reserved matters (Ref: 180323/RM).
- 3.11 Drainage amendments include submission of further supporting documentation and an amended outfall position. These will be discussed in greater detail in the relevant section below. Other changes to the scheme comprise updates to the Preliminary Ecology Appraisal to ensure up to date ecology reports given the period of time the application has been 'on hold'.

4. Policies

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

[Adopted core strategy – Herefordshire Council](#)

Herefordshire Local Plan – Core Strategy

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS3 – Releasing Land for Residential Development

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- SS4 – Movement and Transportation
- SS6 – Environmental Quality and Local Distinctiveness
- RA1 – Rural Housing Distribution
- RA2 – Herefordshire’s Villages
- H1 – Affordable Housing – Thresholds and Targets
- H3 – Ensuring an Appropriate Range and Mix of Housing
- OS1 – Requirement for Open Space. Sports and Recreation Facilities
- OS2 – Meeting Open Space, Sports and Recreation Needs
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Landscape and Townscape;
- LD2 – Biodiversity and Geodiversity
- LD3 – Green Infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable Design and Energy Efficiency
- SD3 – Sustainable Water Management and Water Resources
- ID1 – Infrastructure Delivery

4.2 **Kimbolton Neighbourhood Development Plan**

The Kimbolton Neighbourhood Development Plan was made on 15 June 2018. It now forms part of the Development Plan for Herefordshire.

[kimbolton neighbourhood plan \(herefordshire.gov.uk\)](http://kimbolton.neighbourhood.plan(herefordshire.gov.uk))

- K1 – Promoting a Sustainable Community
- K2 – Development Strategy
- K3 – The scale of new housing
- K4 – Housing Development within the settlement boundary
- K7 – Design of new housing
- K8 – Ensuring an appropriate range of tenures, types and sized of houses
- K10 – Protecting and Enhancing Local Character
- K11 – Heritage Assets
- K12 – Controlling light pollution
- K13 – Broadband
- K14 – Renewable Energy
- K15 – Transport and connectivity
- K19 – Enhanced Services and Facilities for the Community
- K20 – Protection and enhancement of community facilities
- K21 – Open Spaces

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

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

5. **Planning History**

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- 5.1 151145/O - Proposed residential development of up to 21 dwellings along with new access and associated works – Approved by planning committee. Decision notice issued 29/4/16. Planning permission was granted subject to the completion of a Section 106 Agreement.
- 5.2 163693/RM – RM submission pursuant to the outline above (151145/O): Refused and appeal dismissed.
- 5.3 180323/RM – RM submission pursuant to the outline above (151145/O): Further application for approval of Reserved Matters pursuant to 151145/O: Approved 27th March 2018.

6. Consultation Summary

- 6.1 The application has been the subject of consultation both prior to the previous recommendation to Committee and post Committee following receipt of revised plans and additional supporting documents. All consultation responses are detailed below:

Statutory Consultations

- 6.2 **Natural England (Dated 11 May 2018):** No objection

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

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

European sites – River Wye Special Area of Conservation Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

We advise that surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Application form stating that foul effluent will be disposed through sewer mains

River Wye/Lugg Site of Special Scientific Interest

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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

6.3 Natural England (Dated 25 March 2021):

Thank you for your consultation on the above dated and received by Natural England on 05 March 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Internationally and nationally designated sites

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

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

European site - River Wye SAC

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

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

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

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

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

Should the developer wish to explore options for avoiding or mitigating the effects described above, we advise they speak to the council in the first instance. If Natural England's advice is

required then this is available through our Discretionary Advice Service. Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again. Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk

6.4 **Natural England Consulted on basis of HRA – AA prepared by Herefordshire Council's Ecologist (Dated 5 May 2023):**

Thank you for your consultation on the above dated 04 May 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured. Further advice on mitigation. This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. The application states that the proposed development will be made nutrient neutral by purchasing credits to a constructed wetland installed at the Luston Wastewater Treatment Works. This constructed wetland has all the necessary permissions in place and has been agreed with Natural England. 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.

Other matters

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

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

If you have any queries relating to the advice in this letter please contact me via consultations@naturalengland.org.uk quoting our reference no: 432049

Should the proposal change, please consult us again.

6.5 Environment Agency (Dated 24 January 2021):

I have received consultation on a proposed development in Kimbolton (your ref: 181384). Based on the scale and nature of the proposals, I would not expect to make substantive comments. As confirmed on our consultation checklist we are a consultee for development in excess of 80 dwellings with proposed a non-mains drainage option. For an application of 25 dwellings we would defer to the Local Authority and your internal drainage team along with consideration of the Foul Drainage Assessment Form. As stated in the submitted Foul Drainage Strategy, and the comments from your internal drainage colleague, an Environmental Permit will be required for the proposed method of discharge. You may wish to seek confirmation that the applicant has secured the relevant Environmental Permit to provide certainty that the proposed method of foul drainage is acceptable.

6.6 Welsh Water (Dated 30 April 2018): No objection

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Welsh Water does not provide sewerage services in his area. The nearby properties are served by a private sewer network and private sewerage treatment works. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

6.7 Welsh Water (Dated 15 August 2018 – Additional response following contact from Mr Read):

Dear Mr Read

Thank you for your email to which I can provide the following comments: Our records indicate that the sewerage network and receiving Waste Water Treatment Works that serves Stockton Rock is private and we are not responsible for maintaining this system.

We have confirmed this via our billing system which shows that properties on Stockton Rock are billed for potable drinking water only and not for any sewerage services.

I hope this helps, if you require anything further please feel free to contact me on 0800 917 2652

Internal Council Consultees

6.8 Welsh Water (Dated 11 February 2021):

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

Dwr Cymru Welsh Water has no objection to the proposed development.

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

Please ensure a 7.7m easement is maintained, 3.85m either side of the centre line of the main.

We have reviewed the amended new information included the foul drainage strategy and note that the intention is to utilise private treatment. Welsh Water do not provide sewerage services in

his area. The nearby properties are served by a private sewer network and private sewerage treatment works. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.

6.9 Area Engineer Manager (Local Highway Authority) (Dated 19 July 2018):

Site Location and Access

The site is the 15, 848 square metre field adjoining Chestnut Avenue, Kimbolton, Leominster and on the A4112 which runs along the south boundary of the site. The site is bounded primarily by fields to the north and residential to the east and west. Tracking movements of a waste collection vehicle and emergency services vehicle (Fire engine for instance) should be provided to demonstrate that the proposed access and new road can accommodate these vehicles. It is also noted that field access is proposed as part of the scheme, if these are to be used by agricultural vehicles, then it should be ensured that mud is kept off the public highway.

Traffic Generation

The site is expected to have some impact on the public highway network, TRICS analysis should be undertaken to demonstrate the level of intensification expected at the proposed junction to show the draw of the site.

Visibility

This section of the A4112 is subject to a 30mph speed limit. In its current state, the visibility right out of the access is impeded by vegetation. At 30mph a splay of 43m is recommended under Manual for Streets 2. This is achievable looking towards the Stockton Cross pub. A detailed access plan should be submitted showing visibility splays of 43m in both directions. This level of visibility could be mitigated by establishing the 85th percentile speed on the road. Therefore, a speed survey should be undertaken.

Drainage

The developer should ensure that no run off drains onto the public highway network.

New Public Road

A new public highway which adjoins on to the existing highway and a new public footpath is proposed as part of this site. Therefore Section 38 and Section 278 need to be adhered to with this development.

S106

Section 106 as per the councils SPD is required to support active travel in the vicinity of the development such as Public Transport and pedestrian improvements, also to improve gateway features to help manage speeds.

Conclusion

The transportation department has no objections to this application, subject to the following conditions:

TRICS - Traffic Generation

TRICS analysis should be undertaken to determine the level of traffic associated with this development.

CAB - Visibility splays

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

CAL - Access, turning area and parking

The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

CAJ - Parking - estate development (more than one house)

Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

CAQ - On site roads - submission of details

Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

Informative

145 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any

works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.

I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

I08 – Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

I07 – Section 38 Agreement & Drainage details

The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

I05 – No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

I51 – Works adjoining highway

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),

I35 – Highways Design Guide and Specification

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

SITE VISITED: YES

6.10 Service Manager Built and Natural Environment (Landscape Officer) (Dated 3 May 2018):

A permission upon the site for a scheme of 21 dwellings was granted as part of an outline application in 2015, at which time no landscape representation was made. Following on from this 2 proposed layouts were submitted as part of a reserved matters application (P163693/RM and P180323/RM) for which the following landscape comments were provided:

I am aware that there are no previous landscape comments in respect of this application and I have no comments to make in respect of the internal layout of the proposal.

The one point I do wish to raise however is that the application site does protrude beyond the existing line of residential curtilage northwards into open countryside. Whilst I recognise the site boundary is agreed at outline stage. I would recommend that consideration be given to mitigating any adverse visual effects from the nearby PROW through the introduction of a landscape buffer running along the northern boundary, what is currently proposed is native hedgerow and I am not satisfied this is sufficient.

I would also like to see the boundary of the dwellings along the northern edge of the site demarcated independently of the hedgerow, as this would reduce the threat of it being removed in years to come. I would recommend the introduction of a boundary marked by native hedgerow with a tree belt of a minimum of 10-20 metres beyond it.

The current application is for an increase in units to 25 units, I have reviewed both plans and note that the community orchard has been removed from the scheme. As well as garages shifted northwards within the garden space. The loss of open space is unfortunate and the increase in built form beyond the existing residential curtilage conflicts with recommendations. I can therefore only reiterate my comments above.

6.11 Service Manager Built and Natural Environment (Landscape Officer) (Dated 29 January 2021):

I have reviewed the foul drainage report, and the detailed layout of the attenuation tanks and associated drainage infrastructure. It appears that in the development of the design, the layout impacts proposed trees. If these trees can be relocated elsewhere on the site; or the tanks adjusted to retain the trees; or an alternative landscape proposal (i.e. hedgerow) be provided within the reduced landscape space, then I would have no issue with the proposal.

6.12 Service Manager Built & Natural Environment (Ecology) (Dated 18 April 2018): Thank you for consulting me on this application. The ecological survey submitted with the application is now out of date having been carried out in 2015. However, discharge of reserved matters applying to this site were dealt with in 2018 with the development found to be of low impact on biodiversity. On this basis I would suggest including a condition for a site check prior to any development including site clearance. This, plus submission of the enhancement plan informed by the site check, should prove sufficient as follows:

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

AND

The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

6.13 Service Manager Built & Natural Environment (Ecology) (Dated 18 February 2021):

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

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

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

The proposal here is for a net increase of TWENTY FIVE new dwellings with associated creation of additional foul water flows.

The drainage strategy Hydro Logic Services ref L0317 dated 11/12/2020 refers,

The supplied drainage strategy advises that due to locally very poor permeability of both soils and underlying bedrock the intention is to utilise a shared private foul water drainage system discharging final outfall to a drainage mound.

The LPA's drainage consultants have formally advised in their comments dated 16th February 2021 that:

"The drainage mound is to be located above impermeable ground. Drainage fields rely on a discharge of effluent through the ground and in this case due to the impermeable soil the drainage mound will not act as a raised drainage field."

They also confirm that the results of permeability tests by borehole and local percolation testing included in the applicant's drainage report demonstrate that there is no viable percolation at the proposed development site.

With no local percolation or permeability a drainage mound is considered a surface water discharge feature and demonstrates a clear potential pathway for phosphates to enter the catchment of the River Lugg SAC.

It is also noted that this 'surface water discharge' would potentially directly impact and affect the local highway (and associated surface water drainage) and adjacent private property and land that also creates potential phosphate pathways in to the Lugg SAC catchment.

The proposed scheme cannot demonstrate the required scientific and legal certainty that it can be achieved without creating additional phosphate pathways in to the River Lugg SAC hydrological catchment.

With detailed evidence demonstrating potential phosphate pathways the development and associated foul water (and surface water) demonstrates for the purposes of the required HRA process that there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) SAC and as the competent authority the Council cannot at this time grant a planning consent.

In conclusion:

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

6.14 **Service Manager Built & Natural Environment (Ecology) (Dated 12 July 2022):**

A legally approved allocation of 'certain' Phosphate Credits or other nutrient neutrality scheme for the whole development must be legally secured and completed with evidence of this provided to allow required HRA to progress with a certainty of nutrient neutrality PRIOR to any planning permission being granted

This legal nutrient neutrality process is not managed by Ecology.

HRA cannot be progressed at this time.

The supplied Preliminary Ecology report with surveys completed October 2021 by Brindle and Green is noted. Given the rural location and good connectivity the supplied PEA would appear

relevant and appropriate on which to base final ecology conditions – such as CEMP. LEMP and detailed scheme for lighting proposals (including street lights if proposed) and a full plan and specification for Biodiversity Net Gain enhancements if a planning permission can be finally granted by April 2023 (one full optimal; season and two winter periods). This is unless there are any significant changes in current management of the site that could change the local ecological habitats. Final comments and suggested conditions can only be made when there is certainty a permission could be granted (HRA achievable).

6.15 Service Manager Built & Natural Environment (Ecology) (Dated 4 May 2023):

Habitat Regulations Assessment completed by the Council's Ecologist. Can be viewed in full via the following link:- [documents \(herefordshire.gov.uk\)](https://documents.herefordshire.gov.uk).

Conclusion of the Appropriate Assessment:

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.

Conclusion of the Appropriate Assessment:

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.

6.16 Service Manager Built & Natural Environment (Ecology) (Dated 24 May 2023):

Ecology-Biodiversity comments only –Previous HRA process not considered.

The supplied Preliminary Ecology report with surveys completed November 2021 by Brindle and Green is noted.

As identified in this report and as period of time has passed since the original site surveys and to ensure full consideration is given to wider environmental effects of the proposed construction work on local ecology and potential effects on wider River Lugg SAC (eg through movement of soil and wash-out of nutrients and sediments) a Construction Environmental Management Plan that includes ecological working methods based on refreshed ecological update surveys is requested as a pre-commencement condition.

Ecological Protection and Construction Environmental Management Plan

No longer than twelve months prior to any works or site preparation commencing a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval. 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.

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.

Supporting information: The CEMP does not preclude the requirement for the applicant and their contractors to comply with all statutory ecological protection legislation that lies above any planning permission process. The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at

https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

Nature Conservation – Biodiversity and Habitat Enhancement

Prior to construction work commencing a detailed Landscape Ecological Management Plan (LEMP) should be supplied for written approval by the local planning authority. The LEMP must include full specifications for proposed Hedgerow planting (minimum of 7 woody plants per meter in a double staggered row); standard hedgerow trees (planted at random spacings based on 1 tree per 10m of hedgerow); specification for wildflower rich grass seed; and an establishment and maintenance plan.

The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

All species proposed should be locally characteristic, native species considering climate change and pest-pathogen resilience. No spikey or thorny species should be planted adjacent to any highway, footway or areas of formal public open space.

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

For private dwellings, lighting should be controlled to minimise effects on local dark skies and foraging/commuting of light sensitive nocturnal species (including protected species such as known local bat populations). A suggested condition would be:

Protected Species and Dark Skies (external illumination)

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

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

All 'public' lighting should be designed with dark skies and ecology interests in mind and street lighting should be directional down-lighting luminaires and have a 'warm' colour temperature (under 3000 Kelvin). The same proportional dimming system across the period of darkness as previously utilised by the council would be welcomed to further reduce any effects of new lighting.

6.17 **Archaeological Advisor (Dated 26 April 2018):** No objection

6.18 Service Manager Built and Natural Environment (Historic Buildings Officer) (11 May 2018):

We have no objections to the proposals on heritage grounds.

6.19 Parks & Countryside Officer (9 May 2018): No objection

Open Space Requirements.
Core Strategy Policies

OS1: Requirement for open space, sport and recreation facilities
OS2: Meeting open space and recreation needs

Kimbolton Neighbourhood Development Plan: referendum stage.
Policy K21: Open Spaces

It is noted that this site has an existing approval for 21 houses (151145/O and 180323/RM). This included an off-site contribution towards POS in lieu of on-site provision as agreed in the heads of terms. This would still be applicable but with the addition that the off-site contribution could be used towards POS improvements in the village as described below.

Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards which are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

Kimbolton Neighbourhood Development Plan Policy K21 although at referendum stage will carry some weight. This recommends that all new development proposals should include the provision of new open space and recreational facilities to meet the needs of those living/working within their developments in accordance with Herefordshire Core Strategy policies OS1 and OS2. Where provision cannot be met on site, developers should look to enhance or extend current provision, including assisting with obtaining land for such purposes. Measures that will increase accessibility to recreational facilities such as the public rights of way network may be advanced as an alternative. Where appropriate, any possible development proposals should ensure such space and the public rights of way network are as accessible as possible, including through a choice of sustainable means, such as cycleways and footways.

The Neighbourhood Plan identifies two areas of Local Green Space which includes the land at Chestnut Avenue which is located in the heart of Kimbolton village and adjacent to this site.

Proposal: The proposed site plan for this application does not include any on-site POS and the orchard that was previously proposed is now no longer shown, given the need to accommodate additional housing. It is a shame as its provision could enhance the offer in this part of the village. It is near to the existing POS at Chestnut Avenue which is described in the Neighbourhood Plan as an important open space and the only area publically accessible within the heart of the village. The two areas could have potentially been linked via a footpath and in doing so provide well-connected open space offering a range of opportunities which is seen as good planning.

Off-Site contribution: With no on site provision for POS an off-site contribution is sought in lieu of this in accordance with both Core Strategy and Kimbolton Neighbourhood Development Plan Polices described above. It is calculated in accordance with the SPD on Planning Obligations on market housing only as follows:

1 bed: £193
2 bed: £235
bed: £317
4+ bed: £386

The contribution would be used towards improving the public rights of way in and around the village in accordance with the Public Rights of Way Improvement Plan and POS in the village in accordance with the Kimbolton Neighbourhood Development Plan.

6.20 Land Drainage Officer (Dated 19 June 2018): Qualified comment

Overall Comment

The proposals are largely acceptable in principle, although we recommended that the following information is submitted for a review before a planning permission is granted:-

- Drawing showing the proposed surface water and foul water drainage strategy developed for the current proposal, supported by description of the strategy. The drawing should clearly show the location and type of the proposed SuDS, attenuation measures and package treatment plant.
- Revised calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). Note that we recommend that these use FEH methods and 2013 rainfall data.
- Consideration of the risk of water backing up the foul/surface water drainage system from the proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere.
- Confirmation that the proposed construction of c.400m of pipeline below the public highway and subsequent discharge to the watercourse is agreed in principle with the Council. A written agreement will be needed to facilitate the construction of a headwall on third party land.
- Confirmation that the adoption of the surface water drainage system by DCWW (including combined system downstream of the site) is acceptable in principle.
- Assessment of the suitability and sensitivity of the receiving watercourse to receive treated effluent.
- Provision of an Environmental Permit for the proposed Package Treatment Plant and Outfall.
- Demonstration that appropriate access is available to maintain foul water drainage features.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information requested in suitably worded planning conditions:-

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

6.21 **Land Drainage Officer (Dated 5 July 2018):**

Overall Comment

As stated in our previous response we consider that the proposals are largely acceptable in principle. We however recommended that the following information is submitted for a review before a planning permission is granted:

- Revised calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). Note that we recommend that these use FEH methods and 2013 rainfall data.
- Consideration of the risk of water backing up the foul/surface water drainage system from the proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere.
- Confirmation that the proposed construction of c.400m of pipeline below the public highway and subsequent discharge to the watercourse off-site is agreed in principle with the Council. A written agreement will be needed to facilitate the construction of a headwall on third party land. The applicant should clarify who will own the pipe.
- Confirmation that the adoption of the surface water drainage system by DCWW (including combined system downstream of the site) is acceptable in principle.
- Assessment of the suitability and sensitivity of the receiving watercourse to receive treated effluent.
- Provision of an Environmental Permit for the proposed Package Treatment Plant and Outfall.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information requested in suitably worded planning conditions:

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.
- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

6.22 **Land Drainage Officer (Dated 25 March 2021):**

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

We have been formally reconsulted on this site now, but I've had a look at the planning portal and there appears to be no new information submitted apart from the attached that you sent the other day.

