

Agenda

Planning and Regulatory Committee

Date: **Wednesday 15 October 2025**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough
Lane Offices, 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 Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Matthew Engel
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Charlotte Taylor
Councillor Richard Thomas
Councillor Mark Woodall

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 items on the agenda.	
4.	MINUTES To approve the minutes of the meeting held on 3 September 2025.	13 - 76
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	223128 - BARNS AT MONKSBURO COURT, MONKHIDE, VILLAGE ROAD, MONKHIDE, HR8 2TU Demolition of 2 no. agricultural buildings. Proposed 4 no. dwellinghouses with garages, landscaping and associated works.	77 - 134
7.	242922 - LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH Erection of 2 detached custom/self-build dwelling houses.	135 - 172
8.	243176 - LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE Erection of an agricultural building on agricultural land.	173 - 188
9.	251363 - THE COTE, LOWER CROSSWAYS FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT Proposed conversion and extension of field barn to a self-build dwelling and associated works (Part retrospective).	189 - 216
10.	DATE OF NEXT MEETING Date of next site inspection – 18 November 2025 Date of next meeting – 19 November 2025	

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 Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	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 Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 3 September 2025 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Jacqui Carwardine, Dave Davies, Matthew Engel, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Charlotte Taylor, Richard Thomas and Mark Woodall

In attendance: **Councillors Frank Cornthwaite, Liz Harvey and Jonathan Lester.**

Officers: **Legal Adviser, Development Manager Majors Team and Highways Adviser**

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Simeon Cole and Clare Davies.

24. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

25. DECLARATIONS OF INTEREST

Councillor Bruce Baker explained that he had received significant correspondence from a number of interested parties to application 242783 – Land South of Leadon Way (A417) and East of Dymock Road (B4216), Ledbury, Herefordshire.

There was one further declaration of interest; please see minute 28 below.

26. MINUTES

RESOLVED: That the minutes of the meeting held on 30 July 2025 be approved.

27. 243045 - LAND OFF CLUBTAIL DRIVE, HOLMER, HEREFORD

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

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

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application proposed that all traffic would be directed via Clubtail Drive. This would result in excessive traffic movements which would undermine local highway safety. Clubtail Drive was a residential street and was not suitable for the proposed levels of traffic. There was a risk to families using local pavements and highways and it was felt that the application had been rushed. The

committee was urged to reject the application until safer proposals could be considered. It was felt that the application had been brought to the current meeting with undue haste and the parish council had been sidelined. Clarification had been provided to a local objector that the access to the park and ride had been approved under a previous application and there was no process to challenge this earlier decision. It was explained that there was a process that could be followed, allowing the Secretary of State to revoke permission in exceptional circumstances.

The committee debated the application. It was noted that a decision on the application had been deferred from an earlier meeting to allow for improvements to be made to the landscape scheme associated with the application. It was felt that the applicant had responded positively to the comments of the committee and had introduced additional planting and landscaping to soften the overall appearance of the development within its setting.

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

Councillor Stef Simmons proposed and councillor Bruce Baker seconded a motion that the application be approved in accordance with the case officer's recommendation.

The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Country Act to secure the delivery of affordable housing for sole occupancy by military personnel (Appendix 2) and the imposition of the conditions detailed below (and any other further conditions considered necessary by officers named in the scheme of delegation), that Planning Permission be granted.

Standard Planning Permission Conditions

1 Time limit for commencement (full permission)

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

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

2 Development in accordance with Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans and the schedule of materials set out there on:

General:

- **Development Boundary WE086-SL-9240**
Development Boundary
- **Site Layout WE086-SL-920G - DIO F**
- **Parking Strategy WE086-SL-9250A C**
- **External Works WE086-SL-9230B D**
- **Materials Layout WE086-SL-9220A B**
- **Visualisations Land Off Clubtail Drive, Holmer_Visuals Rev C**

House Types:

- **ADELINE 973.PL-02**

- ADELINE 973.PL-03
 - ADELINE 973.PL-04
 - ADELINE 973.PL-05
 - ALBANY 953.PL-02
 - ALBANY 953.PL-03
 - ALBANY 953.PL-04
 - SATTERFIELD 2BF03-1V1.PL-07
 - SATTERFIELD 2BF03-1V2.PL-07
 - SATTERFIELD 2BF03V1.PL-07
 - SATTERFIELD 2BF03V3.PL-07
 - SATTERFIELD 2BF03V3-1.PL-07
 - VT0134.2BF03_SATTERFIELD V1
 - VT0134.2BF03-1_SATTERFIELD V1
 - VT0135.2BF03-1_SATTERFIELD V2
 - VT0136.2BF03_SATTERFIELD V3
 - VT0136.2BF03-1_SATTERFIELD V3
 - VT0137.953_ALBANY_GREY
- Landscaping:**
- Plot Landscaping Specification & Schedule WE086-LS-036H
- Engineering:**
- Vehicle Tracking Plan WE086- DIO-003B
 - Planning Engineering WE086-EN-DIO-001B
 - Site Cross Sections WE086-EN-DIO-002A
 -
- Reports:**
- Outline Construction Environmental Management Plan 302007-CTR059
 - Planning Statement 5026845
 - Design & Access Statement –B
 - The Statutory Biodiversity Metric Calculation Tool
 - Ecological Technical Note - CSA CSA/7361/01 A
 - Transport Statement - PJA 08569 C
 - Biodiversity Net Gain Assessment – CSA - CSA/7361/02 A
 - Drainage Statement - BWB 244783-SDS P02
 - Energy Statement – Briary Energy
 - Noise Impact Assessment e3p 51-421-R1-1
 - Response to LHA Comments 18/3/2025
 - Drainage Technical Note: Response to LLFA Comments May 25

Reason: To ensure the development is carried out in accordance with the approved details in the interests of securing a satisfactory form of development with accords with policies SD1, LD1 and HD4 of the Herefordshire Local Plan Core Strategy, policies HS3 and HS4 of the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

3. Construction Environmental Management Plan

Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved

in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include, as a minimum:

1. Construction phasing
2. An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses, and construction delivery times (to avoid peak hours)
3. Details of any special or abnormal deliveries or vehicular movements
4. Clear and detailed measures to prevent debris, mud, and detritus being distributed onto the local highway and SRN
5. Mitigation measures in respect of noise and disturbance during the construction phase including:
6. Vibration and noise limits
7. Monitoring methodology
8. Screening
9. A detailed specification of plant and equipment to be used
10. Construction traffic routes
11. A scheme to minimise dust emissions arising from demolition/construction activities on the site. This scheme shall include:
12. Details of all dust suppression measures
13. Methods to monitor emissions of dust arising from the development
14. Waste management
15. Wheel washing measures
16. Protection measures for hedgerows and grasslands

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and to satisfy the reasonable requirements of road safety.

4. Resource Audit

Prior to any development commencing on site, a Resource Audit shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the

- development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Conditions to Discharge

5. Overheating Assessment / Noise Impact Mitigation

Prior to the first occupation of any dwelling with a façade frontage facing the A49 to the east (as identified on Figure 5 of Noise Impact Assessment 51-421-R1-1), an Overheating Assessment using CIBSE TM52 shall be undertaken and submitted to the Local Planning Authority for written approval. The supplied scheme shall be undertaken with reference to the Acoustics Ventilation and Overheating Residential Design Guide January 2020 (Association of Noise Consultants) and shall include mitigation measures to ensure that predicted temperatures inside the specified dwellings do not exceed overheating criteria. The scheme of approved measures shall subsequently be implemented prior to first occupation of the dwellings and thereafter maintained in perpetuity.

Reason: To ensure that the amenity of future residents is not adversely affected by traffic noise and the potential effects of overheating, in the interests of securing good standards of living in accordance with policy SD1 of the Herefordshire Local Plan Core Strategy; policy HS3 of the Holmer and Shelwick Neighbourhood Development Plan and Chapter 12 of the National Planning Policy Framework.

6. Vehicular access construction

With the exception of site clearance and groundworks, no further development shall take place until a construction specification for the new vehicular accesses to the public highway network have been submitted to and approved in writing by the Local Planning Authority. The access shall subsequently be delivered in accordance with the approved details prior to the first occupation of any dwellings.

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. Driveway and Maneuvering Area Specification

Prior to the first occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at

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

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

8. Parking Specification – Shared Private Drives

Prior to the first occupation of any dwelling hereby approved, a detailed scheme for the surfacing and drainage of the parking areas shown on approved plan WE086-EN-DIO-001B shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the occupation of the dwellings and thereafter those arrangements shall be maintained in perpetuity.

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.

9. Cycle Storage

Prior to the first occupation of any dwelling hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities 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 in perpetuity.

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

10. Scheme of Ecological Enhancement

Prior to the first occupation of the development hereby approved, an detailed plan and specification for the scheme of ecological enhancement measures set out at Section 5.4 of the Ecological Technical Note by CSA Environmental dated November 2024 shall be submitted to and approved in writing by the Local Planning Authority. The measures shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development.

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

11. Scheme of Landscape Maintenance and Management

Before the development is first occupied, a scheme of landscape management and maintenance for a period of 15 years following the first occupation of the development shall be submitted to and approved in writing by the local planning authority. The works shall subsequently be carried out in accordance with the approved management and maintenance schedule.

Reason: In order to ensure the successful establishment of the approved landscaping scheme in accordance with policies SS6, LD1, LD3 and HD4 of the Herefordshire Local Plan Core Strategy, policy HS4 of the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework.

12. Water Efficiency

Prior to the first occupation of the development hereby approved, a scheme demonstrating that water efficiency measures will be provided to each dwelling to achieve the optional technical standards of 110 litres per person per day shall be provided to the Local Planning Authority for written approval. The measures shall be implemented in accordance with the approved details prior to the first occupation of that dwelling.

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

13. With the exception of site clearance and groundworks, no further development shall commence until a bespoke plan and planting specification for the trees, hedgerows and shrubs along the eastern and northern boundary of the site (adjoining the Adeline and Albany units) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) A site-specific planting trench design in both plan and section, showing integration of tree pits, hedgerow and grass verge to maximise root volume.
- b) Details of kerbs/edging stones and their foundations, and the alignment of boundary treatments including the timber post and rail fence and metal estate railing.
- c) Provision of root barriers where necessary (particularly on the car park side).
- d) Arrangements for watering points for establishment and long-term maintenance.
- e) Specification for imported planting soil, including details of preparation of existing soil to address potential compaction caused by use of land as construction compound.

Development shall subsequently be carried out in accordance with the approved details prior to the occupation of the development. Evidence of completion of the works in accordance with the approved details (such as photographs and/or Clerk of Works completion statement) shall be submitted to the Local Planning Authority for acknowledgement within 2 months of the works being completed.

Reason: To ensure appropriate provision for the successful establishment and long-term health of trees and associated planting within the restricted

planting area, in the interests of visual amenity, biodiversity and the character of the development in accordance with policies LD1 and LD3 of the Herefordshire Local Plan Core Strategy; policy HS4 of the Holmer and Shelwick Neighbourhood Development Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Compliance and Monitoring Conditions

14. Delivery of Visibility Splays

Prior to the first occupation of the development hereby approved, visibility splays (and any associated set back splays at 45 degree angles) shall be provided for the new access points onto the cul-de-sac road leading to Clubtail Drive 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 45 metres in each direction along the nearside edge of the adjoining carriageway (in accordance with plan 08569-CI-A-001 Internal Visibility Assessment & Geometry Plan – Appendix C Transport Statement). 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.

15. Surface Water Drainage Implementation

No dwelling shall be occupied until the scheme of surface water management arrangement have been fully implemented and are operational in accordance with the details set out within approved plans and documents: WE086-EN-DIO-001B Planning Engineering; Drainage Technical Note WE086-EN-DIO-TN01 and Drainage Statement (Ref: 244783-BWB-XX-XX-T-C-0001_SDS).

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3, SD4 and HD4 of the Herefordshire Local Plan – Core Strategy and the principles set out at Chapters 14 and 15 of the National Planning Policy Framework.

16. Landscaping Implementation

All planting, seeding or turf laying in the approved landscaping scheme (Plot Landscaping Specification & Schedule WE086-LS-036H)) 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. All hard landscaping shall be carried out concurrently with the development and completed prior to first occupation of the development.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1, LD3 and HD4 of the Herefordshire Local Plan Core Strategy, policy HS4 of the Holmer and Shelwick Neighbourhood Development Plan and the National Planning Policy Framework.

17. Habitat Regulations - Nature Conservation (River Wye SAC) – Surface Water

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the application information and plans all surface water flows created by the approved development shall be managed through an approved Sustainable Drainage System (SuDS). No surface water shall be discharged to any local mains sewer. Hereafter, the approved surface water scheme (SuDS) shall be managed and maintained as approved for the lifetime of the development it supports.

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

18. Habitat Regulations - Nature Conservation (River Wye SAC) – Foul Water

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the application form, all foul water flows created by the approved development shall be managed through a connection to the local mains sewer network. The approved foul water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

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

19. Protected Species and Dark Skies (external illumination)

No external lighting of any kind 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.

20. Habitat Regulations – Construction Environmental Management Plan

Unless otherwise approved in writing by the planning authority the measures detailed in the Construction Environmental Management Plan (RSK - November 2024) shall be implemented in full and maintained until all construction has been completed and all machinery and spare materials removed from site.

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

21. Implementation of Renewable Energy Measures

Prior to the first occupation of the development hereby approved, the scheme of energy efficiency and renewable energy measures set out within the Energy Strategy Statement by Briary Energy shall be implemented in full and thereafter maintained in perpetuity.

Reason: To ensure implementation of the measures to contribute towards energy efficiency and low carbon energy generation, as required by policies SD1 and SD2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

22. Implementation of EWM's

The development hereby approved shall be carried out in accordance with the scheme of risk avoidance and precautionary working methods set out at Chapter 5 of the Ecological Technical Note by CSA Environmental dated November 2024, unless otherwise approved in writing by the Local Planning Authority.

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

23. Working Hours During Construction Phase

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday - Friday 7.30am - 6.00 pm, Saturday 8.00 am - 1.00 pm; nor at any time on Sundays, Bank or Public Holidays.

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

BIODIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the statutory condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Herefordshire Council.

Based on the information supplied with the application, none of the statutory exemptions or transitional arrangements apply and hence this permission is considered to one which will require the approval of a biodiversity gain plan before development commences.

INFORMATIVES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

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

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

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

5. **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'.**
6. **With regards to Condition 5, a good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved with as many windows open as possible. Any design measures that are used to control the ingress of noise must be consistent and compatible with the requirements of Approved Documents O and F.**

28. 242783 - LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMCK ROAD (B4216), LEDBURY, HEREFORDSHIRE

Councillor Stef Simmons left the committee to act as the local ward member for the following application

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking, Mr Ingram, from the Cooperative group, and Ms Stephenson, local resident, spoke in objection to the application and Mr. Mitchell spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that in principle the local community supported the provision of a medical centre and nursery. It was recognised that there was a need for better healthcare facilities in Ledbury. It was further recognised that a food store could bring benefits as the location of the new shop would provide for new developments within that part of the town and bring more jobs. It was acknowledged that a new shop on the outskirts of Ledbury would result in the loss of some trade from shops within the centre of town.

There was an adjournment at 11:07 a.m.; The meeting reconvened at 11:32 a.m.

Councillor John Stone left the meeting at 11:32 a.m.

Following the adjournment the local ward member continued her address to the committee. It was recognised that there were access issues concerning the site that required finalisation. Noise impact concerns remained with the site and the committee was asked to clarify with officers how this would be conditioned. The recommendation of the case officer was accepted.

In accordance with the council's constitution the adjoining ward member spoke on the application. In summary, she explained that the new store would have an adverse impact on the vitality of local retail and the viability of Ledbury town centre. The impact of the application was a deep concern to business owners in Ledbury and there was no adequate mitigation proposed to address this impact. Submissions by the local trade association and the ALDI supermarket were of significance and should be given due weight by the committee. The credibility of the retail impact assessment was questioned given the data used in calculation but assessments of the impact of the new shop on businesses in Ledbury demonstrated an adverse effect. The potential use of private financial initiative (PFI) for the health centre and its relocation out of the centre of Ledbury was questioned. The committee was urged to reject the application due to the adverse impact on Ledbury town centre which was contrary to: core strategy policies

SS1, LB1; Ledbury neighbourhood development plan policy EE 3.1; and paragraphs 85 to 90 of the national planning policy framework.

The committee debated the application; during the debate the following principal points were raised:

- support for the new store had been expressed by local residents;
- the absence of a noise condition was questioned;
- the construction of a new healthcare facility in the town was a benefit in the locality;
- it was felt that the new store would serve new housing developments in Ledbury;
- there was concern regarding the potential loss of hedgerow along Leadon way during the construction of the store which would undermine biodiversity in the area and the adequate screening of the site; and
- there was concern that the time period requiring landscape management and maintenance under condition 28 was insufficient and should be re-assessed and increased if appropriate.

Councillor Terry James declared an interest as a member of the co-operative supermarket.

The development manager provided the following clarification:

- a noise condition could be included with the permission as below:

Prior to the commencement of development, a comprehensive Noise Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings and recommendations of the submitted Noise Assessment Report (Inacoustic, Ref: 23-601-2, dated April 2024) and shall include:

Nursery Acoustic Design Compliance

o Evidence demonstrating that all teaching spaces within the nursery element will be designed and constructed to meet the performance standards set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards, including internal ambient noise levels, sound insulation, and reverberation time.

Delivery Noise Management Plan - Foodstore

A delivery noise management plan for the foodstore, detailing:

- o Proposed delivery times and hours*
- o Measures to minimise noise from delivery operations, including use of reversing alarms, unloading procedures, and vehicle idling*
- o Any mitigation measures proposed to ensure delivery-related noise remains within acceptable limits at nearby receptors*

The development shall thereafter be carried out and operated in accordance with the approved Noise Management Scheme.

Reason: To ensure an appropriate acoustic environment for future users of the nursery, to safeguard the amenity of nearby residential occupiers, and to ensure that noise impacts from deliveries and plant remain within acceptable levels, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework

- In order to address concerns regarding the landscaping/landscape maintenance, screening and hedgerow around the application site it was suggested that's a delegation could be agreed as part of the committee's proposal. The delegation would give authority to the local ward member to work in conjunction with officers to finalise conditions 23 and 28 in accordance with the committee's wishes.

The local ward member and the adjoining ward member were given the opportunity to close the debate.

Councillor Bruce Baker proposed and councillor Dave Davis seconded a motion that the application be approved in accordance with the case officer's recommendation and the addition of the noise condition, as outlined above, and a delegation to the local ward member to finalise the landscape management condition in accordance with the committee's wishes with a particular focus on the length of management/maintenance arrangements and the adequate provision of hedgerow to support biodiversity and screen the site.

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

RESOLVED – that

That planning permission be granted, subject to the conditions set out below, the inclusion of a noise condition as outlined above, the completion of a Section 106 agreement to secure the transfer of land for the proposed medical centre, the community transport contribution, the delegation of authority to the local ward members to finalise conditions 23 and 28 with officers to address the concerns of the committee in relation to landscape/landscape maintenance and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

STANDARD CONDITIONS

1. Time Limit – Full Permission (Foodstore and Nursery)

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Submission of reserved matters (Medical Centre)

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. Time Limit (Medical Centre)

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

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

4. Approval of the reserved matters (Medical Centre)

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

Reason: To comply with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

5. Approved Plans (full)

The development shall be carried out in accordance with the approved plans listed in this below;

P402 rev Q Proposed Masterplan (only as far as it relates to the foodstore and nursery)

P403 rev N Proposed Lidl Site Plan GA

P404 rev K Proposed Lidl Surface Treatment Plan

P101 rev C Proposed Lidl Roof Plan

P120 Proposed Nursery Ground Floor Plan

P121 Proposed Nursery First Floor Plan

P202 rev B Proposed Lidl Elevations – Brick Alt

P220 Proposed Nursery Elevations – South

P221 Proposed Nursery Elevations - North

P401 rev C Existing Site Plan

P420 rev B Proposed Nursery Site Plan GA

P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nursesey element)

CA2024 LDBY 02 rev C Tree Survey & Existing Features & Overlay

CA2024 LDBY 03 rev H Landscape Proposals Overall

CA2024 LDBY 04 rev F Landscape Proposals Detail 1-200 A0

CA2024 LDBY 04 rev F Landscape Proposals Detail

CA2024 LDBY 07 rev B Ledbury Hedgerow Management Plans

CA2024 LDBY Ledbury Planting Schedule rev 18 June 2025

CA2024 LDBY 01 rev B Tree Survey & Existing Features

CA2024 LDBY 05 rev A Landscape Living Green Wall

CA2024 LDBY 06 Landscape Sections

PL02 rev F Access Junctions Visibility Splays

PL03 rev H Potential Active Travel Links to Development

SP01 rev G Swept Path Analysis

SP02 rev D Swept Path Analysis

PL01 rev G Potential Toucan Crossing

P400 rev C Site Location Plan

Reason: To ensure adherence to the approved plans in the interests of proper planning.

6. Approved Plans (Medical Centre)

The development shall be carried out in accordance with the approved plans listed in this below;

P400 rev C Site Location Plan

P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nursesey element)

Reason: To ensure adherence to the approved plans in the interests of proper planning.

PRIOR TO COMMENCEMENT OF DEVELOPMENT (site-wide or specified element of development)

7. Materials

With the exception of site clearance and groundwork, no development shall commence on: a) the foodstore, or b) the nursery, until details and/or samples of the external materials to be used for the walls and roofs of the respective buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved materials.

Reason: To ensure a high standard of design that respects and enhances the character and appearance of the area, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, SD1.3 and NE2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

8. Biodiversity Net Gain

No development shall commence, including any site clearance or preparatory works on that respective element, until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Confirmation that the development is subject to the statutory Biodiversity Gain Condition under the Environment Act 2021 and Biodiversity Gain Regulations 2024.
- Details of the on-site habitat creation and enhancement measures, including habitat types, condition targets, and management prescriptions.
- Evidence of the purchase of off-site biodiversity units from a Registered Biodiversity Gain Site Provider, or alternatively, confirmation of statutory biodiversity credits purchased, sufficient to achieve a minimum 10% net gain in biodiversity value.
- A Habitat Management and Monitoring Plan (HMMP) covering a minimum 30-year period, in accordance with DEFRA guidance, setting out how the biodiversity measures will be maintained and monitored.

The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and HMMP.

Reason: To ensure the development delivers measurable biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain Regulations 2024, and to give effect to the deemed biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The condition also supports compliance with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and Ledbury Neighbourhood Development Plan Policies NE1.1.

9. Contamination

No development shall commence, including any site clearance or preparatory works, until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

10. Construction Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include the following details:

- Measures to prevent mud and debris being deposited onto the public highway;
- Construction traffic access arrangements;
- Parking provision for site operatives and visitors;
- A Construction Traffic Management Plan;
- Details of any site compound, including its location (which may be on land identified for the nursery or medical centre), and a scheme for the reinstatement of that land following completion of construction works.
- The approved Construction Management Plan shall be implemented in full and maintained throughout the construction period.

Reason: To safeguard highway safety, protect residential amenity, and ensure the coordinated and phased delivery of the development, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.2 of the the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

11. Drainage

No development shall commence, including any site clearance or preparatory works, until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed design drawings and construction plans for both the proposed surface water and foul water drainage systems, including

calculations and specifications. The foul drainage design shall be developed in consultation with Severn Trent Water.

- Written confirmation from Severn Trent Water that the proposed surface water discharge to the public surface water sewer is acceptable.
- Details of the proposed adoption and maintenance arrangements for all drainage infrastructure, including confirmation of the responsible party and any agreements with statutory undertakers or management companies.

The development shall thereafter be carried out in accordance with the approved details prior to first occupation or use of any part of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of flooding and pollution, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

12. Construction Environmental Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but may not be limited to:

- An ecological working method statement detailing measures to protect retained habitats and species during construction;
- Details of the person(s) responsible for implementing and monitoring the CEMP throughout the construction period.

The approved CEMP shall be implemented in full prior to the commencement of development on the relevant parcel and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the protection of ecological interests and the enhancement of biodiversity, in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, the National Planning Policy Framework, and Herefordshire Council's declared Climate Change and Ecological Emergency.

13. EV charging (submission of details required prior to commencement of each element)

With the exception of any site clearance and groundworks, no development shall commence with respect to each element to which it relates - a) the foodstore b) nursery and; b) the medical centre, until written and illustrative details of the number, type/specification and location of electric vehicle charging points have been submitted to and approved in writing by the local planning authority.

The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: In accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy TR1.2 of the Ledbury Neighbourhood Development Plan and to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the National Planning Policy Framework

14. Ventilation strategy (Nursery)

Prior to the commencement of development on the nursery building, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how adequate ventilation will be achieved while ensuring compliance with the internal ambient noise criteria set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards.

The development shall be carried out in accordance with the approved strategy and the ventilation system shall be retained and maintained thereafter in accordance with the manufacturer's specifications.

Reason: To ensure a suitable internal acoustic environment for future occupants of the nursery, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO COMMENCEMENT OF CERTAIN OPERATIONS / INSTALLATIONS

15. External lighting (before installation of any external lighting)

Prior to the installation of any external lighting, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- The location, type, and intensity of all proposed external lighting;
- Measures to ensure compliance with current best practice guidance issued by the Institute of Lighting Professionals and the Bat Conservation Trust;
- Consideration of the site's proximity to the Malvern Hills National Landscape and its contribution to maintaining local dark skies.

The development shall thereafter be carried out in accordance with the approved Lighting Strategy, and the lighting shall be retained and operated in accordance with the approved details.

Reason: To protect nocturnal species including bats, safeguard residential amenity, preserve landscape character, and maintain dark skies, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

16. Visibility splays

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 4.5 metres back from the nearside edge of the adjoining carriageway

(measured perpendicularly) for a distance of 43m northbound and 120m southbound metres along the nearside edge of the adjoining carriageway – as indicated on approved plan PL02 Rev F. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan - Core Strategy, Policy TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

PRIOR TO FIRST USE / OCCUPATION (of respective elements or site-wide)

17. Parking Management Plan (Nursery)

Prior to the first use of the nursery building hereby approved, a detailed Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- Staggered drop-off and pick-up arrangements to minimise peak-time congestion.
- Operational details including anticipated child capacity, staff numbers, and standardised drop-off/pick-up times.
- Overflow parking strategy, including use of the foodstore car park and pedestrian connectivity.
- Monitoring and review mechanisms to assess parking demand and congestion during the first 12 months of operation.
- Measures to ensure safe and efficient access, including any physical or operational interventions to prevent vehicle stacking or obstruction of site access.