We note that the Vp rate is 300 s/mm, which is unfeasible to support a drainage mound discharge, we use a rate of between 100 and 140 s/mm as set out in SEPA guidance (there are no approved English or Welsh standards). It is encouraging that the NE response is consistent with ours.

Please let me know if you require anything further from us, however I will mark this consultation request as complete for now at our end.

6.23 Land Drainage Officer (Dated 10 May 2023):

Application Details

The Applicant proposes the construction of 25 dwellings with new access road. The site occupies an area of approximately 1.5ha and is currently used for agricultural purposes. A previous application was submitted for the same site proposing the construction of 21 dwellings with new access road.

Under a previous response we advised that the proposal to discharge treated effluent to a surface watercourse was acceptable, however this was prior to Current Development in the River Lugg Catchment Area Position Statement released in March 2020. Subsequently the Applicant proposed a foul water discharge to ground via a drainage mound. However, this was not considered to be a viable option when we previously responded to this planning application in February 2021. The site is now eligible to purchase phosphate credits, which allows for the discharge of treated effluent offsite to a non-seasonal watercourse. The following documents have been reviewed as part of this response:

- Amended Proposed Site Plan (Rev A); and
- Technical Note 01 (Rev 0): Mitigation Strategy Review;
- Drainage & External Works Layout (2/2) (Rev N);
- Section 38 Highways Drainage Plan (2/2) (Rev M);
- S104 Flow Control Chamber & Tank Details (Rev F).

For completeness, the last Land Drainage consultation response, which was based on the final surface water and foul water drainage arrangements for the site was submitted in July 2018. The response requested that the additional information was submitted prior to planning being granted and that further information would then be required at Discharge of Condition. Some of the requested information has been subsequently received, however the information was still outstanding, which we have addressed as part of this final Land Drainage consultation response:

- Results of infiltration testing undertaken in accordance with BRE Digest 365 methodology. The Ground Investigation Report Field Adjoining Chestnut Avenue Kimbolton (November 2016) has been confirmed that an infiltration rate could not be established.
- Drainage calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). These calculations should confirm that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. Note that we recommend that these use FEH methods and 2013 rainfall data.

Surface water drainage calculations for the private (Rev B) and highway drainage (Rev D) for the development site have been submitted as part of the application and confirm that there is no surcharging in the below ground drainage network in all events.

- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change. A Flood Routing Plan (Rev A) has been submitted as part of the application which confirms that any exceedance flow routes will be managed within the access road.
- Confirmation that the location of the proposed surface water attenuation tank and foul water package treatment plant is located on open land. The Drainage and External Works Layout Sheets 1 (Rev I) & 2 (Rev N) confirm that the attenuation tanks and package treatments plants are to be located in areas of open space.
- Surface water and foul water management and maintenance plan. A Sustainable Drainage Systems Typical Maintenance Schedule has been submitted as part of the planning application.

Based on the reviewed documents stated above, provided there are no changes made to the proposed 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.

6.24 **Land Drainage Officer (Dated 12 September 2023):**

Application Details

The Applicant proposes the construction of 25 dwellings with new access road. The site occupies an area of approximately 1.5ha and is currently used for agricultural purposes. A previous application was submitted for the same site proposing the construction of 21 dwellings with new access road.

Under a previous response we advised that the proposal to discharge treated effluent to a surface watercourse was acceptable, however this was prior to Current Development in the River Lugg Catchment Area Position Statement released in March 2020. Subsequently the Applicant proposed a foul water discharge to ground via a drainage mound. However, this was not considered to be a viable option when we previously responded to this planning application in February 2021. The site is now eligible to purchase phosphate credits, which allows for the discharge of treated effluent offsite to a non-seasonal watercourse. The following documents have been reviewed as part of this response:

- Amended Proposed Site Plan (Rev A); and
- Technical Note Mitigation Strategy Review;
- Drainage & External Works Layout (2/2) (Rev O);
- Section 38 Highways Drainage Plan (2/2) (Rev N);
- S104 Flow Control Chamber & Tank Details (Rev G).
- 881-042B Off Site Drainage Layout Rev B 30/8/2023

BBLP comments 7/9/2023 – The applicant has presented a revised discharge route for the highway drainage and also for the proposed privately owned drain that will serve the site. The proposed privately owned drain will convey treated effluent and surface water from the curtilages of private property. The route is shown on the Off Site Drainage Layout Plan Rev B.

The proposal to connect the highway drainage to the existing highway drain outside Stockton Cross Inn is acceptable. The survey work completed by the applicant shows that the existing highway drain discharges into the highway drain that serves the U94213 highway. This highway drain discharges at the Cogwell Brook.

A Condition will be required requiring the applicant to complete cleansing work and CCTV survey on the existing highway drain to confirm its functionality. If significant defects are identified that may compromise the flow capacity of the highway drain then the developer will need to facilitate repair works to the highway drain.

The proposed privately owned drain will be installed in the highway. The highways authority accept the proposal for a headwall that would be built within the highway extents. A NRSWA section 50 notice will be required assigning ownership of the asset to the proposed Management Company.

For completeness, the last Land Drainage consultation response, which was based on the final surface water and foul water drainage arrangements for the site was submitted in July 2018. The response requested that the additional information was submitted prior to planning being granted and that further information would then be required at Discharge of Condition. Some of the requested information has been subsequently received, however the information was still outstanding, which we have addressed as part of this final Land Drainage consultation response:

Results of infiltration testing undertaken in accordance with BRE Digest 365 methodology.

- The Ground Investigation Report Field Adjoining Chestnut Avenue Kimbolton (November 2016) has been confirmed that an infiltration rate could not be established.

Drainage calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). These calculations should confirm that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event. Note that we recommend that these use FEH methods and 2013 rainfall data.

- Surface water drainage calculations for the private (Rev B) and highway drainage (Rev D) for the development site have been submitted as part of the application and confirm that there is no surcharging in the below ground drainage network in all events.

Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.

- A Flood Routing Plan (Rev A) has been submitted as part of the application which confirms that any exceedance flow routes will be managed within the access road.

Confirmation that the location of the proposed surface water attenuation tank and foul water package treatment plant is located on open land.

- The Drainage and External Works Layout Sheets 1 (Rev I) & 2 (Rev N) confirm that the attenuation tanks and package treatment plants are to be located in areas of open space.

Surface water and foul water management and maintenance plan.

- A Sustainable Drainage Systems Typical Maintenance Schedule has been submitted as part of the planning application.

Based on the reviewed documents stated above, provided there are no changes made to the proposed 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.

6.25 Waste Officer (Dated 15 May 2018): Qualified comment

I have concerns that the turning head near plot 21 is not large enough to allow the refuse collection to turn. Turning heads need to meet highways specifications to allow the RCV to turn. Can tracking be provided to show principle whether the RCV can access and turn within the development?

6.26 **Housing Officer (Dated 13 August 2018):** I refer to the above planning application and can confirm that I support the proposal to provide 4 x 2 bed Low Cost Market (LCM) units on this site.

LCM housing is housing that is sold at a discounted price in perpetuity with the values determined by reference to the council's Technical Data that is attached to Planning Obligations SPD. Therefore I would expect the initial asking price to be in line with the current technical data and any future discount to be agreed prior to the S106 being signed.

There will be a requirement for these units to be available for households with a local connection to Kimbolton.

6.27 **Housing Officer (Dated 18 May 2023):**

Thank you for including me within the consultation on the additional plans for the above planning application.

I can confirm that the proposed 4 x 2 bed and additional 2 x 3 bed low cost market (LCM) units are acceptable as is the locations of the units on the site.

Due to the length of time and the changes in the property market, I would advise that I will be looking for an amendment to the S106 in relation to the discount in perpetuity for the LCM units, with the 2 bed being discounted 43% off open market value and the 3 bed 47% off open market value.

Local connection to Kimbolton in the first instance.

6.28 **Public Rights of Way Officer (Dated 18 April 2018):** No objection.

6.29 **Education Officer (Dated 9 May 2018):** Seeks a financial contribution towards adding capacity to the village primary school.

6.30 **Education Officer (Dated 11 August 2023):**

| | | |
|------------------------------|--|------------------------------------|
| Schools affected: | St James, Kimbolton Primary School Earl Mortimer Secondary School | |
| Breakdown of Housing: | 2+ bedroom flat / apartment 2/3 bed house / bungalow 4+ bed property | 2 x 2 bed; 13 x 3 bed 4 x 4 bed |
| Total Contribution expected: | £107,134 | |

The educational facilities provided for this development site are Leominster Early Years, St James, Kimbolton Primary School, Earl Mortimer High School and Leominster Youth.

St James, Kimbolton Primary School has a planned admission number of 15. As at the schools summer census 2023:-

- 1 year group is over capacity- Y5=16

Earl Mortimer Secondary School has a planned admission number of 140. As at the schools summer census 2023:-

- All Year groups have spare capacity

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

| Contribution per dwelling | Pre-School | Primary | Secondary | Post 16 | Youth | SEN | Total |
|--------------------------------------|-------------------|----------------|------------------|----------------|--------------|------------|--------------|
| 2/3 bedroom house or bungalow | £432 | £3,063 | £0 | £121 | £850 | £468 | £4,934 |
| 4+ bedroom house or bungalow | £639 | £5,018 | £0 | £121 | £1,675 | £828 | £8,281 |

Although no contribution has been requested for the catchment secondary school for this development, please note that parental preference may dictate that children from this development may attend other schools that would ordinarily require a contribution as a result of this development taking place.

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

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

- 6.31 **Wye Valley Trust (Dated 27 April 2018):** Using impact assessment formulae, the WVT seeks a contribution of £13,212.21.

7. Representations

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

[Planning Search – Herefordshire Council](#)

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>

- 7.2 **Kimbolton Parish Council (Dated 2 May 2018):**

Kimbolton Parish Council are in favour of the second proposal option to incorporate an additional 4 affordable properties totalling 25 units. We believe that this would provide a vital opportunity to local first-time purchasers in conjunction with the wider development. The additional properties

would also have minimum impact on the overall low density layout. We would ask that any "affordable status" legal conditions are applied to the selected properties in perpetuity enabling future purchasers to also benefit from the scheme. Please also see previous comments as below -The introduction of selected stone chimney breasts and traditional oak porches to a small number of the properties would further enhance the development. We would also encourage native planting along the northern boundaries. Treated sewage outflow and surface water management requires clarification to avoid potential flooding of existing low lying properties within the locality of the site.

7.3 Kimbolton Parish Council (Dated 9 March 2021):

Kimbolton Parish Council have significant concerns regarding the most recent Stockton Field Development drainage application dated 18/1/21 ref L0317 as follows:

The proposal of an encapsulated on site 'sand mound' to accommodate an average of 8,725 litres per household) is highly impractical taking into account that the land percolation is virtually zero, potential evaporation will not occur, and having no provision of an outlet pipe due to ongoing local phosphate issues. It is highly likely that this system will simply overflow during periods of heavy rain affecting neighbouring properties below the proposed engineered liquid settlement line.

There has been a succession of wet winters during the last few years which have resulted in the Cogwell Brook flooding, or being at maximum capacity on multiple occasions. We strongly suggest that there is a practical solution which would be to take both storm and treated waste water away to the west of the site onto Endale Farm land. Endale Farm belongs to the family of the site owners and has many potential benefits regarding drainage. The land covers a large area, is situated the edge of a naturally well-draining valley basin, and links to into an existing established ditch network. A wayleave would be required to cross one neighbouring field to the west of Chestnut Avenue where by the owner has come forward previously and verbally offered to negotiate potential access.

7.4 Kimbolton Parish Council (Dated 12 June 2023):

Kimbolton Parish Council would like to raise the following comments and considerations under the most recent 181384 Stockton Field Planning application.

1. There are still concerns regarding the position and suitability of the drainage mound. Whilst we are not in a position to comment on the technical aspects of the drainage mound, we are concerned about the potential impact on nearby houses and the proximity to the main road.

2. We request that the Parish Council are consulted directly regarding the allocation of Section 106 Grant monies set aside specifically for the community of Kimbolton. Provision for traffic calming will be a priority. We request that this is written into the legal conditions of any planning approvals.

3. We request that the four 'at cost' affordable homes are offered strictly to local persons in the first instance with family, or similar historical connections to the village. We request that this is written into the legal conditions of any planning approvals.

4. The revised plans showing a combination of brick and render finishes, still result in the scheme being a little bland. Blending of the properties within the existing village varied housing types will be an important part of aesthetic integration. Introducing a small number of upgraded oak porches, and limited areas of traditional stone similar to other local schemes (example – recent Bodenham and Wellington developments) would achieve this.

7.5 West Mercia Police – Secured by Design comments (Dated 4 May 2018):

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety. I note that this application doesn't makes reference to the nationally accredited Secured by Design scheme, within the Design & Access Statement. There is a clear opportunity within the development to

achieve the Secured by Design award scheme and by doing so address the new Approved Document Q requirements.

7.6 **20 letters of representation** have been received in respect of the application from **12 contributors**. 12 of the contributors raise objections to the application.

All representations can be viewed in full using the following link :-
[Planning Search – Herefordshire Council](#)

Summary of concerns raised include:

- Concerns regarding drainage and flooding - Drainage proposals proposed to go into the Cogwell Brook North of the A4112. The road, surrounding land and gardens flood already. Additional water is a concern;
- Brook is already at full capacity.
- At least 2 other options for the water – including going down into to the A49 drains;
- Potential impacts on wildlife as a result of drainage changes on the brook;
- Objection to connecting to existing road drainage system;
- Highway safety concerns in respect of proposed entrance including visibility;
- Increase in traffic movements at the access point and also concerns regarding impact on amenity of occupiers of adjacent properties as a result of additional traffic movement, relationship of access with opposite dwellings, light pollution as a result of headlights – general reduced standard of amenity;
- Potential risk of collision at access point;
- Concerns regarding overdevelopment and the proposals not sympathetic to the look of the village;
- Proximity of the dwellings to Steppes Cottage given that property lies on lower land;
- Maintenance issues associated with package treatment plants;
- Housing mix – The community needs lower cost units to make it possible for younger people to afford housing in the village;
- The application is significantly deficient in terms of S106 and should not be approved;
- Impact on trees and particularly the west bank of The Ryde;
- Need for agreements to be in place to undertake works which may impact beyond the application site;
- Potential impact on private water supply which runs underneath the development;
- Concern regarding potential future development;
- Drainage mound proposals not supported

8. Officer's Appraisal

Policy context and Principle of Development

- 8.1 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."
- 8.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Kimbolton Neighbourhood Development Plan (NDP). The NDP was made on 15 June 2018 and forms part of the Development Plan for Herefordshire.
- 8.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

- 8.4 The 2018 Committee Report identified a range of policies relevant to the development. The policy context remains consistent to that identified in the previous Committee Report in that the development plan comprises the Herefordshire Core Strategy and Kimbolton Neighbourhood Development Plan. It should be noted the Council is currently able to demonstrate a five year housing supply
- 8.5 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.
- 8.6 Paragraph 11 of the National Planning Policy Framework requires plans and decisions should apply a presumption in favour of sustainable development and for decision-taking, this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the planning policies most important for determining the application are out-of-date, granting planning permission unless:
 - i. the application of policies in this Framework that protects areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.7 Core Strategy Policy RA1 remains consistent in terms of identifying the need and distribution for rural housing in county. The policy sets out the minimum requirement for 5,300 new homes to be distributed across seven Housing Market Areas (HMAs). Kimbolton is a main settlement within the Leominster HMA, which has an indicative growth target of 14% (equivalent to delivering 730 new homes across the plan period). For the parish of Kimbolton, this equates to a minimum of 35 new dwellings.
- 8.8 Policy K2 of the Kimbolton Neighbourhood Development Plan identifies the village will be the focus for development within the Parish and identifies a settlement boundary for the village. The application site is recognised within the NDP as an existing commitment, having benefitted from a previous planning permission for residential development and is within the defined settlement boundary.
- 8.9 The principle of residential development of the site remains in accordance with both the Herefordshire Core Strategy and Kimbolton Neighbourhood Development Plan.

Housing Mix and Affordable Housing

- 8.10 Core Strategy Policy H1 relates to affordable housing. The policy requires all open market housing proposals on sites of 10 or more dwellings to contribute towards meeting affordable housing needs. The policy specifies the amount and mix of affordable housing will vary depending on evidence of housing need as identified through the latest housing market assessment and an assessment of the viability of the development. The policy then goes onto identify indicative housing targets based on evidence of need and viability in the county's housing market areas.

The site falls within the Northern Rural Housing Area where there is an indicative target of 40% affordable housing.

- 8.11 Core Strategy Policy H3 relates to ensuring an appropriate range and mix of housing. The policy requires residential development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities.
- 8.12 Kimbolton Neighbourhood Development Plan Policy K9 also relates to affordable housing and identifies on windfall development providing 10 or more homes, a minimum of 40% of properties are made available to meet local needs.
- 8.13 Paragraph 65 of the National Planning Policy Framework also relates to affordable housing and sets out criteria in terms of home ownership.
- 8.14 The affordable housing provision and housing mix has been amended since the 2018 resolution by Committee. The scheme previously presented to Committee proposed a total of 4 affordable housing units which equated to 16% of the dwellings. In assessing the affordable housing proposals at that time, officers attributed weight to the fallback position in the form of the 2015 outline planning permission and permitted 2018 reserved matters approval. Through those permissions the applicant could implement a scheme with no on-site affordable housing, with the likelihood of the commuted sum being spent elsewhere and no provision in the area.
- 8.15 The application benefitted from a resolution to issue planning permission subject to legal agreement and has been in a 'queue' for phosphate credits, with the Council's scheme operating in validation order of applications.
- 8.16 During that time, the status of the fallback position has materially changed in that the previously approved planning permission is no longer extant having now lapsed. The applications remain of relevance in assessing this application, but do not attract the same level of weight. Concerns have been raised in submitted letters of representation in respect of the level of contributions and affordable housing provision associated with the proposals.
- 8.17 Officers have reviewed the affordable housing position in the current context and discussed this with the applicant. The applicant has confirmed the following:
- The site was purchased in January 2016 with outline planning permission for 21 units with no affordable provision;
 - In March 2016 an application was submitted for reserved matters which was refused due to primarily layout issues;
 - Following discussions with officers at the time, a full planning application was encouraged to include on site affordable housing;
 - This was submitted and in 2018, the application was supported by Committee subject to legal agreement;
 - The legal agreement was signed by the applicant. Legal fees were also paid to the Council, but while awaiting completion by the LPA, the phosphates issue meant the permission could no longer be positively progressed. By this time the fallback position had expired.
- 8.18 It is noted the economic context has changed in recent years in terms of increased build and material costs, inflation and interest rates. Furthermore, the scheme is also now subject to a financial contribution to provide the required phosphate mitigation. Officers requested the applicant undertake a review of the position in terms of viability with a view to securing additional affordable housing than the 16% previously agreed.
- 8.19 The applicant has reviewed the scheme. The amended affordable housing provision before committee is as a result in 2 open market units being amended to affordable housing, resulting

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

in an affordable housing provision of 24% (6 units) for the scheme. The Council's Strategic Housing Manager has been consulted on the current revised housing tenure and does not raise any objection to the proposal in terms of affordable housing provision. The comments confirm the proposed low cost market housing units are acceptable and due to the length of time and changes in the property market an amendment to the Draft Heads of Terms is required to further discount those units. Also for local connection to Kimbolton in the first instance to be secured.