The approved Parking Management Plan shall be implemented in full prior to the first use of the nursery and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe and efficient access to the site, minimise congestion, and safeguard highway safety in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies BE1.1, TR1.2 and SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan.

18. Temporary Management of Undeveloped Parcels

Prior to the first use of the foodstore, a scheme for the management and maintenance of the land identified for the nursery and medical centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Measures to ensure the land is kept free from debris, fly-tipping, and unauthorised use
- Maintenance of boundary treatments and landscaping
- Any temporary surfacing or fencing proposed
- A timetable for ongoing inspection and upkeep
- Provisions for reinstatement following any temporary use (e.g. construction compound)

The approved scheme shall be implemented in full and maintained for the duration of the period prior to the commencement of development on the nursery or medical centre parcels.

Reason: To ensure that land identified for future phases of development is appropriately safeguarded, maintained, and does not detract from the visual amenity, landscape character, or residential environment, in accordance with Policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, EE1.2, NE1.1 and NE3.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

19. Off-site highway works (before occupation or beneficial use of any part)
No part of the development shall be occupied or brought into use until the off-site highway works, comprising the provision of a pair of bus stops on Leadon Way and a Toucan crossing, as shown on approved drawing PL01 Rev G - have been fully delivered and made operational.

Details of the works shall first be submitted to and approved in writing by the Local Planning Authority, following completion of the technical approval process by the Local Highway Authority. The works shall be implemented in full accordance with the approved details.

Reason: To ensure safe and inclusive access to the site by sustainable modes of transport, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

20. Biodiversity (site-wide bird/bat/hedgehog/insect provision)
Prior to the first use of any element of the development hereby approved, a site-wide strategy for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location, specification, and installation of:

- A minimum of four bird nesting boxes suitable for a range of site-appropriate species;
- One hedgehog home; and
- Four insect hotels.

The approved measures shall be implemented prior to first use and shall be retained and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancement and support protected species and habitats, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

21. Travel Plan (foodstore, nursery, medical centre)
Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre - a Travel Plan relating to that element shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include measures to promote sustainable modes of transport for staff and visitors, and shall be implemented in full upon first occupation of the relevant element. A written record of the measures undertaken to promote sustainable travel shall be maintained, and the Travel Plan shall be reviewed annually.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: To promote the use of sustainable transport modes, reduce reliance on private vehicles, and support inclusive access, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

22. Cycle storage (foodstore, nursery, medical centre)

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, full details of a scheme for the provision of covered and secure cycle parking facilities for that element shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be installed and made available for use prior to the first occupation of the relevant element and shall thereafter be retained and maintained in working order.

Reason: To ensure adequate provision for secure cycle parking and to encourage the use of sustainable modes of transport, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

23. Landscaping implementation (foodstore and nursery)

All planting and landscaping works relating to the foodstore and nursery shall be carried out in full accordance with the approved landscape drawings 2024-LDBY-03 Rev H (Landscape Proposals Overall) and 2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document.

The approved scheme shall be implemented in full during the first planting season following substantial completion of the development or prior to the first occupation or beneficial use of any part of the development, whichever is sooner, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the timely delivery of the landscaping scheme in the interests of visual amenity, biodiversity enhancement, and compliance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE2.1 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

24. Remediation (validation report before first occupation)

The Remediation Scheme, as approved pursuant to Condition 7 above, shall be fully implemented before any part of the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied.

Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

25. Waste storage/collection (foodstore and nursery)

Prior to the first use of any element of the development, namely (a) the foodstore or (b) the nursery, details of suitable provision for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include arrangements that allow for the convenient and accessible storage of waste and ensure unrestricted access for collection at all times.

The approved waste storage and collection facilities shall be provided prior to first use of the relevant element and shall be retained and maintained thereafter for the duration of the use.

Reason: To ensure adequate provision for waste management in the interest of visual and residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

26. Parking provision (foodstore and nursery)

Prior to the first use of the foodstore or nursery, the parking and manoeuvring areas serving each respective element shall be completed in full accordance with approved drawings P402 Rev Q Proposed Masterplan, P403 rev N Proposed Lidl Site Plan GA and P420 rev B Proposed Nursery Site Plan GA.

These areas shall be made available for use prior to occupation and shall thereafter be retained and maintained for the duration of the use. The parking and manoeuvring areas shall not be used for any other purpose.

Reason: To ensure safe and efficient access and circulation within the site, and to prevent obstruction of the public highway, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policies TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

27. Vehicular access construction (prior to first use of any part of development)

Prior to the first use of any part of the development, details of the vehicular access construction, including gradient, surfacing, and alignment, shall be submitted to and approved in writing by the Local Planning Authority.

The access shall be constructed in full accordance with the approved specification and shall not exceed a gradient steeper than 1 in 12. It shall be implemented in full prior to first use of the development.

Reason: To ensure safe and suitable access to the site in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

COMPLIANCE

28. Landscape Management Compliance

The landscaping and ecological features shall be maintained in full accordance with the approved Landscape Planting Methodology and Aftercare document for a minimum period of ten years from the date of implementation. This shall include all tree, hedge, planting bed, wildflower grassland, and living wall maintenance, as well as ecological monitoring and replacement of failed planting. Any variations to

the approved management regime shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the long-term establishment and stewardship of the landscaping scheme and associated biodiversity enhancements, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2, BE1.1 and NE2.1 Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

29. Unexpected contamination

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

Reason: In the interests of human health in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

Hours of operation (foodstore)

The foodstore hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays and 08:00 to 17:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan - Core Strategy, Policy BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

30. Retail floorspace restriction (foodstore)

The net sales area of the foodstore hereby permitted shall not exceed 1,100 square metres.

Reason: To ensure that the scale and nature of retail provision remains consistent with the assessed impact and justification for the proposal, and to ensure the development does not result in significant adverse impact on the vitality and viability of Ledbury town-centre, in accordance with the National Planning Policy Framework, Policy EE3.2 and EE3.1 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy.

Councillor Stef Simmons resumed her seat on the committee.

29. 191013 - LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE

The principal planning officer provided a presentation on the application.

In accordance with the criteria for public speaking, Mr. Hammond, spoke on behalf of Ashperton parish council, Mr Gardiner, local resident, spoke in objection to the application and Mr Davies, applicant, spoken support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that it was recognised the application would provide housing in Ashperton at a proportionate level. It was explained that for such an application there had been a significant level of public objection and it was recognised that the application had been in process for a significant period of time which had led to uncertainty. Two elements of the proposal required clarity: the compatibility of the

proposals in the current application with the outline permission already granted; and the potential presence of matters that should have been in the outline permission now appearing at the reserved matters stage. Concerns regarding the current application related to the housing proposed which was felt to be out of keeping and the scale and levels of the housing which could be obtrusive within the landscape.

The committee debated the application. The following principal points were raised:

- Concern was expressed that due to the topography of the site and local area the proposed ridge heights of the houses in the application would be excessive and dominate the landscape, particularly when viewed from the road. There was concern that the earthworks proposed in the application would result in the properties being prominent and imposing in the landscape.
- The style of the properties in the application was felt to be bland and uniform which was out of keeping with the individual and varied styles of housing within the local area.
- The committee sought clarification over concerns raised with consistency between the outline and reserved matters applications.

The development manager provided the following clarification:

- Officers were content that the current application was consistent with the outline application approved previously.
- Conditions proposed in the report required detail of the impact of earthworks on the grading of the landform before such works were commenced.

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

Councillor Bruce Baker proposed the approval of the application in accordance with the case officer's recommendation. The proposal was not seconded and therefore was not moved.

Councillor Stephen Simmons proposed and councillor Richard Thomas seconded a motion that the application be refused due to those reasons set out below:

1. The application fails to provide sufficient information to properly assess and conclude that the scale of the proposed dwellings are acceptable, particularly in relation to their height, bulk and massing within the context of the site's elevated topography and surrounding built form. As such, the proposal conflicts with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and Policy D1 of the emerging Ashperton Neighbourhood Development Plan.
2. The proposed design and appearance of the dwellings fails to respond positively to the distinctive rural character of Ashperton and is considered alien to the settlement's traditional vernacular. The overall form and architectural language is considered suburban and out of keeping with the established character of the settlement. The proposal therefore conflicts with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and Policy D1 of the emerging Ashperton Neighbourhood Development Plan.

The motion that the application be refused due to those reasons outlined above was put to the vote and was carried by a simple majority.

RESOLVED - that planning permission is refused due to those reasons set out below

1. The application fails to provide sufficient information to properly assess and conclude that the scale of the proposed dwellings are acceptable, particularly in relation to their height, bulk and massing within the context of the site's elevated topography and surrounding built form. As such, the proposal conflicts with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and Policy D1 of the emerging Ashperton Neighbourhood Development Plan.
2. The proposed design and appearance of the dwellings fails to respond positively to the distinctive rural character of Ashperton and is considered alien to the settlement's traditional vernacular. The overall form and architectural language is considered suburban and out of keeping with the established character of the settlement. The proposal therefore conflicts with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and Policy D1 of the emerging Ashperton Neighbourhood Development Plan.

30. APPENDIX - UPDATES TO ITEMS ON THE AGENDA - PUBLISHED ON 2 SEPTEMBER 2025 (PAGES 27 - 64)

The meeting ended at 1.19 pm

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 3 September 2025

10.00 am

Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE

Schedule of updates

Public speakers

Pages

3 - 36

37 - 38

PLANNING COMMITTEE

Date: 3 September 2025

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

243045 - PROPOSED ERECTION OF 31 NO. KEY WORKER DWELLINGS, INCLUDING ACCESS FROM CLUBTAIL DRIVE WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING – LAND OFF CLUBTAIL DRIVE, HOLMER, HEREFORD.

For: Bloor Homes Western per Mr George Elston-Bates, 3 Rd Floor, Regent House, 65 Rodney Road, Cheltenham GL50 1HX

ADDITIONAL REPRESENTATIONS

One additional representation has been received from a local resident (Mr B Hubbard). The representation notes the amended plans since the previous deferral and offers the following additional comments:

- The planting details have improved privacy of the Albany and Adeline buildings
- It does not however address the noise and disruption impacts to residents caused by additional traffic accessing the development and the Park and Choose
- The relocation of the apartment building increasing overlooking potential
- Concerns regarding access arrangements to approved Park and Choose site.
- Previous objections in relation to potential for overdevelopment, traffic and noise issues, overlooking, flooding and failure to respect local character still stand.

Officers are aware that Members of Committee have also been contacted directly by the Applicant (Bloor Homes Western) with an Explanatory Note detailing how the plans have been amended in response to the earlier deferral. A copy of this note is found at Appendix 1.

OFFICER COMMENTS

The additional public representation received is not considered to raise any additional points that have not already been addressed in the Officer Report and Appendix 1 thereto.

The Explanatory Note from the Applicant has also been provided to Officers and does not contain any new information which was not already addressed in the Officer Report.

CHANGE TO RECOMMENDATION

No change to recommendation.

**242783 - A HYBRID PLANNING APPLICATION COMPRISING:
AN APPLICATION FOR FULL PLANNING PERMISSION FOR
THE ERECTION OF A DAY NURSERY (USE CLASS E (F)) AND
FOODSTORE (USE CLASS E (A)) INCLUDING ACCESS, CAR
PARKING LANDSCAPING AND ASSOCIATED WORK; & AN
APPLICATION FOR OUTLINE PLANNING PERMISSION FOR
THE ERECTION OF A MEDICAL CENTRE (USE CLASS E(E)),
WITH AT LAND SOUTH OF LEADON WAY (A417) AND EAST OF
DYMCK ROAD (B4216), LEDBURY, HEREFORDSHIRE,**

**For: Lidl GB Ltd per Mr Rob Mitchell, Brunel House, 2 Fitzalan
Road, Cardiff, CF24 0EB**

The following updates can be reported, since the publication of the agenda.
Any Planning Officer responses are provided in red.

15no. additional representations in support of the application have been received. These comments are summarised as follows;

- Current supermarkets are poorly stocked and expensive.
- Ledbury is growing rapidly, but existing food stores and infrastructure cannot cope.
- A new doctors' surgery is urgently needed.
- Residents want affordable groceries and everyday items.
- Financial penalties should apply if Lidl fails to deliver promised facilities on time.
- Developers too often fail to meet obligations.
- Improved bus services are needed to reduce car use from Hawk Rise, Bovis and Vistry estates.
- Access from Dymock Road should include road improvements (at least first half mile).
- EV charging provision is welcomed (no current rapid charging in Ledbury).
- Deliveries should be restricted to minimise disturbance.
- Store would reduce traffic through town currently travelling to Aldi and Tesco.
- Support for new homes to the south of town.
- Nursery provision would help young families.
- Job creation for Ledbury is welcomed.
- Competition may force Co-op to improve stock and pricing.
- GP facility should complement, not replace, the existing town centre practice.
- Ledbury has seen housing growth without matching infrastructure; this development could help.
- Site is within safe walking/cycling distance of Hawk Rise, Deer Park, and Hopfields.
- Aldi did not harm the town centre.
- With 600 new dwellings planned nearby, Ledbury's existing facilities are inadequate.