- 8.20 As detailed above there is a tension with CS Policy H1 and NDP Policy K9. It is noted Policy H1 does offer some degree of flexibility in that the percentages are a target and there is acknowledgement of variation depending on need and viability. Policy RA2 also supports proposals resulting in the delivery of schemes that will generate the size, type, tenure and range of housing required in particular settlements, reflecting local demand. The proposal does provide a good mix of housing to meet the local needs in the area. The affordable housing units are to be provided on site, offered to those with a local connection and also comprise a small number of bungalows. Given the specific circumstances in this case, officers are content the affordable housing provision is in this instance acceptable.

Scale, design and appearance of dwellings

- 8.21 Core Strategy Policy SD1 and NDP Policy K7 are most relevant in terms of assessing design.

Policy K7 of the NDP provides specific advice about the design approach to be taken for new development in the village. It is a criteria-based policy which advises that development proposals should:

1. Incorporate locally distinctive features and materials.
2. Utilise physical sustainability measures associated with buildings that include, in particular, orientation of buildings, cycle and recycling storage and broadband infrastructure.
3. Include adequate parking and ensure that movement to, within, around and through the development is acceptable.
4. Retain important features such as tree cover, ponds, orchards and hedgerows, adding to the natural assets of the Parish where opportunities are available.
5. Hard and soft landscape proposals should not result in a suburbanised appearance.
6. Seek on-site measures that support energy conservation, such as tree planting and other forms of green infrastructure to provide shade and shelter and include sustainable drainage systems, the maximum use of permeable surfaces and minimising the use of external lighting to that which is necessary.

- 8.22 The design of the proposal remains broadly consistent to that previously considered by the Committee. There have been some changes to house tenure as discussed above but the overall layout scale and appearance of the scheme remains consistent.
- 8.23 Concerns have been raised in letters of representation in respect of density of the scheme and the design of the dwellings not in keeping with local character and scale, adjacent to existing development.
- 8.24 Officers remain of the view the proposals do take a lead from the surrounding area in terms of design and appearance. The plans indicate a mixture of brick and render, with tiled roofs proposed. The variation of materials, combined with the gaps between buildings and the low density layout creates a visual break and adds interest to the development. Despite concerns raised regarding density, the development is fairly low in density at approximately 14 dwellings per hectare. The properties are well spaced and set within large curtilages which is positive from a design perspective. The development strikes a balance between the need to maximise land for residential development and respecting local character. Concerns have been raised with regard to the impact of the development on the adjacent Steps Cottage. Three dwellings at the front of

the site are proposed as bungalows. This ensures the existing levels of the site are respected and respects the relationship with the existing dwelling. A levels condition is also included.

- 8.25 There are no significant material changes in terms of the approach to design with the most important policies Core Strategy Policy SD1 and NDP Policy K7. Overall officers consider the scale, design and quantum of development remains acceptable in the current context and accords with the relevant policies informing design.

Impact on Heritage Assets

- 8.26 The application does not fall within or adjacent to a conservation area. The Stockton Cross Inn is a Grade II listed building (List Entry No. 1349548) which lies approximately 50 metres from the north eastern boundary of the site.
- 8.27 There are further listed buildings in the locality comprising a Grade II listed barn (List Entry No. 1349549) approximately 90 metres west of Stockton Bury Farmhouse (farmhouse itself not listed) and a grade II* listed dovecot (List Entry No.1166938) approximately 70 metres south east of Stockton Bury Farmhouse, which is also a Scheduled Monument (List Entry No. 1007317). These listed buildings are further removed from the application site being located beyond existing residential development to the south of the A4112 and are not considered to be impacted by the proposal.
- 8.28 The 2018 Committee Report provides an assessment of the impacts of the residential development on Stockton Cross Inn, noting it is visually separate from the site, with the public house and application site being separated by a belt of mature native-species trees and an intervening property (Steps Cottage). Additionally, that there is no inter-visibility between the two and acknowledging there is known historic context between the site and listed building that would suggest the proposed development would cause harm to the significance of the heritage asset.
- 8.29 The 2018 report references Paragraph 196 of the National Planning Policy Framework in assessing the impact of the proposals on heritage assets. The NPPF has been revised in the interim and Paragraph 196 is now Paragraph 199, albeit the requirements remain consistent. Paragraph 199 states that 'when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.30 The Building Conservation Officer and Archaeology Advisor both raise no objection with regards to impacts on any heritage assets. The position in terms of the impact on designated heritage assets remains consistent with the previous assessment. Officers are of the view there will be no harm caused to the significance of Stockton Cross Inn or any other heritage assets in the vicinity. As such the requirements of CS Policy LD4, NDP Policy K 11 and Paragraph 199 of the Framework are met.

Impacts on Residential Amenity

- 8.31 Core Strategy Policy SD1 requires proposals to ensure residential amenity is safeguarded for existing and proposed residents. The layout remains broadly consistent to the application as presented to Committee in 2018. At that time, the conclusions in terms of residential amenity were that in order to both safeguard the residential amenity of Steps Cottage and to maintain housing mix, a condition be included to ensure that all three bungalows continue to provide single storey accommodation, with a condition proposed to remove permitted development for new windows into their roofs (including rooflights).

- 8.32 Plots 1, 2 and 3 remain unchanged in terms of layout and are proposed as bungalows. For the reasons identified in terms of housing mix, the previously suggested condition relating to windows in the roofs of the three bungalows is included within this recommendation. A condition requiring the details of site / finished floor levels has also been suggested.
- 8.33 Additional concerns have been raised in terms of the impact of the proposed vehicular access on amenity of dwellings opposite. The access remains consistent with the previously permitted schemes. Officers are content the proposed relationship between the application site access and dwellings opposite, which are positioned in close proximity of the existing highway and existing vehicular traffic is acceptable.

Drainage and Flooding

- 8.34 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality.
- 8.35 Since the 2018 Committee the scheme has been the subject of revised drainage strategies in response to HRA matters, as the position in terms of what could be acceptable from a drainage perspective evolved. The majority of representations from local residents raise concerns regarding drainage and flooding issues. Particular concerns relate to discharge to watercourse, existing surface water issues and the outfall location.
- 8.36 The most recent Land Drainage response provides commentary in terms of the context regarding changes. The proposal to discharge treated effluent to surface watercourse was acceptable at the time the application was first presented to Committee and was entirely consistent with the permitted drainage strategy for 151145/O and 180323/RM. The previously approved drainage scheme pre-dated the Current Development in the River Lugg Catchment Area Position Statement released in March 2020.
- 8.37 The position in terms of the development in the River Lugg Catchment has evolved since the 2019 letter from Natural England. In seeking to overcome the HRA matters, the applicant proposed foul water discharge to ground via a drainage mound. A formal re-consultation took place however the Council's Land Drainage Officer considered this not to be a viable option. A number of representations were received from local residents and Kimbolton Parish Council expressing concerns regarding this approach.
- 8.38 The application is now eligible to purchase phosphate credits, which allows for the discharge of treated effluent offsite to a non-seasonal watercourse. The applicant has submitted the following updated drainage information since the 2018 Committee. It is on the basis of the following documents the most recent Land Drainage response is made:
- Amended Proposed Site Plan (Rev A); and
 - Technical Note Mitigation Strategy Review;
 - Drainage & External Works Layout (2/2) (Rev O);
 - Section 38 Highways Drainage Plan (2/2) (Rev N);
 - S104 Flow Control Chamber & Tank Details (Rev G).
 - 881-042B Off Site Drainage Layout Rev B 30/8/2023
- 8.39 The applicant has presented a revised discharge route for the highway drainage and also for the proposed privately owned drain that will serve the site. This is in response to concerns raised by residents regarding the location of the outfall and existing issues in the area. The proposed privately owned drain will convey treated effluent and surface water from the curtilages of private property. The route is shown on the Off Site Drainage Layout Plan Rev B.

- 8.40 The proposal to connect the highway drainage to the existing highway drain outside Stockton Cross Inn is considered acceptable by the Land Drainage team who are the Lead Local Flood Authority. The LLFA are a statutory consultee in the development management process.
- 8.41 To accompany the drainage strategy, the applicant has undertaken further survey work which shows the existing highway drain discharges into the highway drain that serves the U94213 highway. This highway drain discharges at the Cogwell Brook.
- 8.42 Land Drainage confirms a condition will be needed to require the applicant to complete cleansing work and CCTV survey on the existing highway drain to confirm its functionality. If significant defects are identified that may compromise the flow capacity of the highway drain then the developer will need to facilitate repair works to the highway drain. As such, whilst concerns raised by local residents are noted, the documentation submitted by the applicant confirms in principle the approach is acceptable but further repair may be needed to facilitate this development.
- 8.43 The proposed privately owned drain will be installed in the highway. Land Drainage confirms the highways authority accept the proposal for a headwall that would be built within the highway extents. A NRSWA Section 50 notice will be required assigning ownership of the asset to the proposed Management Company.
- 8.44 In terms of the remaining areas of consideration regarding the proposed surface water and foul drainage arrangements, Land Drainage has confirmed as below:
- Results of infiltration testing undertaken in accordance with BRE Digest 365 methodology.
 - *The Ground Investigation Report Field Adjoining Chestnut Avenue Kimbolton (November 2016) has been confirmed that an infiltration rate could not be established.*
 - Drainage calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). These calculations should confirm that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. Note that we recommend that these use FEH methods and 2013 rainfall data.
 - *Surface water drainage calculations for the private (Rev B) and highway drainage (Rev D) for the development site have been submitted as part of the application and confirm that there is no surcharging in the below ground drainage network in all events.*
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
 - *A Flood Routing Plan (Rev A) has been submitted as part of the application which confirms that any exceedance flow routes will be managed within the access road.*
 - Confirmation that the location of the proposed surface water attenuation tank and foul water package treatment plant is located on open land.
 - *The Drainage and External Works Layout Sheets 1 (Rev I) & 2 (Rev N) confirm that the attenuation tanks and package treatments plants are to be located in areas of open space.*
 - Surface water and foul water management and maintenance plan.
 - A Sustainable Drainage Systems Typical Maintenance Schedule has been submitted as part of the planning application.
- 8.45 The Environment Agency has previously been consulted on the proposals and confirmed it would not expect to make substantive comments and for an application of this scale would defer to the

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

Local Authority and internal drainage team. Welsh Water have also recommended foul and surface water strategies are appropriately conditioned to ensure implementation with agreed details.

- 8.46 Land Drainage, as the Local Lead Flood Authority has reviewed the submitted technical documentation. On the basis of the information provided, which also includes a Flood Risk Assessment, the LLFA confirm in principle there are no objections to the proposals in terms of surface water and foul water drainage arrangements.
- 8.47 Conditions suggested have been included within this recommendation and it is acknowledged the applicant will need to obtain an Environmental Permit from the Environment Agency in connection with the drainage proposals to discharge to watercourse and agreements under alternative legislative regimes.

Ecology and Biodiversity

- 8.48 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 8.49 Since the Committee resolution, an updated Preliminary Ecology report with completed surveys has been submitted (Dated November 2021). The reason being the previously submitted Preliminary Ecology Appraisal is out of date (dated March 2015).
- 8.50 There have been a number of re-consultations to the Council's Ecology Officer since the 2018 Planning Committee. The approach in terms of nutrient neutrality has become clearer during the period since Natural England's 2019 letter through updated position statements. The applicant has amended the scheme or provided revised information in seeking to overcome the matter of nutrient neutrality within that period. For clarity the most recent Ecology response dated 24 May 2023 is the relevant response in respect of the ecological considerations associated with the residential development and relates to the current scheme and ecological information.
- 8.51 Due to the period of time which has passed since original site surveys were undertaken and in order to ensure full consideration is given to wider environmental effects of the proposed construction work on local ecology and potential effects on wider River Lugg SAC (eg through movement of soil and wash-out of nutrients and sediments) a Construction Environmental Management Plan that includes ecological working methods based on refreshed ecological update surveys is requested as a pre-commencement condition.
- 8.52 The above suggested condition alongside all other conditions suggested by the Ecology Officer are included within this updated recommendation.

Impact on the River Lugg/Wye Special Area of Conservation

- 8.53 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC), which is currently failing its conservation status as a result of phosphate levels within the river.
- 8.54 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for the site in view of its 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.

- 8.55 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 2.94kg TP/year which must be managed against in order to avoid detriment to the River Lugg.
- 8.56 The Council's Built and Natural Environment Team (Ecology) has reviewed the development proposal and associated phosphorous load figures. The developer has applied for, and received an allocation of Phosphate Credits to mitigate for the generated load.
- 8.57 In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated (plus VAT). Based on the annual phosphorus load of 2.94kg TP/year, the applicant is required to purchase credits to the value of £41,160.00.
- 8.58 The sum would be secured by way of Section 106 agreement. The Council's Built and Natural Environment Team (Ecology) has completed an Appropriate Assessment (AA). This can be viewed using the following link
<https://myaccount.herefordshire.gov.uk/documents?id=43c52440-14d0-11ee-906b-005056ab3a27>
 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 the development has committed to purchasing the phosphate credits required to address the phosphate load generated by the development, this proposal is considered not to have a likely impact on the integrity of the SAC and planning permission can therefore be granted.
- 8.59 A completed AA has been sent to Natural England and in a response dated 5 May 2023, Natural England confirms it considers the proposal will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured. In addition to the legal agreement to secure the sum required, it is also noted a condition is included to control water efficiency measures to a maximum of 110l per day water usage together with the requirement for a Package Treatment Management Plan to be submitted. Those conditions are included within this recommendation.

Highways

- 8.60 Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:
- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
 - Encourage travel behaviour through use of travel plans;
 - Ensure developments are laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for emergency services;
 - Protect existing local and long distance footways, cycleways and bridleways;
 - Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.
- 8.61 Additional representations have been received since the 2018 Committee raising concerns in respect of access, highway safety and number of dwellings proposed. The access location remains as per the previously approved outline and reserved matters. Highway arrangements are also unchanged from the development considered by Committee in respect of this application in

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

2018. The Core Strategy and NDP Policy context remains consistent. The Local Highway Authority has assessed the proposed development and raises no objection subject to various conditions which are included in the recommendation.

Section 106 – Planning Obligations

- 8.62 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 8.63 Consultation comments have been provided in respect of certain requirements, for example for open spaces, health care provision and education. These are set out within Draft Heads of Terms as included within the table below:

| Infrastructure | Quantum of contribution |
|----------------------------------|--|
| Affordable Housing | 6 units of Low Cost Market affordable housing comprising; <ul style="list-style-type: none"> • 4 x 2 bedroom with 43% discount off open market value • 2 x 3 bedroom with 47% discount off open market value with local priority to Kimbolton. |
| Healthcare contribution | A financial contribution of £528.48 per dwelling to provide the Health Care Facilities required at Hereford Hospital. |
| Education contribution | A financial contribution of; <ul style="list-style-type: none"> • £4,934.00 per 2 bedroom open market dwelling • £4,934.00 per 3 bedroom open market dwelling • £8,281.00 per 4+ bedroom open market dwelling to provide the education facilities at Leominster Early Years, St James Kimbolton Primary School, Post 16, Leominster Youth and Special Education Needs. |
| Recycling and waste contribution | A financial contribution of £80.00 per dwelling to provide 1 x black bin and 1 x green bin In the event that the council implements a new waste strategy a contribution of £130.00 per dwelling to provide 5 waste bins |
| Sports contribution | A financial contribution of £152.00 per open market dwelling to provide a multi-use sports hall to the rear of the St James Kimbolton primary school and/or improvements/enhancement to both outdoor and indoor sports facilities at Bridge Street Sports Park |
| Open Space/Play contribution | A financial contribution of; <ul style="list-style-type: none"> • £965.00 per 2 bedroom open market dwelling • £1,640.00 per 3 bedroom open market dwelling • £2,219.00 per 4+ bedroom open market dwelling To provide a new recreation and play area in Kimbolton or improvements to the existing public right of way network in Kimbolton. |

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

| | |
|------------------------|--|
| Transport contribution | <p>A financial contribution of;</p> <ul style="list-style-type: none"> • £2,457.00 per 2 bedroom open market dwelling • £3,686.00 per 3 bedroom open market dwelling • £4,915.00 per 4 bedroom open market dwelling <p>To provide any or all of the following transport infrastructure improvements;</p> <ul style="list-style-type: none"> • Providing and improving footpaths in the village • Installation of features to reduce road traffic speeds and provide safer environments for pedestrians, cyclists and motorists • Improved 30mph signage • Speed Indicator Devices • Cycle way link to A49 |
| Libraries | <p>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;</p> <ul style="list-style-type: none"> • £120.00 (index linked) 1 bedroom open market dwelling • £146.00 (index linked) for a 2 bedroom open market dwelling • £198.00 (index linked) for a 3 bedroom open market dwelling • £241.00 (index linked) for a 4+ bedroom open market dwelling <p>The contribution will provide for improved library infrastructure at Leominster library.</p> |
| Phosphate Credit | <p>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £41,160.00 based on a requirement of 2.94kg x £14,000.00.</p> <p>The contribution will provide for the management and ongoing development of the Integrated Wetland Schemes.</p> |

8.64 The S106 now also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out.

8.65 The S106 is not finalised and therefore the recommendation is that permission is granted subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the S106 Contributions stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.

Other issues

8.66 A submitted letter of representation raises a concern in respect of trees. A tree report accompanies the application, however, a condition requiring updated details in respect of trees and further details in terms of their protection during the construction process has been included.

Conclusion

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- 8.67 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.68 In this case, the proposal does not provide the level of affordable housing sought by Policy H1 and K9 of the Kimbolton Neighbourhood Development Plan. The circumstances surrounding the affordable housing proposals have been summarised within the relevant sections of this report.
- 8.69 Overall, the scheme is considered to provide the size, type, tenure and range of housing that is reflective of local demand and is policy compliant in all other respects. The application is recommended for approval subject to the completion of a Section 106 Agreement in accordance with the Draft heads of Terms detailed within this report.

RECOMMENDATION

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

General Conditions

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

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

2. **The development shall be carried out strictly in accordance with the approved plans (Drawing Nos Inserted) except where otherwise stipulated by conditions attached to this permission.**

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

Details required prior to commencement

3. **Prior to commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. **Prior to commencement of development, a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval.**

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.

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.

- 5. Prior to commencement of development, a detailed Landscape Ecological Management Plan (LEMP) should be supplied for written approval by the local planning authority. The LEMP must include full specifications for proposed Hedgerow planting (minimum of 7 woody plants per meter in a double staggered row); standard hedgerow trees (planted at random spacings based on 1 tree per 10m of hedgerow); specification for wildflower rich grass seed; and an establishment and maintenance plan.**

The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

All species proposed should be locally characteristic, native species considering climate change and pest-pathogen resilience. No spikey or thorny species should be planted adjacent to any highway, footway or areas of formal public open space.

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

- 6. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**

- a. Construction Access details (including visibility splays and any boundary treatments)**
- b. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
- c. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
- d. A plan to show the location of site offices and rest areas for staff**
- e. A noise management plan including a scheme for the monitoring of construction noise.**
- f. Details of working hours and hours for deliveries**
- g. A scheme for the control of dust arising from building and site works**
- h. A scheme for the management of all waste arising from the site**
- i. A travel plan for employees**

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with

Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

No works with the exception of site clearance and groundworks

7. **With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. 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 Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme has been submitted 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.**

The landscaping scheme shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved.

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

9. **With the exception of site clearance and groundworks, no further development shall take place until the applicant has undertaken and cleansing work and CCTV survey on the existing highway drain to confirm its functionality. The details of that assessment shall be submitted to and approved in writing by the local planning authority and any remedial works undertaken prior to occupation of the dwellings hereby approved.**

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

10. **Development shall not begin in relation to the provision of road and drainage infrastructure (on and off site works) until the following details are submitted to and approved in writing to the local planning authority:**

- Visibility Splays
- Access Gradient
- Surface finishes
- Drainage details
- Future maintenance arrangements (including any technical approvals / adoption)

The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved in writing by the Local Planning Authority)

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 and the National Planning Policy Framework.

Details required prior to occupation

11. Prior to the occupation any dwelling hereby permitted, a Package Treatment Plant Management Plan for the management in perpetuity of the approved package treatment plant including all elements of monitoring, maintenance and dosing shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be written by a British Water Accredited Service Technician, or other suitably qualified professional, and all elements of management/maintenance shall only be carried out by a professional individual/company. Sludge shall be removed by a registered waste carrier. Management of the system shall then be in accordance with the approved details for the lifetime of the development.

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

12. Prior to occupation of any dwelling hereby permitted, a schedule of implementation and landscape maintenance for any areas of outside of the residential curtilage shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

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

13. Prior to the first occupation of any dwelling hereby permitted, an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

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

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

- 15. Prior to the first occupation of any dwelling hereby permitted, a scheme demonstrating measures for the efficient use of water demonstrating a maximum water usage of 110l per person per day water usage shall be submitted to and approved in writing by the local planning authority and implemented as approved. The development shall be retained in accordance with the approved details thereafter.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework and having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency.

- 16. Prior to the first occupation of any dwelling hereby permitted, a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

Compliance

- 17. The foul and surface water drainage arrangements shall be implemented in accordance with the following documents:**
- Amended Proposed Site Plan (Rev A); and**
 - Technical Note Mitigation Strategy Review;**
 - Drainage & External Works Layout (2/2) (Rev O);**
 - Section 38 Highways Drainage Plan (2/2) (Rev N);**
 - S104 Flow Control Chamber & Tank Details (Rev G).**
 - 881-042B Off Site Drainage Layout Rev B (Dated 30 Aug 2023).**

The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved in writing by the Local Planning Authority)

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan - Proposed Site Plan (Drawing Ref: 5776/25/P/10).

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. No retained tree or hedgerow 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 and the National Planning Policy Framework.

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

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

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. This full planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement dated (date to be added in upon completion of S106 Agreement).**
- 3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**
- 4. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.**
- 5. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 7. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**
- 8. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**

9. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),
10. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'

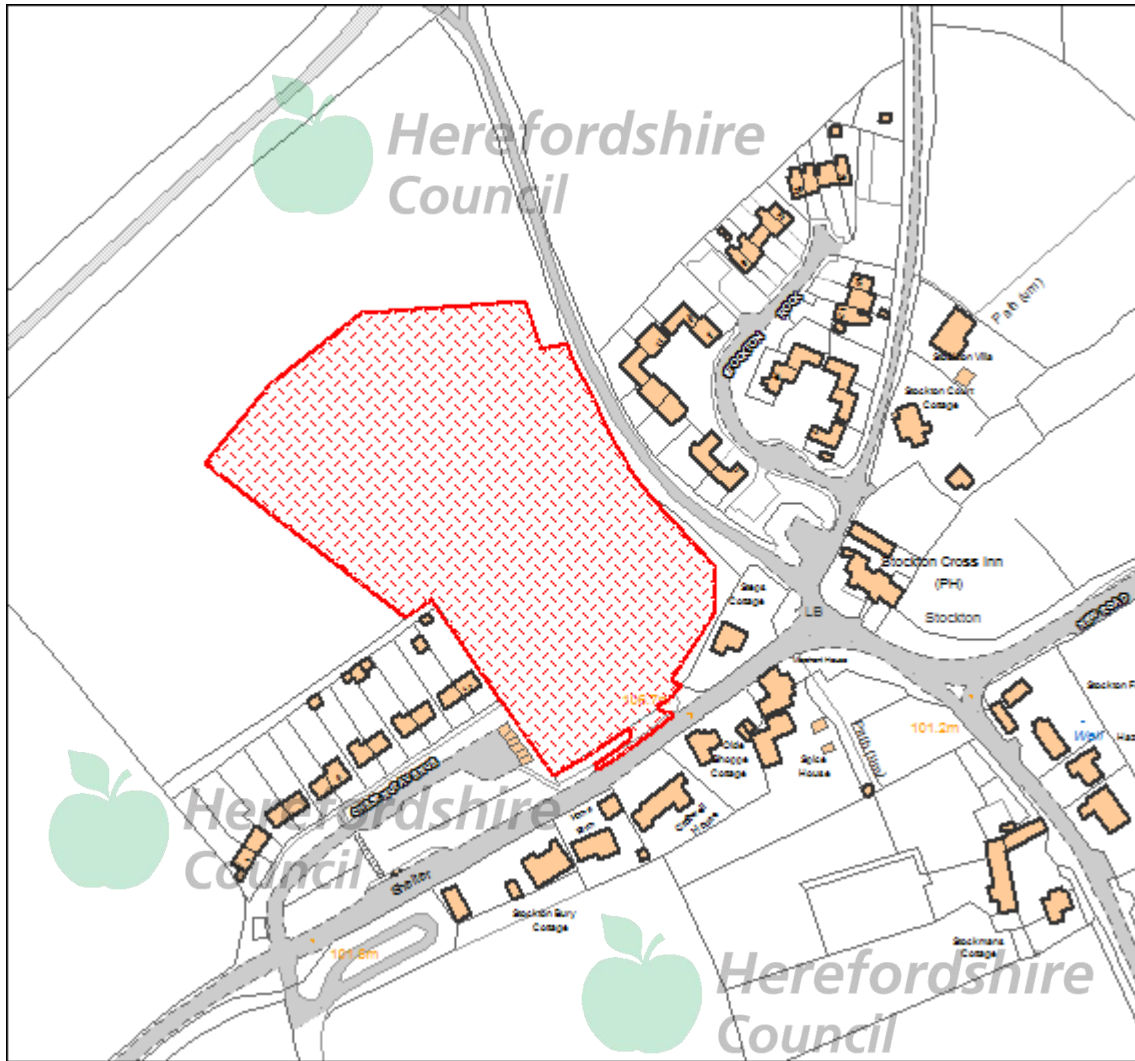
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 181384

SITE ADDRESS : FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

| | |
|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 22 AUGUST 2018 |
| TITLE OF REPORT: | 181384 - PROPOSED RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, HEREFORDSHIRE For: Mr Brown per Miss Beth Hamblett, Matthews Warehouse, High Orchard Street, Gloucester Quays, Glos, GL2 5QY |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181384&search=181384 |
| Reason Application submitted to Committee – Contrary to policy | |

Date Received: 12 April 2018

**Ward: Leominster
North & Rural**

Grid Ref: 351783,261253

Expiry Date: 16 July 2018

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application site lies between pre-existing residential development of The Chestnuts and Stockton Rock, on the northern side of the A4112. It is currently used as pasture land and is an irregularly shaped field that rises from the road.
- 1.2 Planning permission has been granted in outline with all matters apart from access reserved for future consideration (Ref: 151145/O) for the erection of up to 21 dwellings. Subsequently, approval of Reserved Matters pursuant to the outline planning permission was granted on 27th March 2018, but not before an earlier submission had been refused and dismissed on appeal. The main issues with the first RM submission revolved around layout and the mix of housing proposed.
- 1.3 The original outline planning permission was granted subject to a Section 106 Agreement. This included a contribution of £270,053.33 in lieu of on site affordable housing provision and was agreed on the basis that there was not a need for additional affordable housing provision in the village.
- 1.4 This application is for a revised residential development made in full as opposed to outline, now comprising 25 dwellings. The scheme has been developed principally to address concerns raised about the absence of affordable housing from the scheme as approved. As a result of detailed discussion and negotiation with the developer, an alternative scheme is now proposed that maintains the originally approved 21 open market dwellings, together with four affordable dwellings that will meet the definitions as set out in Annex 2 of the revised National Planning Policy Framework. For ease these definitions are set out below:

Further information on the subject of this report is available from Mr A Banks on 01432 383085

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) *Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*
 - b) *Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*
 - c) *Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*
 - d) *Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.*
- 1.5 As with the previously approved scheme, the current proposals maintain access from the A4112. A principal spine road cuts through the centre of the site with private drives off it. A surface water attenuation pond is located at the front of the site; this is the lowest lying area, and a landscaped area creates a buffer between the site and The Chestnuts. Field accesses are to be maintained on the eastern boundary and to the northern corner of the site. The site layout is shown on the following page:



1.6 The proposal provides a mix of single and two storey properties, the details of which are provided below:

| Plot No. | House Type | Floor Area (m2) |
|----------------------------|----------------|-----------------|
| 1 to 3 | 3 bed bungalow | 120 |
| 4, 5, 7, 8, 9, 10, 15 & 16 | 2 bed house | 84 |
| 6, 12, 13 & 14 | 3 bed house | 94 |
| 11, 17, 20, 21, 23 & 24 | 3 bed house | 109 |
| 18, 19, 22 & 25 | 4 bed house | 141 |

1.7 The detailed designs of the dwellings are the same as previously approved. They are a result of discussions between the developer and case officer that followed the dismissed reserved matters appeal. A typical street scene is shown below and the detailed design is considered as part of the officer's appraisal later in this report:



1.8 The application is submitted with detailed plans and elevations of all of the dwellings and the following supporting documents:

- Design & Access Statement
- Flood Risk Assessment and Preliminary Drainage Assessment
- Ecological Assessment
- Tree Report

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

| | | |
|-----|---|--|
| 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 |
| RA1 | - | Rural Housing Distribution |
| RA2 | - | Herefordshire's Villages |
| H1 | - | Affordable Housing – Thresholds and Targets |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| OS1 | - | Requirement for Open Space, Sports and Recreation Facilities |
| OS2 | - | Meeting Open Space, Sports and Recreation Needs |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| LD3 | - | Green Infrastructure |
| LD4 | - | Historic environment and heritage assets |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| ID1 | - | Infrastructure Delivery |

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

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

Kimbolton Neighbourhood Development Plan

The NDP was made on 15th June 2018. It identifies the application site as a commitment. As such the Written Ministerial Statement from December 2016 is applicable. For the purposes of decision-making it can be given full weight and the relevant policies are as follows:

K1 - Promoting a Sustainable Community

Among other things, Policy K1 refers to the need to ensure housing meets the ongoing needs of the community with a suitable mix of size, style and tenure.

K2 - Development Strategy

Policy K2 defines the Kimbolton settlement boundary and identifies the application site as one of two where planning permission already exists for 3 or more dwellings.

K3 - The scale of new housing

Policy K3 identifies the need to make provision for proportionate growth, which in this case equates to a minimum of 40 dwellings (35 of which have been constructed or committed between 2011 – 2017; although this figure takes account of the 21 permitted via 151145, which this application seeks to supplant).

K4 - Housing development within the settlement boundary

Policy K4 is intended to guide new development within the settlement boundary and requires that it should be in keeping with the scale, form and character of its surroundings and not prejudicial to the amenity associated with neighbouring properties.

K7 - Design of new housing

Policy K7 is a criteria based policy dealing with the design of new housing developments. The specific criteria are referred to later in the officer's appraisal.

K8 - Ensuring an appropriate range of tenures, types and sizes of houses

Policy K8 has the clear intent of 'evening out' the scale of housing with the village by adding smaller market properties:-

All proposals for new housing development will have to demonstrate how they contribute to maintaining a mix of tenures, types and sizes of dwelling in the Parish. In order to even out the size range of dwellings available in the Parish and meet identified needs, proposals must be for smaller dwellings of two or three bedrooms, unless it can be demonstrated this is not appropriate.

K9 - Affordable housing

Policy K9 describes how the need for affordable housing will be met i.e. via windfall sites of more than 10 dwellings or rural exception sites.

K10 - Protecting and Enhancing Local Character

All development proposals will be expected to respect, reinforce and promote the special qualities, historic character and local distinctiveness of the area in order to help maintain its cultural identity and strong sense of place.

K11 - Heritage Assets

All applications affecting heritage assets will be required to demonstrate consideration of the significance of any heritage asset affected including any contribution made by their setting.

K21 - Open spaces

This policy requires provision of open space in accordance with Core Strategy Policies OS1 and OS2.

https://www.herefordshire.gov.uk/downloads/file/13542/neighbourhood_development_plan_-_february_2018

National Planning Policy Framework

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Further information on the subject of this report is available from Mr A Banks on 01432 383085

| | | |
|------------|---|--|
| Section 5 | - | Delivering a sufficient supply of homes |
| Section 9 | - | Promoting sustainable transport |
| Section 11 | - | Making effective use of land |
| Section 12 | - | Achieving well-designed places |
| Section 14 | - | Meeting the challenge of climate change, flooding and coastal change |
| Section 15 | - | Conserving and enhancing the natural environment |
| Section 16 | - | Conserving and enhancing the historic environment |

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

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

3. Planning History

- 3.1 151145/O - Proposed residential development of up to 21 dwellings along with new access and associated works – Approved by planning committee. Decision notice issued 29/4/16. Planning permission was granted subject to the completion of a Section 106 Agreement.
- 3.2 163693/RM – RM submission pursuant to the outline above (151145/O): Refused and appeal dismissed.
- 3.3 180323/RM – RM submission pursuant to the outline above (151145/O): Further application for approval of Reserved Matters pursuant to 151145/O: Approved 27th March 2018.

4. Consultation Summary

Statutory Consultations

4.1 **Natural England:** No objection

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

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

European sites – River Wye Special Area of Conservation

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

We advise that surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Application form stating that foul effluent will be disposed through sewer mains

River Wye/Lugg Site of Special Scientific Interest

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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

4.2 **Welsh Water:** No objection

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

Welsh Water does not provide sewerage services in his area. The nearby properties are served by a private sewer network and private sewerage treatment works. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Internal Council Consultations

4.3 **Service Manager Built and Natural Environment (Landscape Officer):** A permission upon the site for a scheme of 21 dwellings was granted as part of an outline application in 2015, at which time no landscape representation was made. Following on from this 2 proposed layouts were submitted as part of a reserved matters application (P163693/RM and P180323/RM) for which the following landscape comments were provided:

I am aware that there are no previous landscape comments in respect of this application and I have no comments to make in respect of the internal layout of the proposal.

The one point I do wish to raise however is that the application site does protrude beyond the existing line of residential curtilage northwards into open countryside. Whilst I recognise the site boundary is agreed at outline stage. I would recommend that consideration be given to mitigating any adverse visual effects from the nearby PROW through the introduction of a landscape buffer running along the northern boundary, what is currently proposed is native hedgerow and I am not satisfied this is sufficient.

I would also like to see the boundary of the dwellings along the northern edge of the site demarcated independently of the hedgerow, as this would reduce the threat of it being removed in years to come.

I would recommend the introduction of a boundary marked by native hedgerow with a tree belt of a minimum of 10-20 metres beyond it.

The current application is for an increase in units to 25 units, I have reviewed both plans and note that the community orchard has been removed from the scheme. As well as garages shifted northwards within the garden space. The loss of open space is unfortunate and the increase in built form beyond the existing residential curtilage conflicts with recommendations. I can therefore only reiterate my comments above.

4.4 **Service Manager Built & Natural Environment (Ecology):** Thank you for consulting me on this application. The ecological survey submitted with the application is now out of date having been carried out in 2015. However, discharge of reserved matters applying to this site were dealt with in 2018 with the development found to be of low impact on biodiversity. On this basis I would suggest including a condition for a site check prior to any development including site clearance. This, plus submission of the enhancement plan informed by the site check, should prove sufficient as follows:

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

AND

The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

4.5 **Archaeological Advisor:** No objection

4.6 **Service Manager Built and Natural Environment (Historic Buildings Officer):** We have no objections to the proposals on heritage grounds

4.7 **Parks & Countryside Officer:** No objection

Open Space Requirements.
Core Strategy Policies

OS1: Requirement for open space, sport and recreation facilities
OS2: Meeting open space and recreation needs

Kimbolton Neighbourhood Development Plan: referendum stage.
Policy K21: Open Spaces

It is noted that this site has an existing approval for 21 houses (151145/O and 180323/RM). This included an off-site contribution towards POS in lieu of on-site provision as agreed in the heads of terms. This would still be applicable but with the addition that the off-site contribution could be used towards POS improvements in the village as described below.

Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards which are set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

Kimbolton Neighbourhood Development Plan Policy K21 although at referendum stage will carry some weight. This recommends that all new development proposals should include the provision of new open space and recreational facilities to meet the needs of those living/working within their developments in accordance with Herefordshire Core Strategy policies OS1 and OS2. Where provision cannot be met on site, developers should look to enhance or extend current provision, including assisting with obtaining land for such purposes. Measures that will increase accessibility to recreational facilities such as the public rights of way network may be advanced as an alternative. Where appropriate, any possible development proposals should ensure such space and the public rights of way network are as accessible as possible, including through a choice of sustainable means, such as cycleways and footways

The Neighbourhood Plan identifies two areas of Local Green Space which includes the land at Chestnut Avenue which is located in the heart of Kimbolton village and adjacent to this site.

Proposal: The proposed site plan for this application does not include any on-site POS and the orchard that was previously proposed is now no longer shown, given the need to accommodate additional housing. It is a shame as its provision could enhance the offer in this part of the village. It is near to the existing POS at Chestnut Avenue which is described in the Neighbourhood Plan as an important open space and the only area publically accessible within the heart of the village. The two areas could have potentially been linked via a footpath and in doing so provide well-connected open space offering a range of opportunities which is seen as good planning.