1no. representation has been received in objection to the application.

- Out-of-town Lidl would damage the long-term health and vitality of Ledbury's High Street and Conservation Area.
- Independent shops and small businesses would suffer trade loss.
- Declining high streets quickly attract antisocial behaviour and deter new businesses.
- Ledbury's strong mix of independents and heritage character should be protected, not undermined.
- The scheme conflicts with the Ledbury Neighbourhood Development Plan 2021–2031, which seeks to protect the town centre and strengthen Ledbury as a vibrant market town.

These additional representations have been reviewed and do not raise any new material planning issues. The matters raised are already addressed within the published officer report and supporting evidence.

Email from Ledbury Health Partnership dated 2 September 2025 support of the application, together with the attached graphs (**Appendix 2 – 4**). The comments are provided in verbatim as follows; -

Ledbury Health Partnership – background information

- We are the sole GP practice in Ledbury serving a patient population of over 13, 600 patients from Ledbury and the surrounding rural area. Our catchment area is approximately 200km² including the following villages:
 - Pixley to the West (we note Pixley Parish Council have written in strong support of the planning),
 - Bosbury to the North,
 - Much Marcle and Dymock to the South and
 - Eastnor to the East

Current challenges

- We are currently operating a fragmented service from three separate buildings on Market Street in the town centre. This arrangement creates confusion for patients and reduces efficiency in delivering care.
- Ledbury's population is growing significantly due to the new housing developments on the outskirts of town, but healthcare facilities have not expanded at the same pace. This imbalance is placing an increasing strain on our practice, leaving us unable to meet the escalating demands of our community.
- Our premises are running at full capacity.
 - This is preventing us from recruiting and accommodating additional healthcare professionals including mental health practitioners and trainee GPs.
 - We have already maximised our use of space including converting a corridor alcove, our children's waiting area and a store room into clinical rooms.
- There is limited parking for patients and staff, especially for patients with poor mobility and travelling from surrounding rural areas.
- An urgent premises solution is needed. Our current lease for our main clinical site is due to expire on 31.3.2027, with the other 2 sites leases expiring around the same time.
- Renewal of the current lease has been explored but has not been deemed as value for money.

Reasons Ledbury Health Partnership are in strong support of the development

- Modern purpose built premises would address our challenges and provide the facilities to meet the needs of our growing community.
- The site for the development offers sufficient space, with room for expansion and adequate parking, including bays for disabled parking and an ambulance parking area.
- Consolidating services into a single location would enhance efficiency, reduce patient confusion and improve accessibility.

- Every effort has been made to consider maintaining a town centre presence. The One Public Estates Group have, for many years, been trying to identify potential sites that could see the co-location of multi stakeholders such as health/social care/blue light services, however, no suitable sites were identified in the town centre.
- Even when just considering the needs of the GP Practice alone, an options appraisal has not identified any other viable premises solution for the surgery.
- With regards to the location on the edge of town, a survey carried out (and submitted) by the practice in early 2025 identified the following results:
 - The vast majority of patients attend the surgery for this purpose alone and do not combine this as part of a linked trip to the town centre.
 - Most patients travel to the surgery by car.
- The proposal for the development of a GP surgery as part of a wider project provides an ideal opportunity for a new healthcare facility by offsetting costs that would not be affordable as a stand-alone project.
- Approximately £260, 000 of Section 106 funding for capital investment has also already been secured by Herefordshire and Worcestershire ICB for the practice from previously approved local housing developments.

The email is not considered to raise any new material planning issues that have not already been considered in the published officer report. Members would be directed to Paragraphs 7.36 – 7.47 of the Officer Report which discusses the planning merits of the proposed medical centre element of the development.

An objection has been received on behalf of Aldi. This can be found at **Appendix 5**. The main points raised are as follows;

- At appeal, impact on edge-of-centre stores and resultant impact on linked trips was a key area of concern. This issue should now be given increased weight due to the adoption of Ledbury Neighbourhood Plan (June 2023), which expands the Town Centre to include the Co-op store.
While the Co-op is now within the defined town centre following the adoption of the Ledbury NDP, impact is assessed on the town centre as a whole not on individual facilities. Nexus identify linked trips between Tesco and Coop stores to the wider town centre to be limited (Appraisal, March 25 para 4.46). The town centre has a wider offer including cafés, services, and independent shops, all attracting resident and tourist visits and will continue attracting footfall. The appeal was determined at the time of the pandemic; the Council's latest evidence base since that time finds the centre to be in good health, vital and viable and there to be a need for additional food retail provision.
- Given the Appeal Inspector's comments on the importance of smaller stores and markets to Ledbury Town Centre's vitality and viability, there is insufficient consideration of, and weight given to, the impact of the proposal on these stores.
The Retail Impact Assessment includes diversion estimates for smaller stores based on those identified in the survey forming part of the HTCRA 2022. These have been independently reviewed and found to be sound. The town centre's vacancy rate is below the UK average, and its diverse offer supports continued vitality. In respect of smaller stores the application Planning and Retail Statement details, at para 3.1.8, Lidl do not offer many products or services which minimises any potential overlap with smaller operators, including: Fresh meat counter, fresh fish counter, delicatessen/cheese counter, hot food counter, Café/restaurant, Pharmacy, Home delivery, Dry-cleaning service, Post office services, mobile phone shop, photographic shop. Lidl does not stock convenience goods such as tobacco, or individual confectionary and stocks limited pre-packed fish and meat and individual fruit and vegetable products. The result is that there is limited overlap with smaller stores or markets.

- The estimated Town Centre Convenience impact levels should be presented clearly to enable comparison between the evidence relied on in the determination of the appeal, and the current assessment. The correct approach is to assess the cumulative impact of the proposal; that is, the combined effect on both convenience and comparison retailing, as required by Paragraph 94 of the NPPF and Core Strategy Policy E5. While convenience goods are sensitive in market towns, the policy test is whether the overall impact on town centre vitality and viability is significantly adverse. The approach has been independently audited and found to be robust.

Importantly, as set out within the report, this application must be considered on its own merits, taking into account:

- The updated Ledbury NDP (2023)
 - The HTCRA 2022 retail evidence base which finds quantitative and qualitative need for additional food retail provision in Ledbury
 - The reduced scale of the foodstore
- There is a lack of clarity around the rationale for provision of a smaller sales area and the purpose of the resulting large residual external area adjacent to the delivery bay. The smaller sales area reduces impact. Layout changes have resulted from and been informed by discussions with officers. The net sales area is capped by condition 30, and any future expansion would require a new planning application. The layout to be determined has been assessed and found to be acceptable.

An additional written statement in objection has been provided to be spoken in objection to the application. This is found at **Appendix 6**.

It is also noted that the applicant (Lidl) distributed a brochure summarising the proposed development to members of the Planning Committee. This has been shared with and reviewed by the Development Management Team / Planning Officers. This can be found at **Appendix 7**.

A letter has also been received from the Chair of the Ledbury Traders and Business Association. This was also sent to members of the Planning Committee via email. This can be found at **Appendix 8**.

The letter is not considered to raise any new material planning issues that have not already been considered in the published officer report.

NO CHANGE TO RECOMMENDATION

APPENDICES

Appendix 1 - 243045 Clubtail Drive - Applicant Note to Members

Appendix 2 – 242783 Land south of Leadon Way (A417) – Method of Transport

Appendix 3 – 242783 Land south of Leadon Way (A417) – Purpose of Visits

Appendix 4 – 242783 Land south of Leadon Way (A417) – Distance from LHP

Appendix 5 – 242783 Land south of Leadon Way (A417) – Aldi objection

Appendix 6 – 242783 Land south of Leadon Way (A417) – Objection / written statement

Appendix 7 – 242783 Land south of Leadon Way (A417) – Lidl briefing note

Appendix 8 – 242783 Land south of Leadon Way (A417) – Ledbury Traders and Business Association Letter



Application Ref. No. 243045 - Land off Clubtail Drive, Holmer, Hereford

Proposed erection of 31 no. key worker dwellings, including access from Clubtail Drive with associated infrastructure and landscaping

AMENDED LANDSCAPE DETAILS

At the meeting on 4th July 2025, members of Herefordshire Council's Planning and Regulatory Committee resolved to defer Bloor Homes application for the erection of 31 key worker dwellings on land off Clubtail Drive, Holmer. The resolution read as follows:

RESOLVED: that the application be deferred to enable a reconsideration of the plans, particularly to secure the introduction of additional landscaping measures along the northern and eastern edges of the site (alongside any layout and design changes considered necessary to facilitate this) to ensure the scheme assimilates appropriately into the local context whilst delivering enhancement of green infrastructure as required by policies LD1, LD2, LD3 and SD1 of the Core Strategy.

Following the Committee meeting we have reflected further on the sensitivities of the northern and eastern site boundaries and reviewed the scheme layout arrangements. As a result, through adjustments to the siting of the proposed Adeline apartment block, the re-positioning of supporting car and cycle parking spaces and a relocated bin store, a landscape strip of sufficient width has been created along the eastern and part-northern boundary in order to accommodate a new hedgerow and an appropriate mix of boundary trees that can be wholly accommodated within the 'red line' application site.

Notably, the revised landscape arrangements have been planned and designed with no 'cumulative' reliance placed on any landscaping coming forward within the approved, neighbouring Park and Choose site. Concern over any such 'reliance' was specifically mentioned by Councillors at the Committee meeting and is reflected in the deferral resolution.

The revised landscaping now provides for a continuous ornamental hedge around the north and east boundary of the site with the 3-storey Adeline and Albany apartment blocks. This hedge is interspersed with 14 no. trees with an additional tree within the proposed ornamental hedge extension along part of the southern boundary of the Albany apartment block with Clubtail Drive.

In respect of the appropriate species and planting arrangements for this boundary location, the advice of the Council's Landscape Officer was provided to Bloor which suggested a row of columnar fastigiated trees with smaller ornamental trees set within the gaps and a larger / display tree on the corner. Appropriate species were suggested including an Acer as the potential 'display tree'.

In response, we have alternated taller columnar fastigiate Hornbeam (*Carpinus betulus* 'Frans Fontaine') with smaller ornamental Amelanchier x grandiflora 'Robin Hill' for its lower rounded canopy to create a somewhat formal avenue.



We have also added, as suggested, two display trees at either end of the eastern boundary; Acer rubrum 'Armstrong' for an autumn display, though one of the Acers has been 'set in' from the southern corner of the Albany Apartment block to avoid affecting foundations.

The advice of the Council's Planning and Landscape Officers has been welcomed and has significantly influenced the proposed landscaping arrangements, as can be seen by the replacement Plot Landscaping, Specification and Schedule drawing WE086-LS-036h (extract provided at end of this Note).

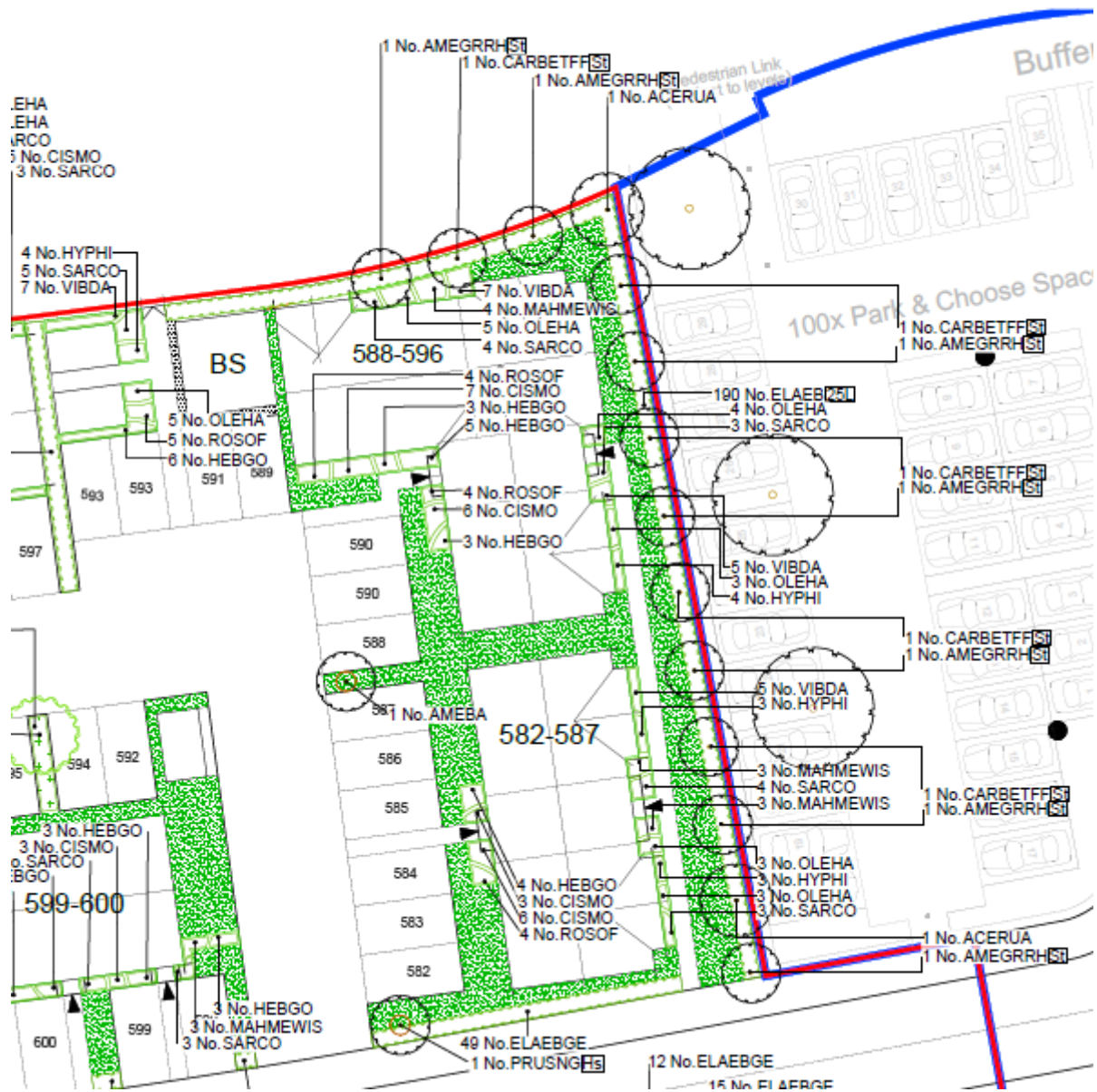
To illustrate the visual impact that can be expected, a revised series of hi-resolution visuals have also been prepared and submitted to be 'read' alongside the replacement Plot Landscaping drawing, to include the below key view from Hedgerow Way.