Off-Site contribution: With no on site provision for POS an off-site contribution is sought in lieu of this in accordance with both Core Strategy and Kimbolton Neighbourhood Development Plan Polices described above. It is calculated in accordance with the SPD on Planning Obligations on market housing only as follows:

1 bed: £193
2 bed: £235
3 bed: £317
4+ bed: £386

The contribution would be used towards improving the public rights of way in and around the village in accordance with the Public Rights of Way Improvement Plan and POS in the village in accordance with the Kimbolton Neighbourhood Development Plan.

4.8 Land Drainage Officer: Qualified comment

Overall Comment

The proposals are largely acceptable in principle, although we recommended that the following information is submitted for a review before a planning permission is granted:-

- Drawing showing the proposed surface water and foul water drainage strategy developed for the current proposal, supported by description of the strategy. The drawing should clearly show the location and type of the proposed SuDS, attenuation measures and package treatment plant.
- Revised calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event, and that there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change (including calculations of proposed storage). Note that we recommend that these use FEH methods and 2013 rainfall data.
- Consideration of the risk of water backing up the foul/surface water drainage system from the proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere.
- Confirmation that the proposed construction of c.400m of pipeline below the public highway and subsequent discharge to the watercourse is agreed in principle with the Council. A written agreement will be needed to facilitate the construction of a headwall on third party land.
- Confirmation that the adoption of the surface water drainage system by DCWW (including combined system downstream of the site) is acceptable in principle.
- Assessment of the suitability and sensitivity of the receiving watercourse to receive treated effluent.
- Provision of an Environmental Permit for the proposed Package Treatment Plant and Outfall
- Demonstration that appropriate access is available to maintain foul water drainage features.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information requested in suitably worded planning conditions:-

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.
- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

4.9 **Waste Officer:** Qualified comment

I have concerns that the turning head near plot 21 is not large enough to allow the refuse collection to turn. Turning heads need to meet highways specifications to allow the RCV to turn. Can tracking be provided to show principle whether the RCV can access and turn within the development?

4.10 **Housing Officer:** Comments awaited

4.11 Public Rights of Way Officer: No objection

4.12 Education Officer: Seeks a financial contribution towards adding capacity to the village primary school

4.13 Wye Valley Trust: Using impact assessment formulae, the WVT seeks a contribution of £13,212.21.

5. Representations

5.1 Kimbolton Parish Council

Kimbolton Parish Council are in favour of the second proposal option to incorporate an additional 4 affordable properties totalling 25 units. We believe that this would provide a vital opportunity to local first-time purchasers in conjunction with the wider development. The additional properties would also have minimum impact on the overall low density layout. We would ask that any "affordable status" legal conditions are applied to the selected properties in perpetuity enabling future purchasers to also benefit from the scheme. Please also see previous comments as below -The introduction of selected stone chimney breasts and traditional oak porches to a small number of the properties would further enhance the development. We would also encourage native planting along the northern boundaries. Treated sewage outflow and surface water management requires clarification to avoid potential flooding of existing low lying properties within the locality of the site.

5.2 One objection has been received from Mr John Read. The content is as follows:-

As you will be aware I objected to the original application for 21 dwellings on the grounds that the treated sewage and the storm water drains were proposed to discharge into the Cogwell Brook, this is also a registered floodplain. It was proposed to discharge on the North side of an already bottlenecked culvert. This culvert adjacent to Chapel House has caused flooding to property and land for many years this situation should not be made worse by directing even more water to this point.

This current application says that the sewage is dealt with by means of a pumping station and main drainage system. The storm water is to be directed to a pool/lake. In my opinion there is not enough information on the application to make a considered opinion at this time as there is no detail on the main drainage system including where it runs or discharges, this also applies to the overflow from the pool/lake.

I trust we will get a further opportunity to comment when the drainage details have been deposited with you.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181384&search=181384

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 consists of the Herefordshire Local Plan – Core Strategy (CS) and the Kimbolton NDP, which is made and on the basis of the Written Ministerial Statement (December 2016), attracts full weight. The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 A range of CS policies are relevant to development of this nature, and these are outlined in full at Section 2.1. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption enshrined by the NPPF. Policy SS1 also 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 Core Strategy policy RA1 explains that the minimum requirement for 5,300 new homes will be distributed across seven Housing Market Areas (HMAs). Kimbolton is a main settlement within the Leominster HMA, which has an indicative growth target of 14% (equivalent to delivering 730 new homes across the plan period). For the parish of Kimbolton, this equates to a minimum of 35 new dwellings.

6.5 In this case the NDP recognises the existing planning permission as a commitment and the principle of new residential development on the site is thus supported.

6.6 It then falls to consider the detailed proposal against the relevant policies of the CS and other material considerations to establish whether there are any adverse impacts associated with the proposed scheme which would outweigh the benefits. This would be towards establishing if the scheme is representative of sustainable development, for which there is a positive presumption enshrined in the NPPF and CS. The key matters requiring consideration are set out below.

Housing mix and the supply of affordable housing

6.7 Policy K8 of the NDP states:

All proposals for new housing development will have to demonstrate how they contribute to maintaining a mix of tenures, types and sizes of dwelling in the Parish. In order to even out the size range of dwellings available in the Parish and meet identified needs, proposals must be for smaller dwellings of two or three bedrooms, unless it can be demonstrated this is not appropriate.

6.8 Policy K9 of the NDP states:

The need for affordable housing will be met by:

1. Rural exception sites; or

2. On windfall developments providing ten homes or more which have a combined floor space of more than 1,000sq metres, a minimum of 40% of properties are made available to meet local affordable housing needs. All affordable homes will be subject to Section 106 Agreements ensuring that priority for allocation, on the first and subsequent lettings, is first given to those with a local connection in accordance with the Herefordshire Council local connection criteria <https://www.herefordshire.gov.uk/housing/advice/definition-of-affordable-housing>

A 'cascade' arrangement will be in place to ensure that where nobody with a local connection is forthcoming then properties will be offered at a second stage to those from the neighbouring Herefordshire parishes of Middleton on the Hill and Leysters, Luston Group, Leominster and Hatfield & District Group.

Covenants will be required which ensure that all properties will be re-sold or let to occupiers who demonstrate a local housing need, and will be subject to the same cascade arrangements described above.

6.9 The extant planning permission with reserved matters approval has a housing mix as follows:-

| Plot No. | House Type | Floor Area (m2) |
|-----------------------|-------------------|------------------------|
| 1 to 3 | 3 bed bungalow | 120 |
| 5 to 8 | 2 bed house | 84 |
| 10, 11, 12 & 13 | 3 bed house | 94 |
| 4, 9, 16, 17, 19 & 20 | 3 bed house | 109 |
| 14, 15 18 & 21 | 4 bed house | 141 |

6.10 As referred to earlier in the report, the extant planning permission for the site does not include any on-site affordable housing provision. Should the extant permission be implemented a commuted sum of £270,053.33 would be received by the council to be used to deliver affordable housing elsewhere. In this case there are no other sites in Kimbolton that are likely to deliver affordable housing, nor are any proposals likely to come forward as exceptions sites. The reality is that the sum would be used in the wider Leominster Housing Market Area; most likely in Leominster itself where schemes are more likely to come forward, with little or no benefit to local people wishing to remain in the village. Whilst no submissions have been made in respect of this application, it was clear from the appealed reserved matters application that there is an appetite for affordable accommodation in the locality.

6.11 Whilst the current scheme is not policy compliant in as much that the four affordable units now proposed only equate to 16% of the overall scheme, as opposed to the 40% required by policy H1 of the Core Strategy and K9 of the NDP, I am of the view that there is a significant benefit to securing an on-site provision which weighs heavily in favour of the application. In reaching this conclusion I am mindful of the fact that the village is unlikely to be delivered of any affordable housing through the payment of a commuted sum and that the extant permission is a reasonable fall back position should this application be refused.

6.12 The scheme provides a good range of house types being comprised as follows:

- 8 two bed (32% of dwellings on site)
- 13 three bed (52% of dwellings on site)
- 4 four bed (16% of dwellings on site)

This compares to the needs identified for the rural area of the Leominster Housing Market Area as set out in the Herefordshire Local Housing Market Assessment (LHMA) which identifies needs by house type as follows:

- 25.8% two bed
- 59.1% three bed
- 9.2% four bed

6.13 Policy H3 of the Core Strategy and K8 of the NDP both require a range of house types and sizes to meet the needs of all households. The LHMA provides the evidence base for this and, on the basis of the above, I am content that the scheme provides an appropriate mix as the policies require. The scheme therefore accords with both policy H3 and K8.

Scale, design and appearance of dwellings

6.14 Policy K7 of the NDP provides specific advice about the design approach to be taken for new development in the village. It is a criteria-based policy which advises that development proposals should:

1. *Incorporate locally distinctive features and materials*
2. *Utilise physical sustainability measures associated with buildings that include, in particular, orientation of buildings, cycle and recycling storage and broadband infrastructure.*
3. *Include adequate parking and ensure that movement to, within, around and through the development is acceptable.*
4. *Retain important features such as tree cover, ponds, orchards and hedgerows, adding to the natural assets of the Parish where opportunities are available.*
5. *Hard and soft landscape proposals should not result in a suburbanised appearance.*
6. *Seek on-site measures that support energy conservation, such as tree planting and other forms of green infrastructure to provide shade and shelter and include sustainable drainage systems, the maximum use of permeable surfaces and minimising the use of external lighting to that which is necessary.*

6.15 Policy RA2 is also relevant and says that housing proposals will be permitted where a series of criteria are met. The third of these reads as follows:

“They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting;”

6.16 Kimbolton is a modestly sized village based around a historic core. It contains approximately 75 properties, the parish hall, public house, village shop and primary school.

6.17 Chestnut Avenue and Stockton Rock constitute the most recent residential development in any significant number that has taken place in the village. Chestnut Avenue is the most visually prominent of the two. It takes a very linear form and is set back from the A4112 on higher ground and is clearly visible as one approaches the village from the south west from the A49. Stockton Rise is more discretely located and its presence is not evident from the A4112.

6.18 Notwithstanding these more recent developments, the village has more typically developed in a sporadic and organic fashion over time and the overriding pattern of development is more linear with wayside development along the A4112. Properties have been constructed using a wide palette of materials including brick, stone and render as can be seen from the photographs on the following page:



- 6.19 The proposals have taken a lead from the surrounding area in terms of design and appearance. Elevations are well detailed. The plans indicate a mix of brick and render finishes with tiled roofs, although precise details are to be agreed. The variation of materials, combined with the gaps between buildings and the low density layout creates a visual break and adds interest to the development. The overall appearance of the proposal is considered to be acceptable and in accordance with the requirements of Policy K7 of the NDP and Policies LD1 and SD1 of the Core Strategy.
- 6.20 The dwellings comprise single and two-storey dwellings at a scale consistent with the surrounding context. The scale, in terms of dwelling numbers, is also considered to be acceptable, albeit that they have increased from 21 to 25. Notwithstanding, the density of development remains low at approximately 14 dwellings per hectare.
- 6.21 Unsurprisingly, dwellings are well spaced and are set within large curtilages. An area immediately adjacent to The Chestnuts is set aside as a community orchard and an attenuation pond is located in an area closest to the A4112. This is the lowest lying area in the site and most logical location for it.
- 6.22 For the purposes of this assessment, I am content that the scale of development in terms of the proportions of the dwellings themselves and the quantum of development is acceptable in accordance with K4 of the NDP and LD1 and SD1 of the Core Strategy.

Drainage

- 6.23 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality. The application is substantively the same as the permission granted by the outline and reserved matters applications referred to previously. At that time the Council's Land Drainage Engineer originally commented in detail on the outline application and accordingly a condition was imposed to require the submission of a detailed scheme for foul and surface drainage works, including surface water attenuation.
- 6.24 The proposals in respect of drainage are the same as before. The scheme will see foul sewage discharged via a pumping station with surface water attenuated in a proposed pond and discharged at an appropriate rate.
- 6.25 Comments have been submitted again by the Land Drainage Engineer. No objection is raised in principle to the scheme but the comments do suggest that additional information should be sought prior to determination. However, mindful of the fact that permission has previously been approved for a slightly lesser scheme, it is also suggested that planning permission could be granted subject to the imposition of conditions requiring details to be submitted. Given the history to the site, and that a similar approach was taken previously, this does not appear to be unreasonable.

Impact on Heritage Assets

- 6.26 The Stockton Cross Inn is a Grade II listed building and lies approximately 50 metres from the north eastern boundary of the site. However, it is visually separate, the public house and the application site separated by a belt of mature native-species trees and an intervening property (Steps Cottage). Consequently there is no inter-visibility between the two. Furthermore, the site and public house do not have any acknowledged historic context to one another that would suggest that the proposed development would cause harm to the significance of the heritage asset.
- 6.27 It is noted that the council's Historic Buildings Officer does not object to the application. Considering the scheme in the context of paragraph 196 of the NPPF I am of the view that there will be no harm caused to the significance of Stockton Cross Inn. The public benefits of providing a mix of house types; including bungalows, are significant, and therefore I weight attribute weight to this over any marginal impact to the setting of the designated heritage asset.

Impacts on Residential Amenity

- 6.28 In order to ensure that the residential amenity of Steps Cottage is ensured, and to ensure that all three bungalows continue to provide single storey accommodation to maintain the housing mix that is acknowledged to represent a significant benefit of this scheme, it is proposed to include a condition to remove permitted development rights from all three bungalows to insert windows; including rooflights, into their roofs, thus ensuring that accommodation is not provided in the roof area. On this basis the proposals will comply with SD1 of the Core Strategy and K4 of the NDP.

Other Issues

- 6.29 The applicant and their agent have liaised closely with the parish council and local residents. It is noted that the application has only attracted a single objection as opposed to the thirty five received to the original outline application. Whilst this should not necessarily be a barometer of acceptability, it does clearly show the benefit of community consultation.

Planning Balance & Conclusion

- 6.30 As outlined at the beginning of the officer's appraisal, the determination of the application, *"...must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.31 In this case the proposal is not compliant with the development plan as it does not deliver the requisite amount of affordable housing as required by Policy H1 of the Core Strategy; the four dwellings proposed amounting to 16% as opposed to a 40% policy requirement. However, this should be balanced against the fact that the extant permission for 21 dwellings does not make an on-site provision at all, rather it makes a financial contribution of £270,053.33 in lieu of on-site delivery. Officers are also mindful of the advice contained in the recently revised NPPF, which at paragraph 62 confirms the expectation that affordable housing should be delivered on site unless an appropriate financial contribution in lieu can be robustly justified.
- 6.32 Officers are also firmly of the opinion that it is unlikely that schemes will come forward within Kimbolton on which the contribution might be spent. The reality is that it would be spent in the wider Leominster Housing Market Area; most likely Leominster itself, with very little appreciable benefit to the residents of Kimbolton. Therefore greater weight is attached to the fact that this scheme will provide some affordable housing on site as opposed to the fall back position of the extant permission, which would deliver none. For this reason the requirements of Policy H1 are given less weight in the planning balance.
- 6.33 The scheme represents a sustainable form of development and is acceptable in all other respects, and is otherwise compliant with the development plan. The application is therefore recommended for approval subject to the completion of a Section 106 Agreement in accordance with the Draft heads of Terms appended to this report.

RECOMMENDATION

The officers named in the Scheme of Delegation to Officers be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to the obligations in the draft heads of terms and any additional matters and terms as considered appropriate. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officer named in the scheme of delegation:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G03 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows that are to be retained**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**

8. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

9. **The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

10. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**

- a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
- b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
- c. **A plan to show the location of site offices and rest areas for staff**
- d. **A noise management plan including a scheme for the monitoring of construction noise.**
- e. **Details of working hours and hours for deliveries**
- f. **A scheme for the control of dust arising from building and site works**
- g. **A scheme for the management of all waste arising from the site**
- h. **A travel plan for employees**

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Further information on the subject of this report is available from Mr A Banks on 01432 383085

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan 5776/P/10.

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

12. H06 Vehicular access construction
13. H11 Parking - estate development (more than one house)
14. H17 Junction improvement/off site works
15. H18 On site roads - submission of details
16. H29 Secure covered cycle parking provision
17. I51 Details of slab levels

INFORMATIVES:

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

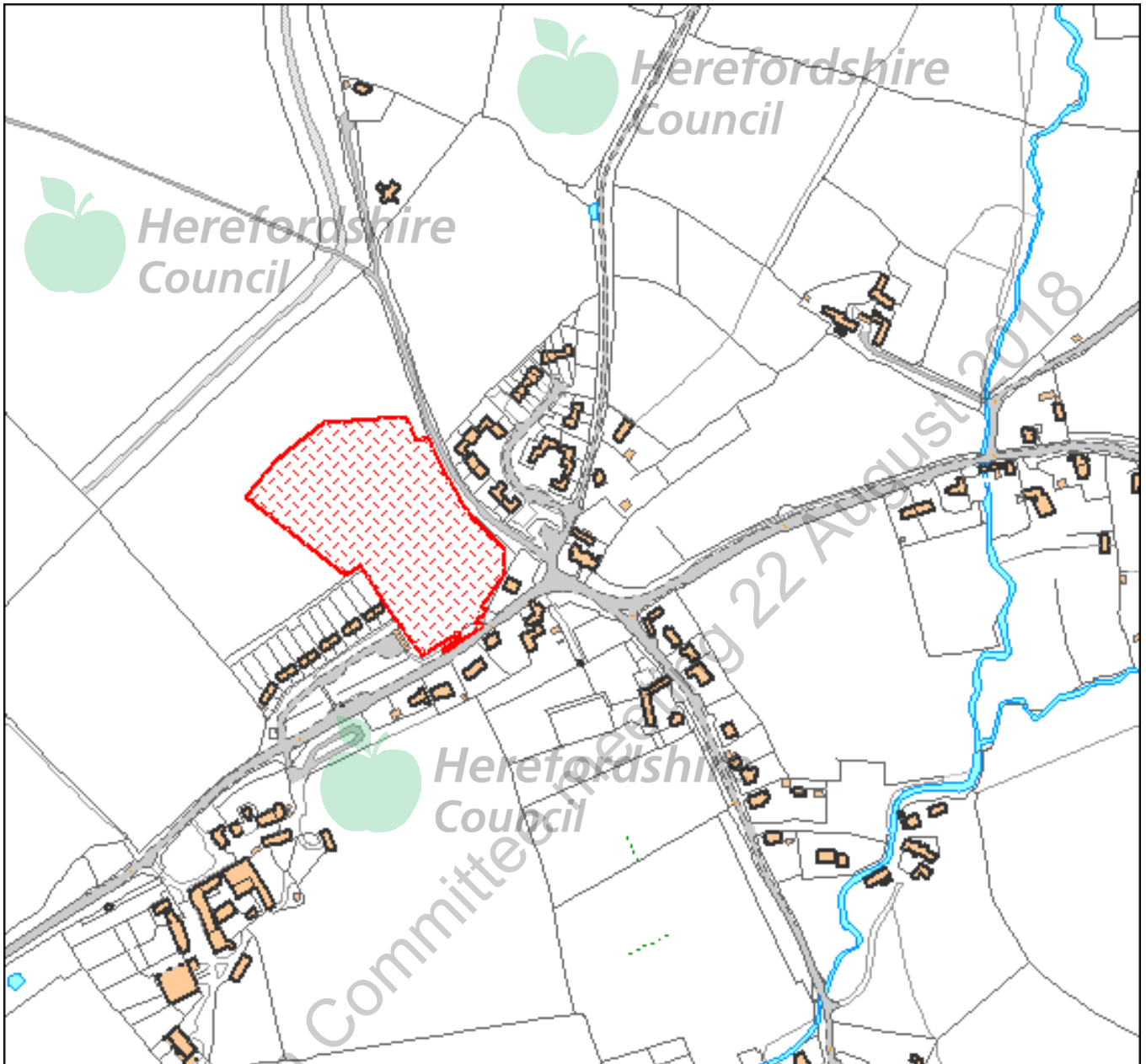
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 181384

SITE ADDRESS : FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008.