View from Hedgerow Way with Proposed Landscaping



Bloor Homes appreciate the comments of Councillors as conveyed at the Planning Committee Meeting held on the 4th July. We trust that the revised landscaping details, as informed and influenced by the advice of Officers, demonstrates the constructive approach taken by Bloor to positively address Councillors concerns and will ensure that the proposed development successfully assimilates into the wider Hereford Point development.

Extract from Replacement 'Plot Landscaping, Specification and Schedule' drawing WE086-LS-036h

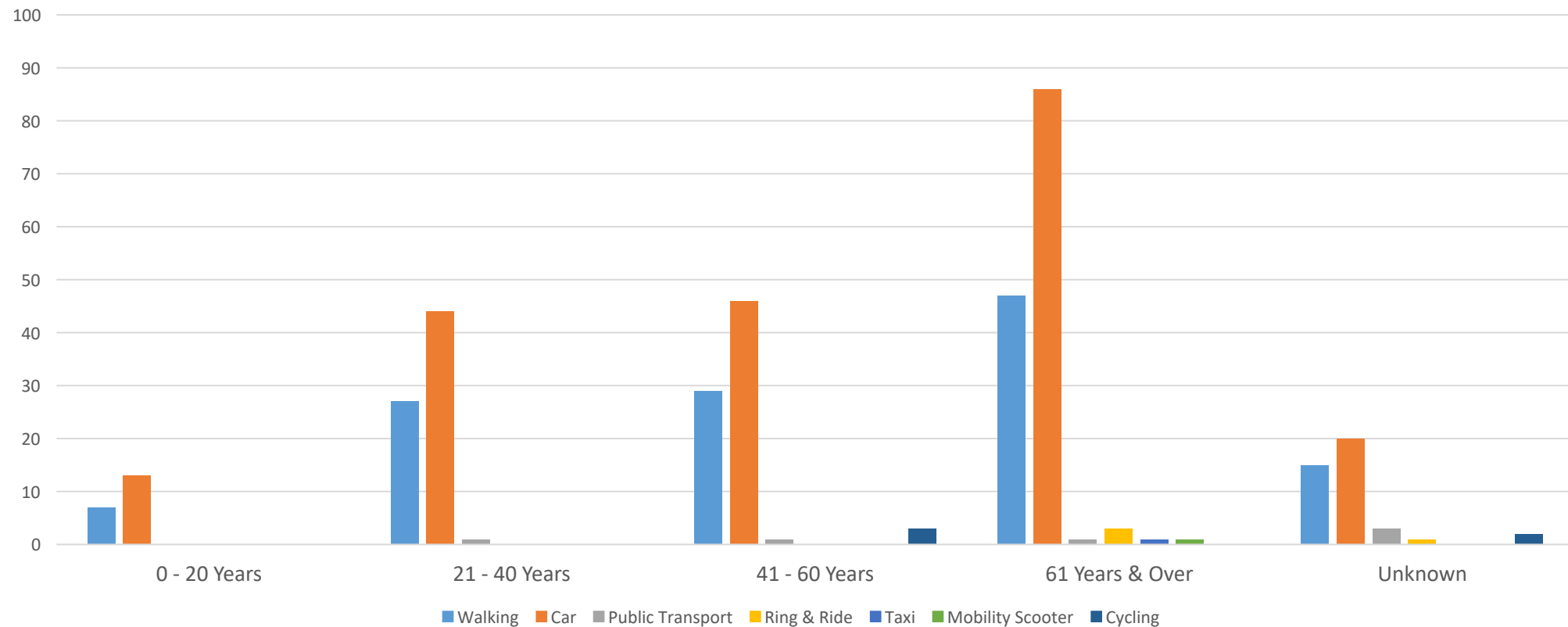


Bloor Homes Western

21st August 2025

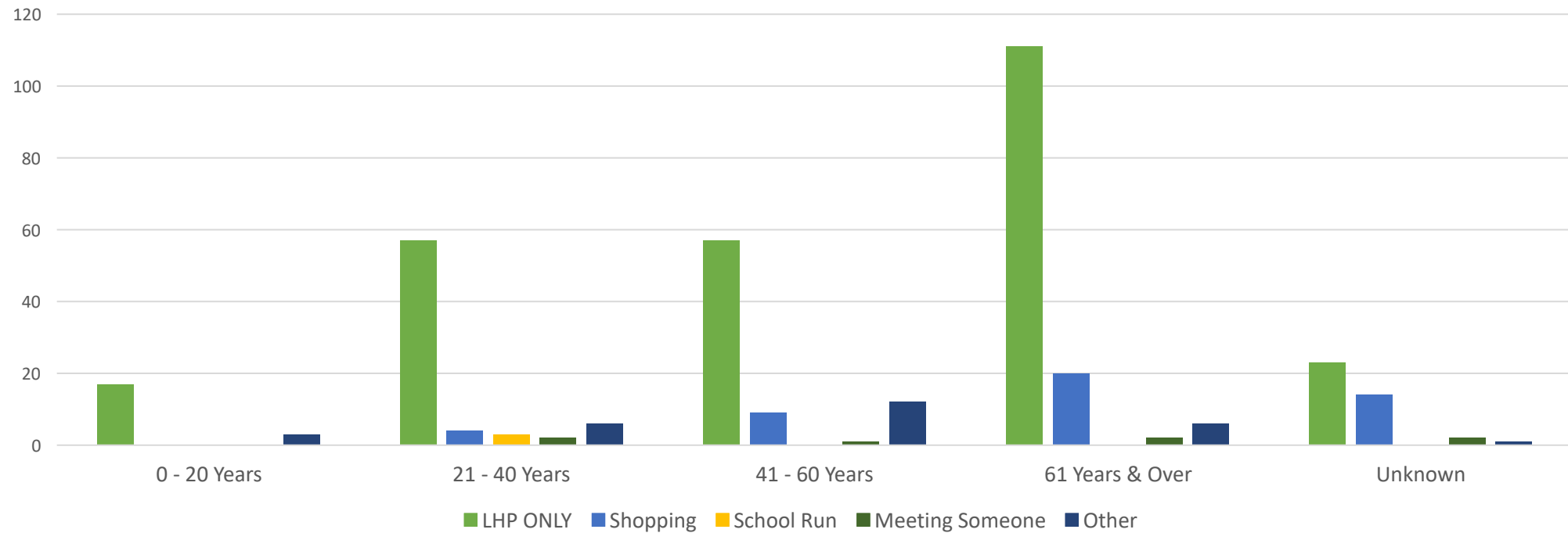
- New location out of town centre = change in accessibility for some patients
 - Ring and Ride, Community transport, Public transport (solutions being investigated by ward member)

Method of Transport to LHP

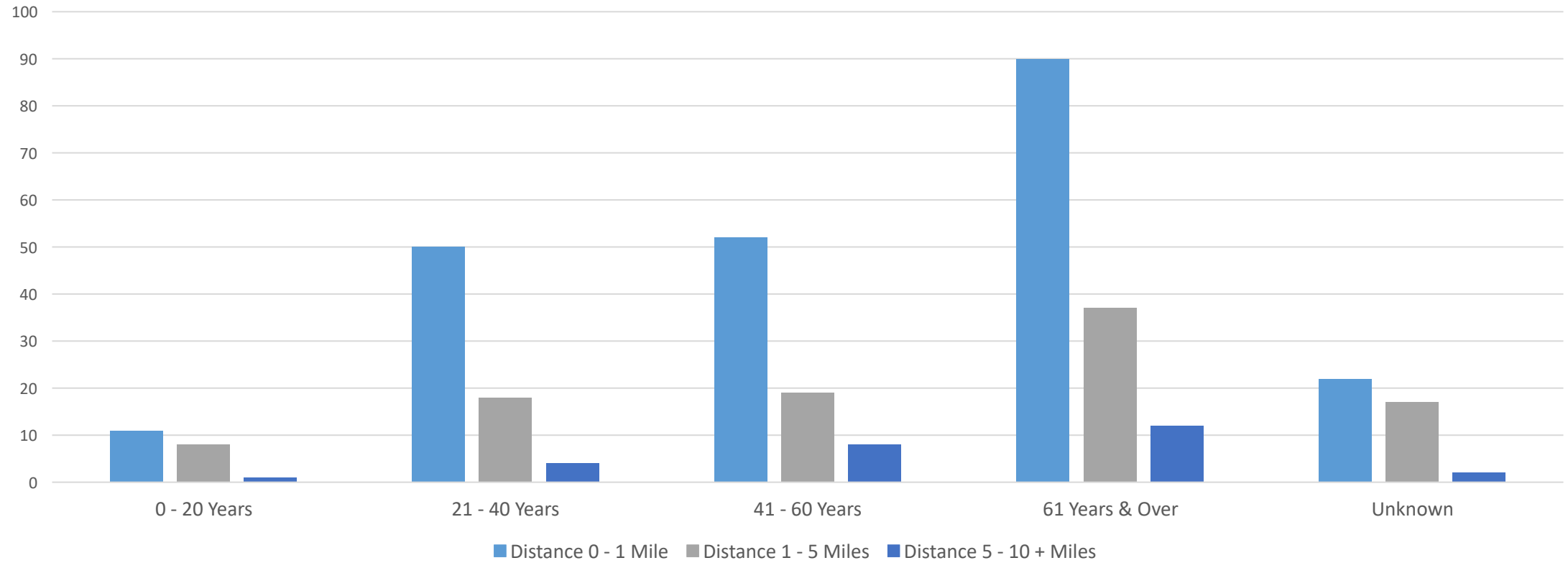


- Concern about reduction in joint visit (LHP + elsewhere in Ledbury)

Purpose of Coming into Town?



Distance from Home to LHP



Our Ref: 07C201018

Your Ref: P242783/O

September 01, 2025

Ollie Jones
Herefordshire Council
(submitted via email)

Dear Ollie

Objection on behalf of ALDI Stores Ltd

To application P242783/O for full planning permission for a Lidl foodstore and associated development in outline.

At Land south of Leadon Way (A417) and east of Dymock Road (B4216), Ledbury

We write on behalf of our client ALDI Stores Ltd to object to the above planning application.

ALDI objected to the previous iteration of the scheme, which was ultimately refused at application stage and dismissed at appeal in September 2022 (APP/W1850/W/21/3279731) for reasons including significant adverse impact on the vitality and viability of the Town Centre.

ALDI's previous representations raised concerns over the robustness of the applicant's trade diversion assessment, and highlighted concerns over the impact on wider trade beyond the town centre boundary and potential knock-on impacts on linked trips to the Town Centre.

In the context of that appeal decision, ALDI retains similar concerns over the current proposal, which in our view have not been satisfactorily resolved to a point that should give the LPA, including its planning committee members, sufficient confidence that the proposal has avoided significant adverse impact on the Town Centre.

Our concerns are summarised below:

- **At appeal, impact on edge-of-centre stores and resultant impact on linked trips was a key area of concern. This issue should now be given increased weight due to the adoption of Ledbury Neighbourhood Plan (June 2023), which expands the Town Centre to include the Co-op store.** This point has been raised by other objectors, and is acknowledged by Nexus in its advice to the LPA. Even when previously classified as edge-of-centre, the Appeal Inspector highlighted the importance of the Co-op store in supporting the town centre, through linked trips and resultant spin-off trade, noting the convenient customer parking which reinforces access to other shops. The appeal decision found *"the existing edge of centre stores to play a greater role in vitality and viability levels than that suggested by the appellant."*

Other objectors have indicated that according to the Council's updated retail evidence from September 2022, the Co-op store is trading significantly (close to 50%) under its benchmark,

and that its trading position is now worse than that shown by the earlier evidence used to assess the refused proposal in 2021/22). Adverse impacts on the store are understood to have increased from -7.8% at appeal in 2022, to -11.8% shown in the assessments under the current application. On this basis, the concerns raised at appeal have not been overcome by the revised proposal, and these concerns are even more relevant in the context of the expanded town centre area.

- **Given the Appeal Inspector's comments on the importance of smaller stores and markets to Ledbury Town Centre's vitality and viability, there is insufficient consideration of, and weight given to, the impact of the proposal on these stores.** At Appeal, the Inspector considered that smaller convenience shops and the market in particular play a key role in maintaining an appropriate shopping offer balance, critical to vitality, and form a key part of Ledbury's attractive qualities. The impact of a second 'out of town' store on the smaller stores and markets, was a key part of the conclusion that significantly adverse impact would occur. The revised Lidl application submission largely avoids consideration of this issue, playing down the importance of these stores.

While the revised Lidl proposal includes a c.18% reduction in the proposed convenience sales area of the store, the Applicant's Retail Assessment estimates disproportionately lower levels of trade diversion from the smaller stores in Ledbury Town Centre, when compared to those presented at appeal (taking them even further away from the LPA's consultant's higher estimates at Appeal). There is no justification apparent within the submission for further reducing the trade diversion estimates from smaller stores, which were identified at appeal as being both critical to vitality and sensitive to loss of trade. The result is that Lidl's assessment likely underestimates impact on these stores and therefore on the town centre.

- **The estimated Town Centre Convenience impact levels should be presented clearly to enable comparison between the evidence relied on in the determination of the appeal, and the current assessment.** Impact figures within the Applicant's submissions incorporate comparison retail impacts, which dilute the convenience impact figures. Given the nature of the proposal, and the particular historic context in which the Inspector directed focus to convenience impacts, this comparison is considered essential to the consideration of the key retail policy tests.

Nexus' April 2025 advice to the LPA highlighted the applicant's estimated -11.6% impact on the convenience turnover of the town centre. This should be viewed in the context of the assessments at Appeal, which estimated figures of -10% (Lidl's assessment) and -14.3% (the Council's assessment), with the Inspector concluding the impacts likely to be somewhere in between these two estimates.

However, the latest advice from Nexus (July 2025) instead reports the combined convenience and comparison impact figures as -4.3%. Similarly, the Committee Report does not clarify the quantum of adverse impact on the convenience trade of the Town Centre as -11.6%.

Undertaking this comparison indicates that the revised proposal would have a very similar level of adverse impact on the town's convenience trade as in 2022, which was at that time deemed to be above the significant adverse policy threshold. On this basis the concerns raised at appeal have not been overcome by the revised proposal.

- **There is a lack of clarity around the rationale for provision of a smaller sales area and the purpose of the resulting large residual external area adjacent to the delivery bay.** The revised proposal is for a 1,769sqm GIA store, 247sqm or 18% smaller in terms of convenience sales area than the scheme dismissed at appeal. In the operator context, this results in an unusually small 1,100sqm Net Sales Area / 880sqm Convenience Sales Area. Due to this reduction in store size, there is a large and conspicuous void area extending to 190sqm that remains adjacent to the servicing bay shown in the proposed drawings. Given the scale of the proposal and the prominent location of this area, its proposed use should be clarified and any associated planning considerations or impacts fully assessed.

On the above basis, when considered in the context of the 2022 appeal decision, the revised Lidl proposal does not overcome the specific concerns raised by the Appeal Inspector in relation to impact on town centre vitality and viability.

The submitted retail assessment shows a greater level of impact on a store that was considered an important functional support to the town centre by facilitating linked trips; it has failed to justify the rationale for estimating lower trade diversions from smaller town centre stores that were highlighted as having a key role in the attractiveness of the town centre and being under threat from the proposal; and it estimates an adverse impact on Town Centre convenience trade of c.-12%, which almost identical to the level that was considered to constitute significant adverse impact when considered at appeal in 2022 (midway between -10% and -14%).

Despite the reduction in sales area, it is considered that the proposal is still likely to result in a significant adverse impact on Ledbury Town Centre, consistent with the conclusions of the Appeal Inspector, and should therefore be refused.

Yours sincerely



David Williams

Associate

+44 01179 885 210

david.williams@avisonyoung.com

For and on behalf of Avison Young (UK) Limited

I would like to oppose the application 242783 "[Land South of Leaddon Way \(A417\) and East of Dymock Road \(B4216\) Ledbury Herefordshire](#)"

Arguments against as follows:

1. We have an ALDI 200 metres up the road- arguably the very same shopping experience for customers. This supermarket does not offer anything new or varied to the residents of Ledbury. When questioning residents of Hawk Rise, concern was raised over this supermarket not offering residents anything we do not already have. Ledbury is a proud market town, proud to support independent retailers and provide residents and visitors variety and quality products.
2. We have a Co-Op supermarket even closer, (within 20 mins walking distance) offering residents and visitors a variety of produce. That's 2 supermarkets within or just over 1 mile of residents.
3. Light pollution- Ledbury has some of the darkest skies in this area, and currently the light pollution currently imposed on the residents is too high (and looking to be increased). The streetlamps are too bright, and adding a development of this sort where high powered lighting would be on consistently over night would negatively impact the residents in locality to the development. The increase in Light pollution simply has not been considered, even though previously raised (more than once). My own personal experience is that every bedroom in my home needs black out blinds, simply due to the bright lights on our estate, which then negatively impacts sleep through the summer, preventing air flow.
4. The noise assessment conducted by "inacoustic" states on page 14 that ***"The retail facility is proposed to open between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 16:00 on Sundays. Delivery hours have not yet been confirmed; however, this assessment considers the potential of the site to receive deliveries during any hour of the day or night"***

On page 19 the document states that the air-conditioning, heating and cooling plant operates between 07:00 to 23:00, with a mechanical plant associated with refrigeration operating all periods of the day and night. The document also describes up to 3 heavy goods deliveries in a 24 hr period- this number not confirmed, this number could increase. The mitigation put in place for the delivery noise is simply a level loading dock only- negligible!

But on page 23 of this very same document, it states under "car parking": ***"The night-time period has been excluded from the assessment as no part of***

the development will be open”- which is incorrect as it quite clearly states the opening hours of the supermarket in question- 07:00-23:00 at night!

The Conclusion on page 26 states the following:

“The assessment identifies that noise from vehicle deliveries during the day is unlikely to increase noise levels at the closest sensitive dwellings and as such, will result in no change and no impact” – Which I believe is false. Any added noise will impact residents. Let’s be clear, this is added noise, on top of the traffic noise surrounding residents on Hawk Rise.

“In light of the above, it is considered that the potential noise impacts associated with the Proposed Development can be adequately controlled by appropriate engineering, design and appropriately worded planning conditions, and that noise should not be considered a material constraint to the granting of planning permission for the proposals once mitigated as described in this report” – Appropriate engineering, design and appropriately worded planning conditions? Noise shouldn’t be considered a material constraint to the granting of planning permission?

Nowhere in this report have I seen evidence of appropriate mitigations suggested to eliminate or at best reduce the noise pollution that will be put upon the surrounding residents of this proposed development.

5. The council declined the application made by Barratt Homes to build (where indicated in blue) on the now existing Parkland to the rear of properties on Kipling Road, stating that the proximity to the Cheese Factory was too close.

FIGURE 1: PROPOSED DEVELOPMENT SITE AND SURROUNDING AREA



They also argued that the developer hadn't added enough sound mitigation and trees to prevent noise disturbance to residents.

I put it to those gathered here today that the building of a supermarket, doctors surgery and nursery right behind the properties on Kipling road would be in comparable close proximity, when the road noise from the B4216 is added to the sounds of on-going deliveries, visitors in cars and noise from the nursery, in actual fact you would be approving an application in contrast to your previous decision to decline.

6. The Medical Centre and Nursery are both seemingly offered as a tag on or sweetener to try and get the planning pushed through for the Supermarket. There are actually NO specifics on the workings of either of these 2 buildings, and no guarantee that they would be successfully opened. No details of opening hours, staffing etc, so therefore again, the impact of noise, light and other pollutions negatively impacting residents cannot be effectively predicted.
7. The layouts suggested in drawings do not show a separate entrance for heavy goods deliveries and should do. Heavy goods vehicles should have one way in and out so as not to cause disruption elsewhere on such a small site. I mention this solely for concern over the one entrance and exit to this site, accessed off a small B road and a 5 exit roundabout. 3 businesses on this site increases the traffic coming in and out of this area and off the roundabout tremendously.
8. The roundabout has 5 exits, is very busy and with the Hopfields estate being built above Hawk Rise and the 2041 plan steaming ahead (against fierce opposition from residents) this increases traffic overall.

I feel this is simply the wrong location for a large supermarket, simply due to the number of cars and traffic using this roundabout to navigate around Ledbury. The noise of traffic is already consistently loud and disruptive for residents on Hawk Rise and those closer still to the roundabout in question on New Street and the Deer Park residents.

Conclusion.

The sound survey is not thorough, contradicts itself and does not offer suitably acceptable mitigations for the elimination of noise pollution to residents. It's almost dismissive of any impact but cannot be certain that there won't be impact to residents.

The design layouts fall short of assuring safe access and reducing traffic congestion, noise and pollution.

The proximity of a supermarket to the residents near this site will increase pollution, light pollution and noise pollution to such an extent as to cause annoyance and

reduced quality of life for residents- those who moved to Ledbury to be away from overly developed towns and cities! No one has conducted a light pollution survey even though light pollution has been highlighted as a point of concern for residents.

The LIDL does not offer residents of Ledbury anything they do not already have access to (ALDI- pretty much EXACTLY the same shop, Home Bargains also a discount store, and we already have 3 supermarkets in Ledbury as it is)

There are not enough details or plans confirming the Medical Centre would be effectively staffed and up and running and not left empty.

Having a nursery shoved in the corner next to a Lorry loading bay, surrounded by the pollution and traffic of both the site and the roads around it, is neither safe nor healthy.

If this site were instead to offer residents access to the Medical Centre and a nurse only (No Lidl), providing residents of Ledbury with what they need and want, you would have space on this site to accurately and safely design a development with a lessened negative impact to residents. There would be shorter opening hours to those businesses, reduced litter, access to services we, the residents need, less traffic in and out of the site, and next to no Heavy goods vehicles accessing the site at any time (medical centre and nursery might only need small deliveries from sprinter type vans or 3.5 tonne vehicles instead)

A new Lidl, medical facility and children's nursery for

Ledbury



Land south of Leadon Way and east of Dymock Road, Ledbury.

Planning Application reference: **P242783/O**

This briefing note has been sent to all Members of Herefordshire Council's Planning & Regulatory Committee. This document is for background information only and is intended to accompany your officers' report.

Background

- This proposal is for a **mixed-use development** including a **new foodstore**, **medical facility**, and **children's nursery** to serve Ledbury's growing population
- **Material changes since the previous application include the site's allocation for mixed-use development**, a smaller foodstore and Lidl's purchase of the site assisting the delivery of a medical facility
- **With 1,100 sqm of retail floorspace, the proposed foodstore is smaller than that previously proposed.** This reflects the Council's own independent retail assessment which found substantial capacity within Ledbury for at least one discount foodstore of up to 1,600 sqm of convenience (e.g. food) retail. The proposed Lidl will mainly compete with existing out of centre supermarkets which, given local demands, are trading strongly
- **The town is experiencing significant housing growth.** Around 1,200 new homes in Ledbury are committed to be built or have been completed in recent years, providing further need for the services offered by this development
- Lidl will deliver **local highways improvements**, including a new Toucan crossing on Leadon Way and new bus stops with shelters. Importantly a **£100,000 contribution** towards accessible transport will be secured via s106 agreement
- **If planning is approved, Lidl's s106 agreement with the Council will also secure the land for medical use (at nil value) to assist delivery of the proposed medical facility.** Lidl will fund site infrastructure and utilities so that the site is 'shovel-ready'.