Planning application: P181384/F

Proposed residential development of 25 dwellings along with new access and associated works on field adjoining A4112 and Chestnut Avenue, Kimbolton.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£55,476.00** (index linked). The contributions will provide for enhanced educational infrastructure at St James Primary School, Kimbolton, Post 16 and Special Education Needs provision. The sum shall be paid on or before occupation of the 10th open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£77,470.00** (index linked). The contributions will provide for sustainable transport infrastructure to serve the development. The sum shall be paid on or before occupation of the 10th open market dwellinghouse, and may be pooled with other contributions if appropriate.

The sustainable transport infrastructure will include:

- Improving footpaths in the village including the footpath to the village hall
- Installation of gateway features to reduce road traffic speeds
- Improved 30mph road signage
- Cycle way link along A49

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£6,605.00** (index linked). The contributions will be used towards improving the Public Right of Way network in and around the village and the public open space in the village in accordance with the Kimbolton Neighbourhood Development Plan. The sum shall be paid on or before occupation of the 10th open market dwellinghouse, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2,000.00** (index linked). The contributions will provide for 1 x waste bin and 1 x recycling bin. The sum shall be paid on or before first occupation of any dwellinghouse, and may be pooled with other contributions if appropriate.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£13,212.21** (index linked). The contributions will provide for the development of infrastructure for the provision of health services at Hereford Hospital. The sum shall be paid on or before occupation of the 10th open market dwellinghouse, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council that 4 units of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Local Plan Core Strategy 2011 - 2031 and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations 2008.
7. The developer covenants with Herefordshire Council that the affordable units will be Low Cost Market Housing which means housing sold to people in need of Affordable Housing at a discounted price.
8. The developer covenants with Herefordshire Council that all the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the open market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-
 - 9.1 a local connection with the parish of Kimbolton;
 - 9.2 in the event there being no person with a local connection to the parish of Kimbolton to the adjoining parishes;
 - 9.3 in the event there being no person with a local connection to the above parish any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies and have found no suitable candidate under sub-paragraph 9.1 & 9.2 above

10. For the purposes of sub-paragraph 9.1 and 9.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

- 10.1 is or in the past was normally resident there; or
- 10.2 is employed there; or
- 10.3 has a family association there; or
- 10.4 a proven need to give support to or receive support from family members; or
- 10.5 because of special circumstances

11. In the event that the Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4 and 5 above for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

12. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be linked to an appropriate index of indices selected by the Council with the intention that such sums will be adjusted according to any percentage in prices occurring between the date of the Section 106 Agreements and the date the sums are paid to the Council.

13. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.

14. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**Minutes of the meeting of Planning and regulatory committee
held at Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX on Wednesday 22 August 2018 at 10.00 am**

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, PJ Edwards, KS Guthrie, JA Hyde, TM James,
MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, NE Shaw and
SD Williams

In attendance: Councillors PD Price and J Stone

28. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler, DW Greenow and WC Skelton.

29. NAMED SUBSTITUTES

Councillor JA Hyde substituted for Councillor CR Butler.

30. DECLARATIONS OF INTEREST

None.

31. MINUTES

RESOLVED: That the minutes of the meetings held on 25 July be approved as a correct record and signed by the Chairman.

32. CHAIRPERSON'S ANNOUNCEMENTS

None.

**33. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON,
HEREFORDSHIRE**

(Proposed residential development of 25 dwellings along with new access and associated works.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He highlighted that an additional condition was proposed in relation to drainage.

In accordance with the Council's Constitution, the local ward member, Councillor J Stone, spoke on the application.

He made the following principal comments:

- The current proposal was a much more acceptable scheme than that which had been granted outline planning permission in December 2015. There was only one objection to the current proposal compared to 43 objections to the preceding application.
- The communication with the Parish Council and the local community on the application had been much improved. The Parish Council supported the application.
- The application site had been accepted as a commitment within the Kimbolton Neighbourhood Development Plan. If the application were approved the Parish would have no difficulty in meeting the minimum housing provision target in the Core Strategy.
- There were no objections from the statutory consultees. However, he highlighted the response from Welsh Water regarding conditions and the conditions requested by the Service Manager (Built and Natural Environment).
- It was disappointing that the provision of the additional housing would result in the loss of public open space and the community orchard proposed in the original application.
- He hoped that the off-site contribution would be used to improve surrounding public rights of way in the parish.
- There had been concerns about flooding and pollution and he hoped that reassurance on both sewerage and drainage would be provided. He noted that the land drainage officer considered the proposals to be largely acceptable in principle, subject to additional information being submitted.
- A further concern related to the extra traffic that would be generated. Speeding was an issue in the locality and traffic calming measures would be welcome as would a footway and cycle link between Chestnut Way and the A49. It was to be hoped that measures would be provided from the funding for sustainable transport infrastructure referenced in the draft S106 agreement, appended to the report, in discussion with the Parish Council and the local ward member.
- The scheme was not perfect but it did represent an improvement on the previous scheme and was unlikely to be improved upon. On balance he therefore supported it.

In the Committee's discussion of the application the following principal points were made:

- Noting that Welsh Water did not own the treatment plant it was questioned whether this had an adverse implication for the affordability of the proposed affordable housing.
- The additional condition included in the update sheet would address the significant concerns expressed about sewerage and drainage.
- Improved pedestrian links to the A49 would be welcome, providing access to Leominster and improving sustainability.
- The improved communication on the application with the parish council and the community was to be welcomed.
- The Parish Council supported the application.
- It was important that energy efficient design was used to minimise running costs of the homes, in particular affordable housing to ensure that it was indeed affordable.
- It was asked whether the application again prompted further consideration of whether the affordable housing thresholds and targets in policy H1 needed to be reviewed.

In response to questions the Development Manager commented that the proposed garden space provided for properties under the revised scheme would be quite generous. He could not comment on the cost of sewerage and drainage for the privately maintained works. He explained the basis on which the initial cost of the affordable housing units would be calculated. He confirmed that sustainable transport measures were referenced in the draft heads of terms and works that could be financed by the sum to be provided would be discussed with the parish council and local ward member. A local housing needs survey had been undertaken in 2012. The Parish Council support for the scheme could be assumed to indicate that the proposed affordable housing would fulfil a local need.

The local ward member was given the opportunity to close the debate. He reiterated that overall the scheme was of benefit.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition as set out in the update sheet. The motion was carried with 12 votes in favour, none against and 1 abstention.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to the obligations in the draft heads of terms and any additional matters and terms as considered appropriate. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G03 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows that are to be retained**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

9. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

10. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
 - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
 - c. A plan to show the location of site offices and rest areas for staff
 - d. A noise management plan including a scheme for the monitoring of construction noise.
 - e. Details of working hours and hours for deliveries
 - f. A scheme for the control of dust arising from building and site works
 - g. A scheme for the management of all waste arising from the site
 - h. A travel plan for employees

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan 5776/P/10.

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site,

and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

12. H06 Vehicular access construction
13. H11 Parking - estate development (more than one house)
14. H17 Junction improvement/off site works
15. H18 On site roads - submission of details
16. H29 Secure covered cycle parking provision
17. I51 Details of slab levels
18. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:
 - Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
 - Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
 - Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
 - Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
 - Demonstration that appropriate access is available to maintain drainage features.
 - Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.
 - Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning

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

34. 180157 - GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX

(Proposed new 2 bedroom dwelling.)

(Councillor Guthrie fulfilled the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

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

In accordance with the Council's Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- In relation to the proximity of Green Bank to the grade 2 listed building known as "The Creswells" she noted that it was proposed that the ground level upon which the proposed dwelling was to be built would be lowered so that it would accord with the neighbouring properties.
- The site was bounded by mature hedges.
- The Transportation Manager had no objection to the proposed access.
- The applicants were seeking to downsize but remain in the village.
- The site was accepted within the Neighbourhood Development Plan as being appropriate for a dwelling. The Parish Council supported the proposal and there were also many letters in support of it from local residents.
- The only strategic objection was from the Conservation Manager (Historic Buildings) (CMHB) raising concerns over the location within the conservation area and the size and design of the proposed dwelling adjacent to The Creswells. The applicants had sought pre-application advice, had modified the design and made every effort to meet the CMHB's requirements and harmonise with and enhance the conservation area. However, as set out at paragraph 4.5 of the report the CMHB remained opposed to the proposal although the level of harm to the heritage assets and conservation area was considered to be less than substantial.
- She considered that the application should be supported.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council supported the proposal.
- The sole objection was from the CMHB who did say that some development on the site should be feasible, however, an innovative solution would be required to achieve this without having a negative impact.
- One view was that the proposal would not be detrimental to the conservation area. There was a distinct boundary between the plot and The Creswells. The Creswells did not overlook the plot. The proposal had some architectural merit that would enhance the area. A contrary view was that the proposal would not conserve and

enhance the conservation area and historic assets and was therefore contrary to policy as the CMHB had stated.

- The development could not be described as a modest development in relation to the size of the site.
- It should be possible for the applicants to find a suitable property within the village and there appeared to be little justification for the proposal.
- The setting of the existing property would be adversely affected by building the proposed dwelling in its garden which was a good example of a country garden.
- The development would require the removal of a length of stone wall that itself had merit.
- There was concern that the surrounding hedgerow would also be adversely affected as a consequence of the lowering of the site level to accommodate the dwelling.

The Lead Development Manager highlighted the CMHB's advice that the benefit of the scheme would not outweigh the harm to the setting of the conservation area and the listed building.

The local ward member was given the opportunity to close the debate. She noted that it was a question of the assessment of the impact upon the conservation area

A motion that the application be approved was lost.

Councillor Seldon proposed and Councillor Powers seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and no abstentions.

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

1. **By virtue of the scale, form and architectural character of the proposed dwelling it would result in harm to the character and appearance of the Sutton St Nicholas Conservation Area, the setting of the adjacent listed building and would not positively contribute to the character of the area and respect its context. This is contrary to policies LD4, RA2(3), LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, policies 3(4) and 6 of the Sutton St Nicholas Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.**

The above harm, when taking into account the statutory duty under sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of designated heritage assets, and the policies of the National Planning Policy Framework provides clear reason for refusing planning permission (paragraph 11d) i) and notwithstanding that the identified adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11d) ii).

Informative

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 by identifying matters of concern with the proposal and discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters and negotiate a scheme that is considered to be policy compliant. The Local Planning Authority is willing to provide further pre-application advice in respect of any future application for a revised development.

(The meeting adjourned between 11.20 and 11.23.)

35. 181825 - WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN

(Proposed 4 bedroom low level dwelling.)

(Councillor Williams fulfilled the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

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

In accordance with the Council's Constitution, the local ward member, Councillor SD Williams, spoke on the application.

He made the following principal comments:

- There was local support for the application including from the Parish Council and sympathy for the personal circumstances of the applicant's family. There were no objections
- It was possible that Woodyatts field could be identified for development within the Neighbourhood Development Plan that was in preparation.
- The proposal would contribute to the housing target, was unobtrusive and would not be unwelcome.
- A footpath provided connectivity to the village.
- He considered the proposal would be of value and enable the family to provide care that would otherwise have to be provided by health services.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council supported the proposal along with a number of local residents. There were no objections.
- One view was that the site was surrounded by other dwellings and could well be identified for development within a neighbourhood development plan. A contrary view was that no regard could be had to such a hypothetical point.
- Whilst sympathetic to the applicants' personal circumstances they were not a material planning consideration. The proposal represented development contrary to policy in the open countryside.
- There were other ways in which the personal needs could have been addressed, for example through the provision of an annex.
- Having regard to paragraph 6.17 of the report it was questioned whether the property was isolated and in the open countryside and represented unsustainable development. It was noted that the site was some 300m from the church and shops by footpath and that there were 5 other properties in the immediate vicinity. Improving footpath access would appear to be an option and a way of making the development sustainable.

- The PPO commented that in the absence of a NDP and a settlement boundary the Core Strategy required consideration to be given to whether the site was in a main built up area. The site, whilst it might not be isolated, was not in a main built up area. The B road did not have any footpaths alongside it. Officers did not consider that a public right of way in itself afforded sufficient, safe accessibility to services and encouraged active travel. Officers' judgment, supported by recent appeal decisions, was that, even if not isolated, the site was not sustainably located. She added that this was the first time that the applicant had mentioned personal circumstances in support of the application. Had these been raised previously other options such as the provision of an annex could have been explored. A substantial open market property could not be tied to an existing dwelling.

The Lead Development Manager commented that had officers been made aware of the personal circumstances consideration could have been given to whether it would be possible to provide a policy compliant annex. Very rarely could weight be given to personal circumstances. In policy terms the site was in the open countryside.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that there was connectivity. He questioned if an annex of sufficient size could be provided to accommodate the family.

A motion that the application be approved was lost on the Chairperson's casting vote.

Councillor Seldon proposed and Councillor Norman seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried on the Chairperson's casting vote there having been 6 votes in favour, 6 against and no abstentions.

RESOLVED: That planning permission be refused for the following reason:

1. **The proposal represents unsustainable new residential development within a countryside location divorced from any identified settlement and as such the proposal is contrary to Herefordshire Local Plan - Core Strategy Policies SS1, SS7, RA1, RA2 and RA3. The benefits would be significantly and demonstrably outweighed by the adverse impacts resulting from the locational unsustainability of the site, which conflicts with Herefordshire Local Plan - Core Strategy Policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.**

Informative:

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.**

36. 180193 - LAND AT WESTBROOK COURT, WESTBROOK, HEREFORD

(Proposed erection of 5 single bed holiday chalets and associated parking.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Jones, of Clifford Parish Council spoke in opposition to the Scheme. Mrs K Morgan, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor PD Price, spoke on the application.

He made the following principal comments:

- The current business was very successful with many benefits to local businesses, the wider area of the County and beyond. The applicants were seeking to grow a sustainable business, within the existing curtilage, that would support both parents and employ local staff. It was not a development in the open countryside.
- The units would not be visible from most angles but still enabled individual unit views to the north. There was no intention to build any other units in front, as the success of the units depended on their location and view. The roofs would be constructed using high quality "green" materials to soften the design and make them less conspicuous,
- The Landscape and Conservation officers had observed that there could be a long distance view of the development from the public rights of way on Merbach hill. Allowing a hedge to the east to grow a little higher and some individual tree planting would maintain the traditional form of the landscape and mitigate any such views from Merbach hill. The only other potential long distance view was towards the north and this would be mitigated by the non-reflective glass walls of the development facing that direction.
- The suggestion that the units should be placed in the very small area next to the cattle sheds was not a feasible option.
- A grade 2 listed building on the site needed repair. This required additional income. Future development might involve growth in using this building.
- There was growing tourist demand in and around the Golden Valley area. The provision of more tourist beds should be supported.
- The Core Strategy provided for businesses to grow within "a residence and business curtilage"
- The majority of the officer report was encouraging and supportive. The negative aspects could be mitigated.
- The issues raised by the Parish Council could be overcome.
- Supporting the application would demonstrate the Council's support for businesses.
- Nearly all of the representations supported the application.
- He asked the Committee to support the application.

In the Committee's discussion of the application the following principal points were made:

- Policies E4 and RA6 supported the development and business success would also enable the listed buildings on site to be protected.
- The existing hedges would provide cover for the development.
- It was understandable that officers suggested a site closer to the existing building would be preferable. However, the neighbouring farm buildings were not in the applicants' ownership and it was clear that they did not wish to put the development on that part of the site.

- There was concern that the site would be in the open countryside, would be visible from Merbach hill, a lit path would be needed to the main building and there would be light from the chalets.
- It was requested that a walnut tree on site should be protected.
- The proposed design was not appropriate in the location. The objection of the Conservation Manager (Landscape) was sound.
- It would be preferable to develop the existing buildings.
- There was a concern that the site would continue to grow.

The Lead Development Manager commented that it was a question of balance between landscape harm and the economic aspects of the application. Officers had concluded that the landscape harm outweighed the benefits.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that the chalets with a little mitigation would be virtually invisible from Merbach hill. The design would also make the chalets inconspicuous and he considered it to be appropriate for the site. The applicants did not own enough land for the development to grow excessively and that would also be contrary to the ethos of their scheme. He did not consider that there was a transport issue given the scale of the development and there was no objection from the Transportation Manager. He also considered that most of the Parish Council's concerns could be mitigated.

Councillor Edwards proposed and Councillor Hyde seconded a motion that the application be approved on the grounds that it complied with policies E4, RA6, MT1 and paragraphs 6 and 12 of the National Planning Policy Framework (NPPF). The motion was carried with 7 votes in favour, 5 against and 1 abstention.

RESOLVED: That planning permission be granted on the grounds that the application was supported by policies E4, RA6, MT1 and paragraphs 6 and 12 of the NPPF, and officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for approval.

Appendix - Schedule of Updates

The meeting ended at 12.55 pm

Chairman

Minutes from Committee Meeting 22 August 2018

PLANNING COMMITTEE

Date: 22 August 2018

Morning

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.

Minutes from Committee Meeting 22 August 2018

SCHEDULE OF COMMITTEE UPDATES

| | |
|---------------|--|
| 181384 | PROPOSED RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, HEREFORDSHIRE For: Mr Brown per Miss Beth Hamblett, Matthews Warehouse, High Orchard Street, Gloucester Quays, Glos, GL2 5QY |
|---------------|--|

ADDITIONAL REPRESENTATIONS

Housing Officer - I refer to the above planning application and can confirm that I support the proposal to provide 4 x 2 bed Low Cost Market (LCM) units on this site.

LCM housing is housing that is sold at a discounted price in perpetuity with the values determined by reference to the council's Technical Data that is attached to Planning Obligations SPD. Therefore I would expect the initial asking price to be in line with the current technical data and any future discount to be agreed prior to the S106 being signed.

There will be a requirement for these units to be available for households with a local connection to Kimbolton.

Correspondence has been received by Welsh Water from Mr Read, the local resident who has commented on the application. Mr Read's email to Welsh Water, together with their response reads as follows:

Mr Read - You will note from the deposited drainage plans for the above application that it is proposed that the storm water is to enter Welsh Water 150mm drain identified as manhole S72. This storm drain is not adequate to take the existing volume of storm water and regularly overflows during heavy storms leaving deposits of stone and gravel along the A4112 washed down from the Ryde Lane.

I have attached my letter of objection to Herefordshire Council for your information and trust you will look again at the situation on site. You will also note that all this extra volume of water is discharging into a recognised Environment Agency flood plain which fairly often floods land and property, I have copied the E.A. in to this email.

Welsh Water response - Thank you for your email to which I can provide the following comments:

Our records indicate that the sewerage network and receiving Waste Water Treatment Works that serves Stockton Rock is private and we are not responsible for maintaining this system.