The proposal



A Lidl foodstore with a 1,100 sqm sales area including customer toilets with baby changing facilities. The store is smaller than previously proposed but reflecting Council evidence on local need



A new medical facility to serve Ledbury. Lidl will transfer land for this facility as secured by legal agreement, in order to enable speedy delivery



A new children's day nursery with outdoor gardens and play space to meet a growing local population including young families



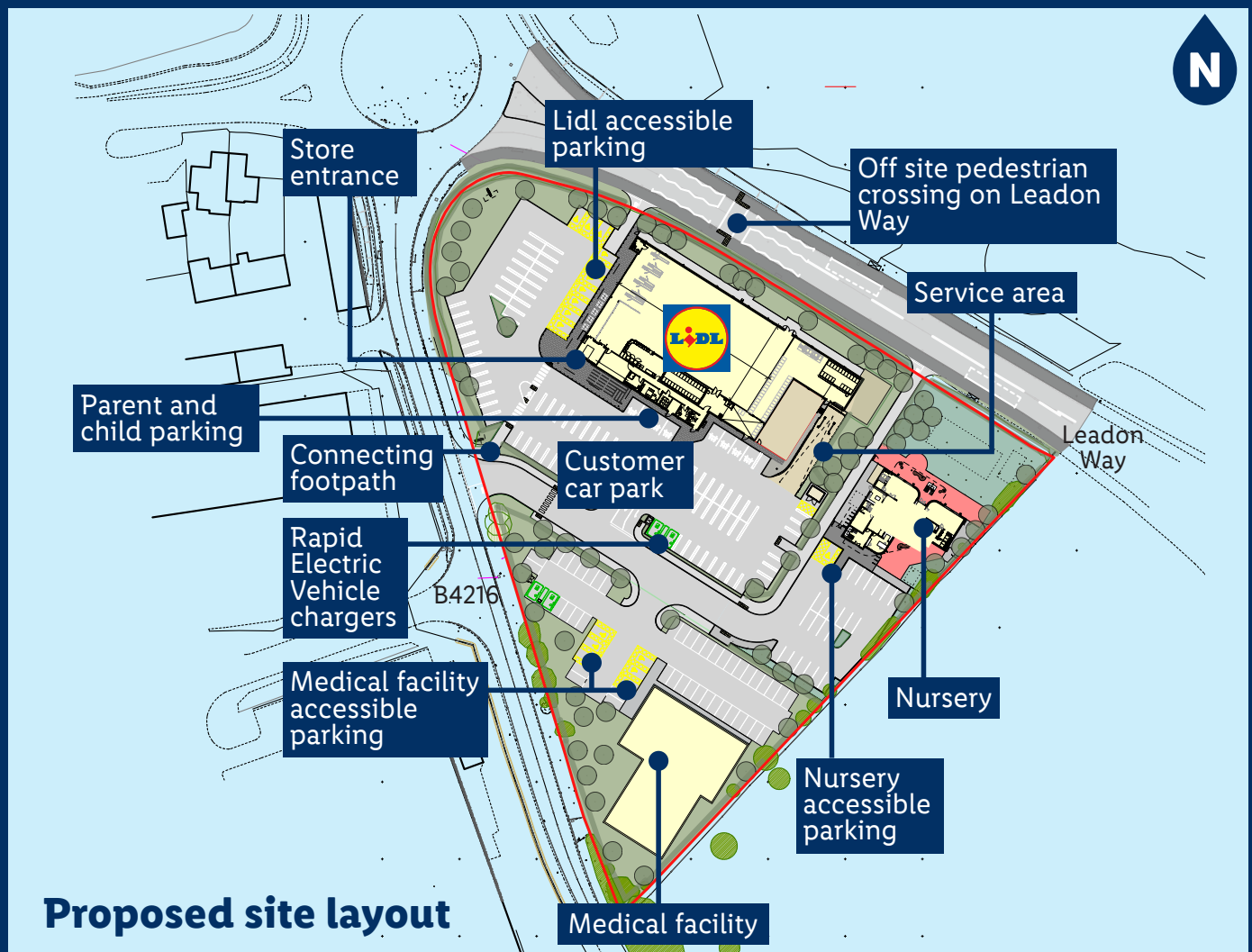
Extensive landscaping across the site, including soft planting buffers around the site boundary



The nursery and medical facility will each have their own dedicated **car parks**. In addition, Lidl would have a total of 101 spaces, including accessible spaces, Parent & child and Electric Vehicle charging spaces. Covered cycle parking is also provided



Enhanced environmental features, including Rapid Electric Vehicle Charging points, with in-built capacity for more spaces as demand increases, and solar (photovoltaic) panels on the roof which will provide around 30% of the store's energy usage

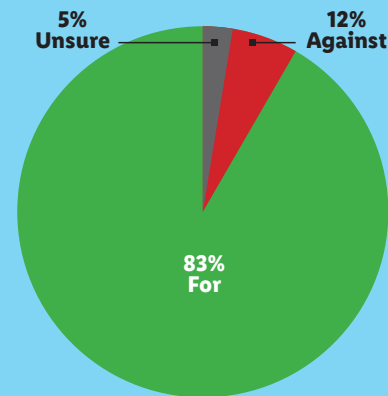


Proposed site layout

Our consultation feedback

- ✓ **Pre-application community consultation was held in Summer 2024**
- ✓ **Consultation via in-person event and bespoke project website. Information flyer delivered to around 4,400 properties. Around 170 feedback responses received**
- ✓ **Support focused on the need for increased and affordable shopping choice, convenient location to reduce travelling out-of-town, and provision of much-needed new medical facility.**

Are you generally in favour of the plans for a new Lidl foodstore, medical facility, and children's nursery on this site in Ledbury?



Feedback quotes

...another supermarket is needed to accommodate all the extra houses that have been built / still being built. Definitely need a medical centre...And also a nursery for all the extra children living here now.. we are lucky to have got our [child] into the primary school nursery but weren't so lucky with days/times wanted. To have these things close to the new builds also helps people who don't always have access to a car... I prefer Lidl...I currently travel to Hereford or Malvern to shop there.

It would be a great convenience for me, also supplying all the new houses around the ring road and the considerable traffic passing through to Hereford.

A new medical centre is desperately needed for Ledbury...With all the new houses being built...new facilities (shop, nursery [and] medical centre, as well as electric vehicle chargers) are to be welcomed.

Needed urgently for Ledbury

...There's nothing on this side of the town for a shop. Plus now there's a lot more new houses here. I can't wait to get you here!!!

The children's nursery of which there are I think two already must surely be at full capacity? What with the hundreds more people, once all the new housing estates have been completed and occupied, where are they going to go if the existing facilities are full?

Medical facility & Children's Day Nursery

The site is **allocated** in the Ledbury Neighbourhood Development Plan for uses including a medical facility and day nursery, while the Council's Policy SC1 of the Core Strategy is supportive of new community facilities, such as medical and educational services where they are appropriately located to the communities they serve.

The medical facility element of the proposals is in **outline form to enable flexibility** for an end user offering a new healthcare facility in Ledbury. Your officer's report provides evidence of **potential demand for health facilities** in section 7.40.

To **support deliverability of the medical facility** Lidl (as landowner) proposes to transfer the freehold of the site earmarked for the medical facility. The wider site will be developed with utilities and associated infrastructure to make it **'shovel ready' for future healthcare development**, subject to a successful reserved matters planning application.

Lidl's operation



Lidl's specific offer

Lidl has a **limited product range** (around 3,000 items compared to larger supermarkets which stock 25,000-30,000). **Lidl does not sell postage stamps, cigarettes, National Lottery tickets or scratch cards, single confectionery items** and similar products. Furthermore, **Lidl do not have an in-house pharmacy, fishmongers or meat counter**, services which are often found in larger supermarkets. **Lidl do not accommodate customer cafes or Post Offices.**



Employment

The store will deliver up to 40 new local jobs. Lidl GB pay rates for hourly-paid colleagues is a minimum of £13 per hour, increasing to £13.95 with length of service. This is above the Government's updated National Living Wage and the Living Wage Foundation's Real Living Wage. The majority of colleagues are recruited from within the local community. Other uses on the site will also create local employment, plus jobs during construction.



Deliveries

Lidl stores typically have **1-2 deliveries each day**. Delivery vehicles **remove store waste** during the same trip to minimise vehicle movements and reduce CO2 emissions.



Opening hours

Lidl intends to trade Monday to Saturday: between 8am-10pm • Sunday: between 10am-4pm

Key matters and how they have been addressed

✓ Retail policy

The Council's evidence base identifies a need for a new foodstore in Ledbury. Lidl has undertaken a Retail Impact Assessment to consider the impact of the now smaller proposed store would have on the town centre.

The key conclusion is that the proposed foodstore is not expected to compete directly with existing town centre retailers. Instead the store will primarily compete with existing out of town supermarkets such as Aldi and Tesco, which, given local demand, are assessed to be 'overtrading'.

As your officer's report states in section 7.69, the Retail Impact Assessment 'has been independently reviewed and found to be robust'. This independent assessment concludes that the development would not have a significant adverse impact on the town centre or on existing, committed or future investment.

It has also been confirmed that there are no alternative sites within or closer to the town centre to accommodate this development. The retail impact and sequential 'tests' have been satisfied.

✓ Highways

The development is proposed to be served by vehicle access from Dymock Road and two pedestrian and cycle links from Leadon Way. Two new bus stops and a Toucan crossing will be provided on Leadon Way, east of the Full Pitcher roundabout. A further new bus stop on nearby Kipling Road also enhances public transport accessibility. Lidl will be making a £100,000 contribution to support Community Action Ledbury's accessible transport service, secured via a s106 agreement. As per the s106 agreement, £70,000 is allocated for the purchase of a new electric wheelchair-accessible vehicle and £30,000 for EV charging infrastructure and dedicated parking bays.

✓ Noise and light impact

An independent Noise Assessment has found that noise impacts from the store will be low. Car park lighting is switched off overnight and is controlled by a lux light sensor during trading hours. Light is directed away from neighbouring properties and special light shields prevent light spillage.

✓ Landscaping and ecology

A comprehensive landscaping scheme with a bespoke design, provides mitigation and enhancement of the site.

A hedgerow management plan is also proposed. The Council's Landscape Officer raises no objection. Lidl is committed to meeting the Biodiversity Net Gain requirements for the whole site, including the medical facility and day nursery elements.

The retention of boundary hedgerows and incorporation of native planting bolsters green infrastructure and promotes habitat creation. A Construction Environmental Management Plan (CEMP) and Biodiversity Net Gain Plan will be secured by planning condition.

✓ Design

The design is informed by a Colour Assessment which demonstrates a contextual approach to materials and finishes. The approach responds to officer recommendations utilising matte finishes, informing fencing colour, and material samples.

Lidl and sustainability

The proposed store will meet Lidl's high sustainability standards which are intended to minimise environmental impact over the lifetime of the store.



Store heating and lighting systems are controlled by a computerised Building Management System (BMS) to minimise energy consumption and chilled food cabinets save energy overnight through the presence of night blinds which trap and maintain the cool air



All stock movement within stores is manual, avoiding unnecessary energy usage or noise pollution



The car park lighting is switched off overnight and is controlled by a Lux sensor during trading hours



The Lidl store will feature solar panels on its roof to help with the store's energy needs generating around 30% of the store's needs



Lidl are sector leaders in terms of recycling management with all cardboard and plastic produced from stores being recycled back into boxes and carrier bags, ready to be used again



Lidl refrigeration plant has low carbon emissions ratings and operates without the need for chlorofluorocarbons



Motion sensors throughout our warehouses minimise electricity consumption and flow control devices are used to limit excess water usage



The Ledbury store will have 2 rapid charging spaces (infrastructure will be installed to provide up to 20% of EVC spaces in the future) which can charge a vehicle in 30 minutes, thereby having potential to fully charge an electric vehicle while a customer shops at the store.



Our delivery vehicles are used to remove waste from the store on their return journey to the nearest Regional Distribution Centre, where the waste/recyclable material is sorted and managed centrally. This also helps to reduce vehicle trips to each store and CO2 emissions

Fairtrade

Lidl GB sells over 100 different Fairtrade certified products throughout the year, from bananas originating from Colombia, tea picked in Kenya and cocoa for our chocolate, grown in Cote d'Ivoire. In addition to the products we sell all year round, we proudly support specific Fairtrade campaigns such as Fairtrade Fortnight.

Sourcing

Currently two thirds of our products come from British suppliers, providing our customers with fresh, locally sourced, high quality produce at excellent value. 100% of our own-brand core eggs, milk, cream, butter, fresh beef, pork and fresh primary chicken is British. We have signed the NFU Fruit and Veg Pledge and the Back British Farming Charter. All of our British fresh meat, dairy and fruit and veg is Red Tractor Assured.



Summary – reasons to support Lidl



Recommended for approval by officers with no outstanding statutory objections on technical or design matters. **Positive community support**



Enables the development of new community facilities to serve local housing growth and demand



Offers a 'shovel ready' development plot, to best achieve a new medical facility for the town



Increased affordable shopping choice for residents



A convenient location – reducing demand to travel out of town for shopping



Job creation – up to 40 new local jobs. Lidl recruits locally and most store employees live within close distance of the site



Lidl's most sustainable design – including solar panels, heat recovery systems in the store, and EV charging points in the car park

3D visual of the proposed nursery



Aerial view of the proposed development



Lizzie Gissane
The Ledbury Leaf
The Design Quarter
12 High Street
Ledbury HR8 1DS
lizzie@theledburyleaf.co.uk

Planning and Regulatory Committee

Planning Department
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

By email to **Planning and Regulatory Committee**

31 August 2025

Re: Planning Application for a Discount Foodstore, Land South of Leadon Way, Ledbury (Ref. P242783/O)

Dear committee members,

I have submitted an objection in my personal capacity as a business owner, along with a number of my fellow traders, to the planning proposal by Lidl for an out of town development on Land South of Leadon Way, Ledbury. Aware that the application is being taken to the Planning Committee imminently, I wish to make the following points in my capacity of Chair of the Ledbury Traders & Business Association.

1. Under-representation of the current turnover of town centre retailers

The overall estimated turnover of town centre convenience retailers is being under-represented in the figures that have been used to determine retail impact of the Lidl store. £1m turnover for convenience retailers in the town centre is a massive underplay. At our most recent meeting, we calculated at least 12 retailers in this category (not even including the likes of Greggs, Boots, Day Lewis, Blooms (sandwich shop) and other similar outlets.) £1m across the 12 retailers equates to an average monthly turnover of less than £7k which is completely unviable for these businesses. It is so far off, one wonders whether the rest of their figures are similar nonsense? Yet this is the figure used in their determination of impact on the town centre.