We have confirmed this via our billing system which shows that properties on Stockton Rock are billed for potable drinking water only and not for any sewerage services.

OFFICER COMMENTS

Drainage arrangements for the site have previously been considered in detail under the original outline planning application for 21 dwellings. The arrangements to be made were similarly shown with an attenuation pond at the lower end of the site, adjacent to the road. Outline planning permission was granted subject to the imposition of a condition to require details of drainage arrangements to be submitted.

The outline permission is a legitimate fall-back position and therefore the only matter to be considered here is whether an uplift of four dwellings will demonstrably and detrimentally change the situation with respect to drainage such that planning permission should be refused. The comments from the Land Drainage Engineer at paragraph 4.8 of the report confirm the matter can be addressed through the imposition of appropriately worded conditions. The comments provide a series of matters to be satisfied by any such condition.

Correction – Paragraph 6.21 erroneously makes reference to the provision of a community orchard in the area immediately adjacent The Chestnuts. The community orchard is no longer proposed.

CHANGE TO RECOMMENDATION

With regard to drainage the addition of the following condition is recommended:

Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

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

| | |
|---------------|---|
| 180157 | <p>PROPOSED NEW 2 BEDROOM DWELLING AT GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX</p> <p>For: Mr & Mrs Gow per Mr Alex Whibley, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</p> |
|---------------|---|

ADDITIONAL REPRESENTATIONS

Three further letters of support have been received.

OFFICER COMMENTS

The additional representations are of the same standard template format as the majority of letters previously received and do not raise any new issues.

NO CHANGE TO RECOMMENDATION

| | |
|---------------|--|
| 181825 | <p>PROPOSED 4 BEDROOMS LOW LEVEL DWELLING AT WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN</p> <p>For: Mr & Mrs Amos per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</p> |
|---------------|--|

ADDITIONAL REPRESENTATIONS

Ecologist – amended plans (re: drainage)

In order to secure the required mitigation for the Foul Water as required to return the required “NO adverse effect on the integrity” of the River Wye Special Area of Conservation (and SSSI) under Habitat Regulations a relevant an appropriate Condition is requested for inclusion on any planning consent granted.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water from the works approved under this Decision Notice shall discharge through a connection to a package treatment plant with a final outfall to a soakaway drainage field on land under the applicant’s control as identified on supplied plan reference 145P(0)100 Revision A dated 10.08.2018; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

Previous ecology condition/comments are still appropriate and valid.

NO CHANGE TO RECOMMENDATION

Minutes from Committee Meeting 22 August 2018

Minutes from Committee Meeting 22 August 2018

| | |
|--|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 27 September 2023 |
| TITLE OF REPORT: | <p>231864 PROPOSED CREATION OF A NEW PERMANENT ACCESS FOR AGRICULTURAL VEHICLES FROM WARREN LANE.</p> <p>LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HR9 7LW</p> <p>For: Ms Towler per Ms Hannah Towler, 25 Vyner Street, Cambridge Heath, London, E29DG</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=231864 |
| Reason Application submitted to Committee – Redirection | |

Date Received: 15 June 2023

Ward: Penyard

Grid Ref: 366980,223163

Expiry Date: 16 August 2023

Local Member: Councillor Harry Bramer

1. Site Description and Proposal

- 1.1 The application relates to a 1.7 hectare parcel of land located within the Parish of Aston Ingham. The road found to the north west is lower than the field and is characterised by a well-established and dense hedgerow. Ground levels rise to the North East of the site. The site has no national nor local designations.
- 1.2 The site presently hosts an agricultural barn in the north-east corner which approved under P221376/F. The field itself does not have a direct access from the public highway but it can be accessed through other fields..
- 1.3 The proposal seeks to create a permanent access to the north-east of the site. The surfaced extent of the access would have a length of 19 metres and a width of 6 metres. The applicant has provided an indicative map (G111_103 B) showing that the visibility splays can provide up to 80 metres visibility in each direction. The new access would lie 15 metres to the north of the existing agricultural building approved under P221376/F. The proposal seeks to add an access gate at the end of the access track to provide additional security for the site. A plan is shown below.

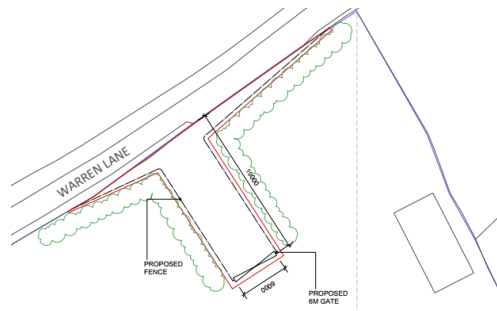


Figure 1: Access Track

2. Policies

2.1 Herefordshire Local Plan- Core Strategy

- Policy SS1- Presumption in favour of sustainable development
- Policy SS6- Environmental quality and local distinctiveness
- Policy RA6 – Rural Economy
- Policy MT1- Traffic Management, highway safety and promoting active travel
- Policy LD1- Landscape and townscape
- Policy LD2- Biodiversity and geodiversity
- Policy LD3- Green Infrastructure
- Policy SD1- Sustainable Design and energy efficiency
- Policy SD3- Sustainable water management and water resources

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

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

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

2.2 Aston Ingham Neighbourhood Development Plan (Made 4 August 2023)

- Policy AS1: Landscape
- Policy AST2: Biodiversity
- Policy AST3: Building Design
- Policy AST11: Surface water and flood risk
- Policy AST13: Agricultural and forestry development

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

<https://www.herefordshire.gov.uk/directory-record/5780/aston-ingham-neighbourhood-development-plan>

2.3 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

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

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

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

3. Planning History

3.1 **P221376/F-** A general-purpose agricultural building for storage of hay and other associated agricultural supplies and equipment. Storage for materials for occasional educational projects on the site. Retrospective. Approved with conditions

3.2 **P224300/F-** Proposed creation of a new permanent access for agricultural vehicles from Warren Lane. The field is currently accessed through an information access through a neighbour's field.- Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Consultees

4.2 Principal Natural Environment Officer (Ecology)

As agreed with Natural England where 'Full Householder' or other similar applications do not create any additional, potentially self-contained residential accommodation or identified significant additional foul water flows and no other effects are identified they can be considered as screened out from triggering any formal Habitat Regulations Assessment process.

From information supplied and available to the LPA this 'exemption' would be applicable in respect of this current application and the River Wye SAC.

It is noted that no other reasonable means of access to the field is available and if subject to consideration under the Hedgerow Regulations 1997 rather than a planning application removal and creation of the necessary access would have been classed as 'exempt' under the Hedgerow Regulations.

It is noted that additional new hedgerow is proposed to be planted that could not be achieved or secured under the Hedgerow Regulations.

From supplied and available information there are no ecology comments or concerns in respect of the proposed development and the LPA has no reason to request an ecological assessment in respect of this specific application. There are known bat roosts in adjacent buildings and other nocturnal-light sensitive species present in the locality. The applicant and their contractors have their own legal duty of care towards wildlife protection; and an informative to remind them of their legal duty of care is suggested.

Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection

Further information on the subject of this report is available from Mr Joshua Evans

for special “protected species” such as all Bat species (roosts whether bats are present or not), Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

Hedgerow mitigation-compensation

Within one full planting season (twelve months) of the access hereby permitted being created evidence of the planting and protection of new hedgerow as shown on plan G111-1105 Rev A dated June 2023 shall be supplied for written approval by the planning authority. The completed hedgerow shall be hereafter managed and maintained as approved unless otherwise agreed in writing by the local authority.

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

Informative: new planting to include a minimum of seven woody, native hedgerow species plants per metre, in a double staggered row and protected from rabbits and grazing by appropriate protection. The new hedgerow will be kept free from competing ‘weeds and grasses’, mulched and as necessary watered for at least five years and any failures will be replaced ‘like for like’ within one planting season. Native species selection should be based on existing adjoining hedgerows.

4.3 Team Leader Area Engineer

The proposals seek to construct a new agricultural access to an existing field with the existing field access currently being via a neighbouring property.

The proposals demonstrate that with the translocation of hedgerow a visibility splay of 2.4 x 80 metres could be achievable onto Warren Lane. This is considered acceptable.

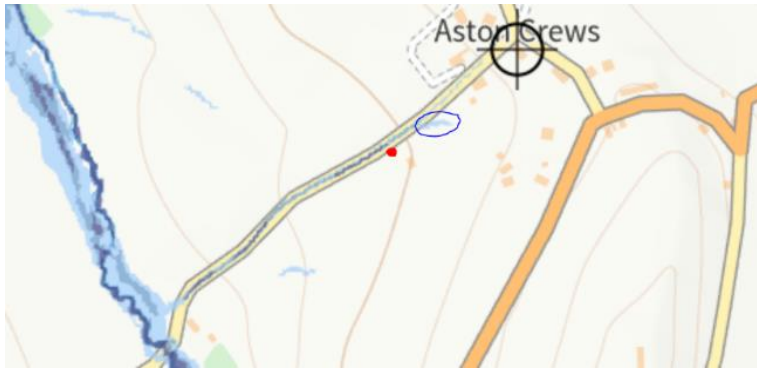
It is also demonstrated, through swept path analysis of a tractor and trailer, that turning manoeuvres will be achievable by agricultural vehicles.

Warren Lane is extremely constrained with regard to the width of the carriageway. However, it is considered that the provision of an access gate in the location would not have a material impact on the operation and / or safety of the lane. As such, the local highway authority have no objections to the development proposals subject to the following conditions.

4.4 Land Drainage (BBLP)

In principle, Land Drainage have no objections to the proposed access development on Warren Lane.

We have assessed the EA surface water flood map and can see that there is an existing surface water flow route on the lane and also from the field, onto the lane, to the east of the proposed development area (circled in blue).



We have completed a site visit and as the ground levels vary, it is difficult to determine further evidence which suggests there are surface water flow routes from the field onto the lane. Therefore we cannot see any reason why the proposals will worsen the existing situation.

If any surface water exceedance from the development site were to flow onto the highway, it would be the Applicants responsibility to ensure that the surface water drainage arrangements are amended to ensure all surface water runoff is captured and sufficiently managed so it does not enter the highway. The Applicant could consider the use of bunding if deemed necessary.

We would like to make the Applicant aware of an existing culverted watercourse which runs parallel to the lane and may be impacted by the proposed development. The Applicant will need to be mindful of cover levels and ensure the potential for damage is adequately mitigated against.

5. Representations

5.1 Aston Ingham Parish Council

The application states that vehicle access and parking to the new barn in the field (retrospective planning application P221376F) was not required for the functioning of the building, so we are wondering what has changed with regard to the use of that building and if so is it still in keeping with the planning previously granted?

With regard to the building, it was agreed as part of that planning that the roofing material would be changed as currently it is highly reflective and can be seen from miles away, this has not yet happened.

There is an existing problem with water runoff in Warren Lane due to its narrowness and gradient. There is a significant area of sloping tarmac to be put in place as part of the access, this will create further run off into the lane. We are also concerned about what is to happen to the surface water road drain that is in the position of where the new access splay will be. Have drainage engineers assessed the possible impact of the increase in run off into the lane and the drain in question?. Properties at the bottom of the hill have been affected by flooding in the past made worse by the nature of the sunken lane, and this is likely to be exacerbated by this access.

The planning application states that the lane is used primarily for agricultural vehicles. This is not the case as there are several homes and a holiday let on the lane that require frequent use by non-agricultural vehicles on a daily basis, and the lane is too small for anything larger than a medium sized tractor.

With regard to the Aston Ingham NDP which goes to Referendum on August 3rd, we would ask the planning department to take account of several of our policies in regard to this application;

Policy AST13: (1 and 6) Agricultural and forestry development which requires that planning permission should be able to demonstrate that they meet the following requirements:

1. the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable;
6. surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion.

We consider that the proposal will not meet criteria 1 or 6 as it stands. In addition we do not believe that Policy AST12 (2) Small Scale Employment can be met either, as it states that planning should;

2. demonstrate that the traffic generated can be safely accommodated on local roads without undue operational, safety or environmental consequences, including road widening or loss of hedgerows, and encourage walking and cycling.

Our AST11 policy regarding Flooding and Water Management states that 'Surface water and flood risk Development proposals should provide a surface water management strategy to accompany outline or full planning applications to demonstrate effective surface water drainage and the management of flood risk. In doing so, full use should be made of sustainable drainage systems. Designs should maximise the retention of surface water within the curtilage of the development site and minimise runoff. There should be no increase in runoff or flood risk affecting neighbouring land and property and wherever possible betterment should be achieved through a reduction in runoff rate and volumes'.

Finally, Aston Ingham would request most strongly that if permission should be granted that use of the access is restricted to agricultural use only.

5.2 Third Party representations

A total of 8 letters have been received from third parties. The concerns raised can be summarised as follows:

- Traffic Issues: Narrow Lane- Concern regarding traffic movements from site
- Loss of Hedgerows
- Impact upon landscape
- Concern over future development
- Not required: existing access provided.
- Impact to biodiversity
- Concern regarding flooding
- Gradient from field to highway network would be difficult to achieve.
- Concerns over spoil (soil removed from development)

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=231864

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) and the Aston Ingham Neighbourhood Development Plan (Aston Ingham NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.
- 6.3 Policy RA6 of the Core Strategy seeks to support employment generating proposals which help to strengthen and diversify the rural economy; a range of economic activities will be supported to this end. This includes the support and strengthening of local food and drink production as well as supporting the retention or diversification of existing agricultural businesses. Proposals will need to be of a scale suitable for the location and setting. The economic benefits for the rural economy will need to be weighed against any impact on the amenity of nearby residents, impact of the local road network and ensure they do not undermine the achievement of water qualities target.
- Ensure that the development is of a scale which would be commensurate with its location and setting;
 - Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design, mass, noise, dust, lighting and smell,
 - Do not generate traffic movement that cannot safely be accommodated within the local road network; and
 - Do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4.

Policy RA6 of the Core Strategy sets out to support the rural economy through supporting proposals that will help to diversify the rural economy and generate employment. This includes through “supporting and/or protecting the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses”.

- 6.4 It is considered that the principle of improved access and a new access track to serve an existing agricultural unit is broadly acceptable in principle and in line with policy RA6 of the Herefordshire Local Plan- Core Strategy.

Landscape and visual impact

- 6.5 Policy LD1 of the Herefordshire Local Plan- Core Strategy requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development.
- 6.6 Policy AST1 of the Aston Ingham Neighbourhood Development Plan states that the siting, scale, layout and design of development proposals should respect the surrounding landscape character. Schemes for new landscaping put forward as part of development proposals should be compatible with and serve to consolidate the established landscape character, and include details of arrangements for their maintenance and management.
- 6.7 Policy AST13 of the Aston Ingham Neighbourhood Development Plan states that any impacts on landscape character and visual amenity arising from the proposed siting, scale, design, colour and materials of development are acceptable, or can be satisfactorily mitigated by a landscaping scheme which is itself acceptable
- 6.8 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 6.9 Paragraph 130 (a) of the NPPF states that Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.10 The proposal does not fall within any designated landscape. Furthermore the site which is shown below with a red star shows the two closest key views identified within the Aston Ingham Neighbourhood Development Plan (Policy AST1).

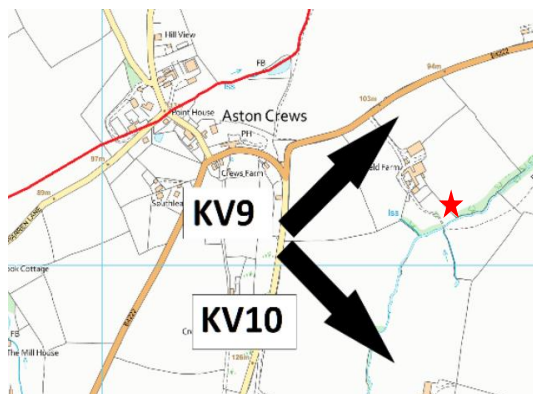


Figure 3: Extract from Aston Ingham NDP

- 6.11 It is not considered that the proposal would have an adverse impact upon these viewpoints or wider landscape. It is acknowledged that there will be a localised impact resulting from removal of 40 metres of hedgerow but it is advised that a significant length of the existing hedgerow along Warrens Lane would be retained. Officers maintain that the proposed access and hardstanding area represents a fairly limited agricultural development within an area of open countryside. Furthermore the proposal seeks to minimise the impact through the planting of additional hedgerow, further limiting the impact upon the wider landscape

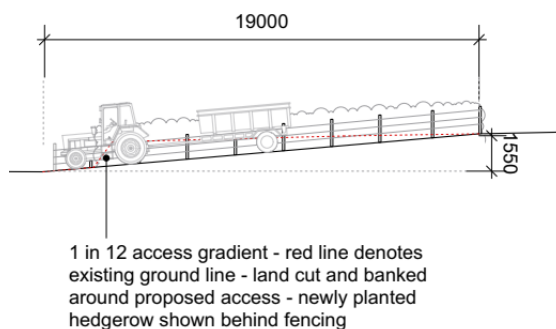


Figure 4: Proposed sections of Track

- 6.12 It is your officers view that the proposed materials are acceptable in this instance (Black/grey tarmac).

Impact upon Hedgerow and Biodiversity

- 6.13 Policy LD2 of the Herefordshire Local Plan- Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire
- 6.14 Policy LD3 of the Herefordshire Local Plan- Core Strategy states that development proposals should protect, manage and plan for the preservation of existing and delivery of new green

infrastructure. Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and integration with, and connection to, the surrounding green infrastructure network.

- 6.15 Policy SS6 of the Herefordshire Local Plan- Core Strategy states that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape and biodiversity
- 6.16 Policy AST2 of the Aston Ingham Neighbourhood Development Plan states that development proposals should protect, conserve and enhance the biodiversity of the Neighbourhood Area. Proposals should contribute to a net gain for biodiversity by identifying and retaining existing green infrastructure within the development site such as trees, hedgerows and water features, and providing for enhancement wherever possible.
- 6.17 Policy AST11 states that development proposals should ensure biodiversity is conserved and enhanced.
- 6.18 Paragraph 174 of the National Planning Policy Framework states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient.
- 6.19 Paragraph 180 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..
- 6.20 The application seeks to remove 40 metres of hedgerow (drawing number G111_1105 A), but intend to plant approximately 62 metres of new hedgerow planting. It is acknowledged that the proposal would result in a temporary harm to the biodiversity assets of the ecological network, but when established allows for a net gain of habitats within the context of the site. Owing to the regulations associated with *Hedgerow Regulations 1997* it would not be appropriate for the Local Planning Authority to request a formal ecological appraisal in this instance. However the applicant are reminded of their legal duty to protect wildlife. This is in line with the internal ecologists recommendations.
- 6.21 Owing to the location and known bat roosts in adjacent buildings and other nocturnal-light sensitive species present in the locality within the open countryside the local planning authority deems it appropriate to restrict lighting and to seek biodiversity enhancement (net gain) within the site through the siting of 2 bird boxes and 4 bat boxes.

Impact upon Highway

- 6.22 Policy MT1 of the Herefordshire Local Plan- Core Strategy states that development proposals should incorporate the following principle requirements covering movement and transportation
- demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development
 -
 - ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space,

- 6.23 Policy AST3 states that development proposals should achieve a high quality of sustainable design by being safely accessible from the highway network without undue impacts on the character of the locality
- 6.24 Policy AST11 states that proposals for agricultural and forestry development requiring planning permission should be able to demonstrate that the local highway network and the proposed means of vehicular access can cater safely for both the volume and type of vehicles anticipated, and the proposed access is environmentally acceptable.
- 6.25 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 It is noted that Warrens Lane is an unclassified road (U70243) and that the site would only be accessed for the purposes of agriculture so the proposal would not result in any significant intensification of the use of this section of the local highway network. The applicants have supplied appropriate turning (G111_1102 B) and visibility requirements (G111_1103 B) and the Team Leader Area Engineer has not objected to the proposed scheme.

Water Resources and Flooding

- 6.27 Policy SD3 of the Herefordshire Local Plan- Core Strategy measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.28 Policy AST11 states that development proposals should provide a surface water management strategy to accompany outline or full planning applications to demonstrate effective surface water drainage and the management of flood risk.
- 6.29 Policy AST13 states that proposals for agricultural and forestry development requiring planning permission should ensure that surface water is acceptably and appropriately managed through sustainable drainage, with no adverse impact on local watercourses in respect of water quality, flood risk, pollution or soil erosion.
- 6.30 Paragraph 152 of the NPPF states that “the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”.
- 6.31 Paragraph 159 states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”
- 6.32 It is noted that the site falls within Flood Zone 1, as such in line with the National Planning Policy Framework there is no requirement to provide a flood risk assessment. Under *Annexe 3: Flood risk vulnerability classification* of the National Planning Policy Framework land and buildings used for the purposes of agriculture are classed as less vulnerable, as such no exception test is required for the development.
- 6.33 It is noted that the Land Drainage consultant has not objected to the proposal.

Residential Amenity

- 6.34 Policy SD1 of the Herefordshire Local Plan- Core Strategy states that development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should safeguard residential

amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

- 6.35 Policy AST3 states that development should avoid creating unacceptable impacts on the amenity of neighbouring property including as a result of the volume and nature of traffic generated, noise, dust or odour.
- 6.36 Policy AST13 states that there will be no undue loss of amenity to the occupiers of residential properties, including by way of external lighting, the design and siting of any building or installation, traffic, or noise and air pollution including odour.
- 6.37 Paragraph 130 of the National Planning Policy Framework states that Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 6.38 It is noted that the proposed access lies over 100 metres from the nearest dwelling. There is not considered to be any significant increased use of the site resulting from the proposed access that would result in adverse impact.

Other matters

- 6.39 In response to concerns raised in relation to previous commitments suggesting that there was no need for an access of Warrens Lane, it is advised that this in itself should not influence the determination of this application. This application should be judged on its merits and in the light of relevant Development Plan policies. As submitted the considered to be justified and in accordance with policy.

Conclusion

- 6.40 When the proposal is assessed against the development plan, it is considered to be compliant. It is therefore concluded that the proposal should be recommended for approval.

RECOMMENDATION

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

- 1. 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 strictly in accordance with the approved plans [(drawing nos.] and the schedule of materials indicated thereon.**
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, Policies AST1, AST3, and AST13 of the Aston Ingham Neighbourhood Development Plan and the National Planning Policy Framework.
- 3 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 80 metres in each direction. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

- 4 Within one full planting season (twelve months) of the access hereby permitted being created evidence of the planting and protection of new hedgerow as shown on plan G111-1105 Rev A dated June 2023 shall be supplied for written approval by the planning authority. The completed hedgerow shall be hereafter managed and maintained as approved unless otherwise agreed in writing by the local authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006), Policy AST2 of the Aston Ingham Neighbourhood Development Plan, and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 5 All planting, seeding or turf laying in the approved landscaping scheme (G111_1105 A) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

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

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

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

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

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

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

- 8 At no time shall any external lighting be installed on the site without the written approval of this local planning authority.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Policy AST2 of the Aston Ingham Neighbourhood Development Plan, Herefordshire Local Plan - Core

Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 9 Prior to first occupation the applicant shall install within the site boundary of at least 2 bird nesting boxes for a site appropriate range of bird species 4 Bat roosting features. These shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure Biodiversity Net Gain and species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy AST2 of the Aston Ingham Neighbourhood Development Plan.

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

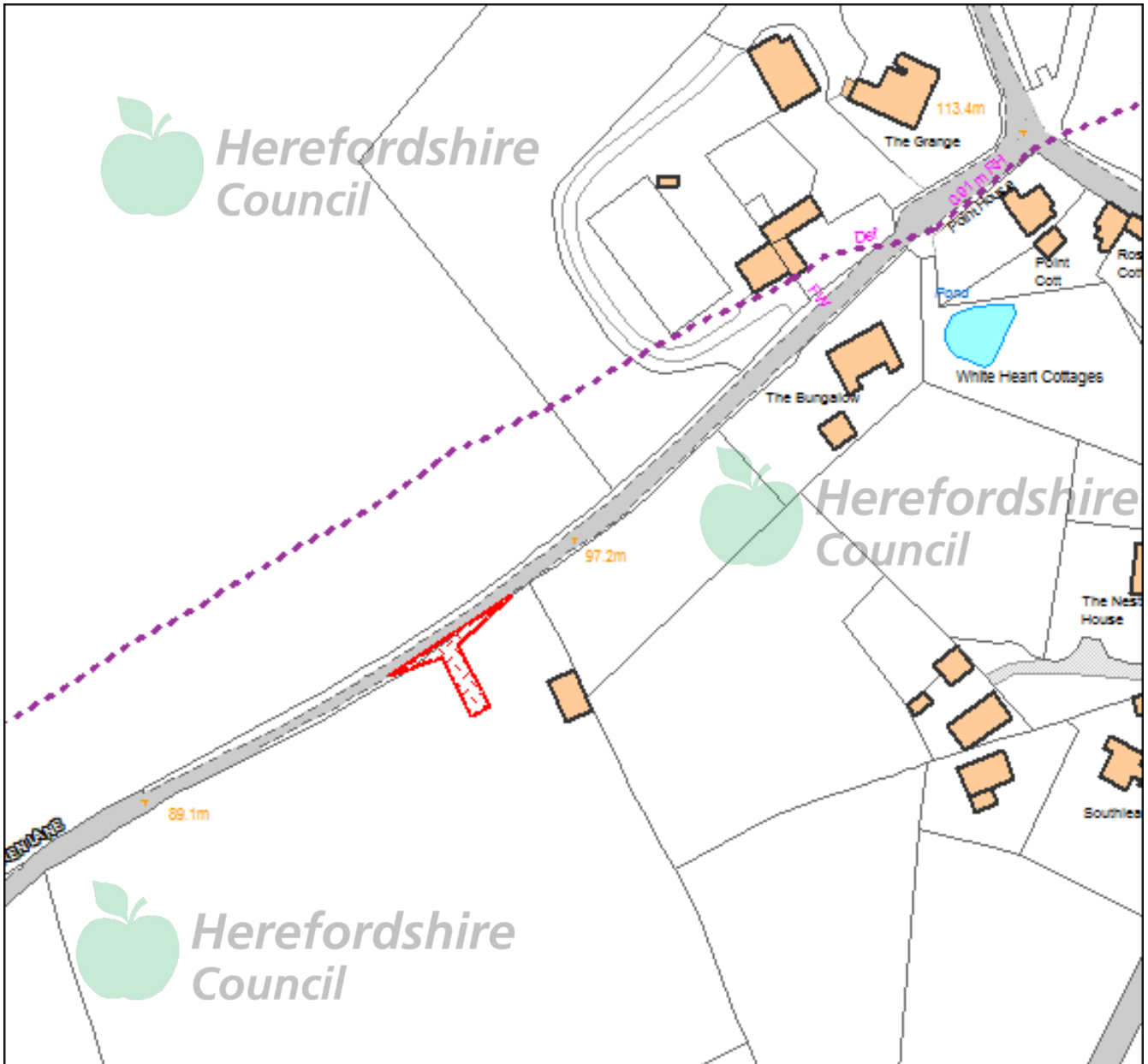
Decision:

Notes:

.....

Background Papers

None identified.



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

Further information on the subject of this report is available from Mr Joshua Evans

APPLICATION NO: 231864

SITE ADDRESS : LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE,
HEREFORDSHIRE, HR9 7LW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

| | |
|-------------------------|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 27 September 2023 |
| TITLE OF REPORT: | 232181 – PROPOSED SINGLE STOREY GARAGE INCLUDING GARDEN ROOM/HOME OFFICE AT ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HR6 0LG For: Mrs Brown per Mr Nick La Barre, Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire, HR1 4JY |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232181&search-term=232181 |

Reason Application submitted to Committee – Re-direction
Date Received: 13 July 2023
Ward: Hampton
Grid Ref: 352068,256601
Expiry Date: 29 September 2023

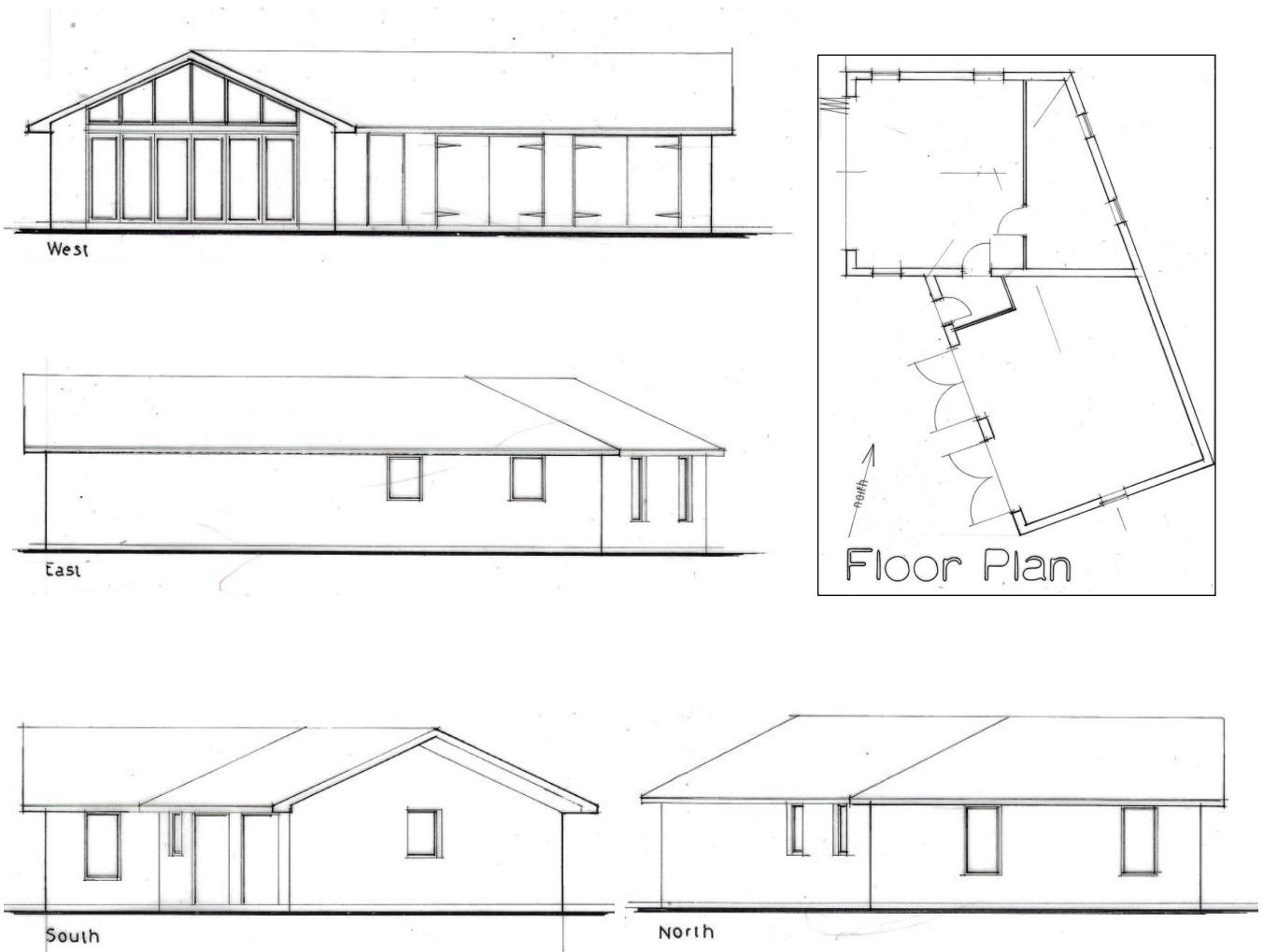
Local Members: Cllr Bruce Baker

1. Site Description and Proposal

- 1.1 The application site relates to a two storey dwelling in the village of Stoke Prior. The dwelling is constructed of board, stone and brick walls, interlocking tiled roofing and uPVC framed windows and doors and lies within a generous plot and is set back from the roadside. There are mature hedgerows along the boundary line adjacent to the road and to the East which largely screens the dwelling from the roadside and neighbouring dwellings.
- 1.2 The proposal is for a single storey garden room and office attached garage and storage room. The building will have an approximate ridge height of 4m and extending approximately 14.5m from North to South and approximately 11.3m East to west (see insert of plans below) All elements of the structure are proposed to be constructed in materials to match that of the host dwelling.
- 1.3 The proposed elevations, floor plan and photograph of the site are set out below for ease of reference.



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



2. Policies

2.1 The Herefordshire Local Plan – Core Strategy

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- E3 – Home Working
- LD1 – Landscape and Townscape
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

2.2 The Humber, For and Stoke Prior Neighbourhood Development Plan

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

- HFSP1 – Promoting a sustainable and thriving community
- HFSP8 – Design criteria for housing and sites
- HFSP12 – Developing and supporting local businesses

2.3 NPPF

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 12 – Achieving well-designed places
Chapter 16 – Conserving and enhancing the historic environment

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

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

- 2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th 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.

3. Planning History

| Application number | Description | Decision |
|---------------------------|--|--------------------------|
| P200765/FH | Proposed single storey side extension and porch canopy. | Approved with conditions |
| P202180/AM | Proposed Non-Material Amendment to planning permission 200765/FH. Change of external material of extension from boarding to render for better visual effect. | Refuse |
| P202355/FH | Proposed single storey side extension and porch canopy. | Approve with conditions |
| P220753/AM | Proposed non-material amendment to planning permission ref 202355 – Re-positioning of proposed porch canopy and slightly larger extension. | Approve |
| P230076/FH | Proposed detached garage to include garden room with home office above. | Approve with conditions |

4. Consultation Summary

- 4.1 Statutory Consultations – N/A
4.2 Internal Council Consultations – N/A

5. Representations

- 5.1 Humber Ford and Stoke Prior Parish Council Comments – Supports the application subject to the same conditions as the previous version of the application.
- 5.2 The consultation responses can be viewed on the Council’s website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232181&search-term=232181

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

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

6. Officer’s Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Humber, Ford and Stoke Prior Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 18 AUG 2016.
- 6.3 Policy SS1 reaffirms the core concept of the National Planning Policy Framework by outlining the commitment by the Local Planning Authority to take a positive approach that reflects a presumption in favour of sustainable development. Similarly HFSP 1 of the NDP also supports the presumption in favour of sustainable development.
- 6.4 Policy SS6 of the CS states that development proposals should conserve and enhance those environmental assets that contribute positively to the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets.
- 6.5 Policies LD1 and SD1 of the Herefordshire Core Strategy seek to specifically define the ways in which the LPA will address Policy SS6 of the CS. They outline that proposals should demonstrate that they will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents, and ensuring that design respects the scale, height, proportions and massing of surrounding development.
- 6.6 Policy HFSP 8 of the NDP outlines design principles for new development within the NDP area primarily for new housing but should still be considered as part of this appraisal. The policy outlines that neighbouring amenity should be protected and minimise disruption during the works being conducted. Similarly, policy HFSP 8 also suggests that design should complement locally distinctive features and the overall design, whether innovative or traditional should be sympathetic to the surrounding.
- 6.7 When considering the proposal and the amount of built development as a result of the proposal, it is not considered to be at a scale that would be unacceptable or constitute over development. The application site is a large plot within which a garage and garden room would not be considered out of character for the locality. This application is a resubmission of a previous application now reduced to be a single storey outbuilding to include garage and storage space as well as the garden room. While the footprint of the outbuilding is sizeable, the large plot, single storey design and overall context result in the size and scale of the proposal being deemed

acceptable given the low ridge height and noting the significant hedge and distance between the proposal and neighbouring property. (See photos below).

- 6.8 The materials proposed for the development are wall and roof materials to match the existing host dwelling and uPVC windows and doors that also match those installed on the host dwelling. The use of similar materials will ensure that the proposal will harmonise with the host dwelling and not be deemed distinctly out of character. As such, the proposal is deemed to accord with policies SD1 and LD1 of the CS.



- 6.9 Policies SD3 and SD4 of the CS states that development proposals should not undermine the achievement of water quality targets for rivers within the county and appropriately demonstrate water management to avoid an increase in flood risk.. The development proposal does not include details of how the surface runoff from the proposed development will be managed nor whether there will be any generation of waste water that will need to be managed. As such, the inclusion of a pre-occupancy condition for details of a waste water and drainage management strategy, to be approved in writing by the LPA is recommended in order to ensure that water quality targets and waste water are appropriately managed in accordance with policies SD3 and SD4 of the CS.
- 6.10 The building in this case is not listed in of itself but is located adjacent to two listed buildings to the south. The building is not of any particular architectural merit itself, and it is considered that the building is sufficiently distanced from the adjacent heritage assets to avoid any detrimental impact on the setting of the listed buildings. No conflict with policy LD4 is found.
- 6.11 The proposal also refers to a home office and as such, policy E3 of the CS should be considered as part of the application, along with NDP policy HFSP 12 both of which deal with working from home arrangements and supporting local businesses. Policy E3 states that the Council recognises the value of home working and the potential to encourage and expand homeworking, by allowing small extensions and conversions where the proposed use and operation are acceptable. Policy HFSP12 states that proposals for the development of local businesses appropriate to the local character will be encourages where they result in sustainable economic growth. Home working and live/work units will in particular be encouraged.
- 6.12 These policies directly support the modification of residential planning units to accommodate working from home which is what this proposal, in part, seeks to achieve and as such accords with policies HFSP12 and E3 of the NDP and CS respectively.
- 6.13 Due to the proposed site location being set back from the road, the single storey design and with the closet neighbouring dwelling on the west side of the property located some 17 metres from the site, the proposed building is not considered to impact upon the amenity of the adjacent neighbouring residents, with regard to overshadowing and overlooking with sufficient distance and appropriate height, to alleviate any concerns. Therefore, the proposal is considered to adhere to the requirements of both SD1 of the CS and NPPF Chapter 12.

6.14 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy and the Humber, Ford and Stoke Prior Neighbourhood Development Plan together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1. **C01 – Time limit for commencement (full permission)**
- 2. **C06 – Development in accordance with the approved plans**
- 3. **CBO – Scheme of surface water drainage**
- 4. **C59 – No Conversion of ancillary building to habitable accommodation**
- 5. **C64 – Restriction on separate sale**

INFORMATIVES:

- 1. **IP1 – Application approved without amendment**

Decision:

Notes:

Background Papers

None identified.