2. The masking of retail impact on the town centre by the change in the way the numbers are being handled in the assessments

The impact of this proposed development on town centre traders is being further underplayed by the way in which the retail impact assessment data is being handled. In this application, the Coop supermarket's trading figures are being included within overall town centre figures, because the defined boundary of the town centre has been changed to include the Coop since the Aldi planning application was approved. This completely skews the overall impact percentage, making it appear to be only 4.3%. When the Coop figures are represented separately – as they were in the Aldi application, the true picture as regards impact on the town centre businesses is closer to 8-10%, as was the assessed impact on the town centre of the Aldi store – and this was assessed as representing 'substantial harm' to the town centre which was reflected in the Heads of Terms and S106 developer contributions required of Aldi.

3. The 26% reduction in the forecast Lidl turnover per metre square that has been allowed during the application process

The actual impact of this Lidl development is being further under-represented, because planners have allowed the figures showing the amount of turnover Lidl generate per metre squared of trading store space to be

dropped from £9,293/m² for convenience shopping in the October 2024 retail impact report down to just £6,902/m² in the June update to the Retail Impact report. This is simply not credible when the same trading density figures used for the Aldi store retail impact almost 10 years ago were £9,808/m². The lower trading density figures now being used might relate to average supermarket performance, but they significantly under-represent the much higher trading densities achieved by discount retailers like Lidl and Aldi. By under-representing these trading figures the impact assessment even further under-represents the likely actual turnover of the planned Lidl store and therefore also under-represents the pull of spending away from the town centre. This means that the actual impact on town centre trading is likely to be considerably higher than the 8-10% currently indicated, if the Coop figures are handled separately.

4. The additional impact on town centre footfall which would occur if the GP practice moves to an out-of-town location

Most people supporting the development because of the prospect of the health centre being provided alongside the supermarket, don't realise that this is not going to deliver additional healthcare provision – it is only going to move the existing provision out of town. The removal of healthcare services from the town centre would further hit town centre footfall, over and above the trading impact being assessed in the retail assessments. This would increase yet further the impact on linked trips to town centre shops by people visiting the GP practice at its current location. Again, the effect of this on town centre traders has not been reflected at all in the way the application has been assessed to date.

I respectfully urge you to reject this application and instead support strategies that protect and strengthen Ledbury's town centre and community as outlined in the Ledbury Neighbourhood Development Plan 2021-2031 which states as part of its vision that it will;

“Nurture the Town Centre - Ledbury's role as a prosperous market town with a diverse economy, including a burgeoning tourist industry, will be protected and enhanced, while the heritage of the town will be preserved and celebrated. The town will cherish and nurture its vibrant retail core and grow its reputation for markets and festivals. Traders will be encouraged to provide a wide range of products, in order to enhance the standing of Ledbury as a prime visitor destination.

Ledbury Neighbourhood Development Plan 2021 – 2031: March 2023

Should you wish to support the application, we ask that you use S106 to help provide a more level playing field for the town centre; make it as easy for shoppers to use the High Street as it will be for them to use an out of town supermarket and facilitate 90 minutes free parking in all the town centre car parks. The financial impact of this on the Council's revenue stream could be offset by a contribution made by Lidl as part of their section 106 responsibilities.

Thank you for your time and consideration of our objections.

Yours faithfully,

Lizzie Gissane

cc: Ollie Jones ollie.jones@herefordshire.gov.uk
Cllr Justine Peberdy justine.peberdy@herefordshire.gov.uk
Cllr Stef Simmons stefanie.simmons@herefordshire.gov.uk
Cllr Liz Harvey epjharvey@herefordshire.gov.uk

PLANNING and REGULATORY COMMITTEE

3 September 2025

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Bloor Homes Western per Mr George Elston-Bates	Proposed erection of 31 no. key worker dwellings, including access from Clubtail Drive with associated infrastructure and landscaping at LAND OFF CLUBTAIL DRIVE, HOLMER, HEREFORD	243045	145
OBJECTOR		MR HUBBARD (local resident)		
SUPPORTER		MR RAWLINGS (Applicant's agent)		
7	Lidl GB Ltd per Mr Rob Mitchell	A hybrid planning application comprising: An application for full planning permission for the erection of a Day Nursery (Use Class E (f)) and Foodstore (Use Class E (a)) including access, car parking landscaping and associated work; & an application for outline planning permission for the erection of a medical centre (Use Class E(e)), with access to be determined and all other matters reserved at LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE	242783	119
OBJECTOR		MR INGRAM/MS STEPHENSON (The Co-operative Group/local resident)		
SUPPORTER		MR MITCHELL (Applicant's agent)		
8	Mr Davies per Mrs Sharon Edgar	Application for approval of reserved matters following Outline 152041(Proposed residential development of 10 dwellings (amendment to original application)) for the approval of Appearance, Landscaping and Scale at LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE	191013	201

PARISH COUNCIL	MR HAMMOND (Ashperton Parish Council)
OBJECTOR	MR GARDINER (local resident)
SUPPORTER	MR DAVIES/MR NEEP (Applicant/Applicant's agent)

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	223128 - DEMOLITION OF 2 NO. AGRICULTURAL BUILDINGS. PROPOSED 4 NO. DWELLINGHOUSES WITH GARAGES, LANDSCAPING AND ASSOCIATED WORKS AT BARNES AT MONKSBUURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU For: LTF Properties Ltd per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223128&search-term=223128
Reason Application submitted to Committee – Redirection	

Date Received: 16 September 2022 Ward: Three Crosses Grid Ref: 361997,244280

Expiry Date: 29 August 2025

Local Members: Cllr Jonathan Lester

1. Site Description and Proposal

- 1.1 The application site lies to the north-east of Hereford within the settlement of Monkhide. Monkhide consists of three sections, which includes the main built form of the village, Monksbury Cottages which are two storey semi-detached dwellings to the southeast of the main village and to the south side of Village Road, and Monksbury Court to the east. Monksbury Court is undergoing long-term redevelopment, and permission has been granted for development to the north of the site which consists of seven dwellings (5 x 3 bed and 2 x 4 bed) detached dwellings with garages which was allowed on appeal. Some of the barns within the original farmstead have already been granted approval for conversion to residential use. The proposed development can be seen in context with the approved site in **Figure 1** below.



**Figure 1. Proposed block plan in context with the layout of approved application P192765/F.
Extract from drawing number 2219 P01**

Further information on the subject of this report is available from Ms Tracey Meachen on

- 1.2 The application seeks permission for the demolition of 2 no. agricultural buildings, and a proposed development consisting of 4 no. dwellinghouses with garages, landscaping and associated works.
- 1.3 The site relates to two buildings which formed part of application reference 204153 which sought permission for barn conversions from agricultural to residential under the Class Q route. The application was not granted as full planning consent was deemed to be required.
- 1.4 This application therefore seeks full planning permission for the demolition of the 2 no. agricultural buildings and subsequent erection of 4x4 bed dwellinghouses with garages, landscaping and associated works. The proposed floor plans and elevations are illustrated at **Figures 2 and 3** below.



Figure 2. Proposed ground floor plan in context (Drg Number 2219 P 04A)



Figure 3. Proposed general elevations(drg Number 2219 P 10)

- 1.5 The site plan suggests there will be three car parking spaces for each dwelling in addition to the associated garages. Units 1 to 3 will be linked by the attached garages and units 1 and 4 will have detached garages. 4 additional car parking spaces will be provided close to the bin and bike store. Unit 3 will back onto plot 7 of the approved development to the north, and Unit 1 will back onto Plot 1.
- 1.6 The site will be accessed from Broadlands which is an existing single-track lane which leads from the A417, continues to the east of the original farmstead, and connects to the lane which runs through Monkhide. This is detailed on the location plan as inserted below – Figure 4

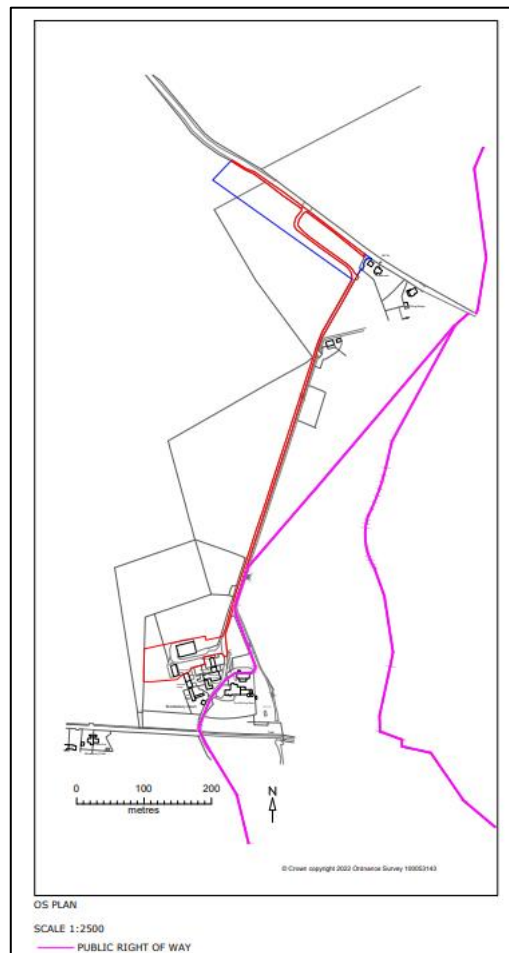


Figure 4 – Location Plan (drawing number 2291 P09A)

- 1.7 The site is not located close to any listed buildings or within a conservation area. Public Rights of Way (detailed in pink on the above plan) lie to the east of the site

2. Policies

2.1 Herefordshire Local Plan - Core Strategy 2011 – 2031

- SS1 Presumption in favour of sustainable development
- SS2 Delivering new homes
- SS3 Releasing land for residential development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing in settlements outside Hereford and the market towns

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

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Yarkhill Neighbourhood Development Plan:

The Yarkhill Neighbourhood Development Plan was made on 25 September 2018. It now forms part of the Development Plan.

[Yarkhill Neighbourhood Development Plan - Neighbourhood areas and plans directory – Herefordshire Council](#)

- Y2 Settlement Boundaries
- Y7 Traffic and Transport
- Y8 Water Supply and Sewerage
- Y9 Reducing Flood Risk and Supporting Sustainability
- Y11 Protecting Landscape Character

2.3 National Planning Policy Framework (NPPF) – Relevant Chapters:

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

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

- 3.1 **204153/PA4** - Notification for prior approval for a proposed change of use of two agricultural buildings to form 3 smaller and 1 larger dwellinghouses (Class C3) and for associated works. –

Further information on the subject of this report is available from Ms Tracey Meachen on

Was considered the proposals required full planning permission as they did not meet the strict criteria of Class Q – agricultural buildings to dwellinghouses.

3.2 (Adjacent Site)

192765 - The proposed erection of seven dwellings with garages and associated development. (DOC 5, 6, 7, 14 see 232487) (DOC 8 see 240254) (DOC 3, 4, 11 see 240484) (DOC 19 see 242245)

Appeal Allowed – 11th March 2022

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192765&search-term=192765&search-service=search&search-source=the%20keyword&search-item=%27192765%27

4. Consultation Summary

Statutory Consultations

4.1 **Welsh Water Comments:** No objection

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage

4.2 Natural England Comments: Raises No objection
Consulted on HRA on 10th April 2025. No objection raised.

Internal Council Consultations

4.3 **Team Leader Area Engineer (Highways)** comments: No objection subject to conditions

The access has previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use.

Condition recommended regarding the provision of the visibility splays and improvements to the access.

4.4 **Principal Natural Environment Officer (Landscape)** comments: No objection subject to conditions.

The proposed site is adjacent to Monksbury Court, which is now converted from farm buildings to residential dwellings. It is at the far eastern end of Monkhide, which is a very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes. The landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature. I have previously commented on the adjacent residential site (planning ref 192765).

On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings.

The site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development. Visually the proposed building materials will be brick, timber and tiled roof (Design and Access Statement section 8), which will reflect the adjacent new and old buildings.

If the application is to be approved then a condition should be added to provide a fully detailed hard and soft landscape scheme.

There is no objection in relation to Core Strategy Policy LD1, as the proposed development will integrate appropriately into its surroundings.

4.5 **Principal Natural Environment Officer (Ecology)** comments: No objection subject to the purchase of credits

Original comments dated 2nd November 2022 included a holding objection:

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

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

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

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

Notes in respect of HRA

The proposal is for FOUR new self-contained dwellings with associated additional foul water flows (nutrient pathways).

No mains sewer connection is available at this location.

The applicant has advised that they intend to connect to the private foul water system previously approved for an adjacent development (permitted March 2022 under appeal application ref 192765)

No details of the proposed private foul water scheme – previously approved and updated to include detailed consideration of additional flows now being proposed has been submitted. Each application must be supported by the relevant scientific details and information/designs and demonstrate legal certainty of nutrient neutrality for the lifetime of the development supported.

An updated professional foul water management scheme with all relevant updated calculations, specifications, plans and any relevant updated BS6297 testing (as previous report and testing is now at least 2 years old) is requested to support this current application and provide required scientific and legal certainty for the HRA process now required as part of this new planning application.

Once the fully updated foul water scheme has been supplied the relevant HRA process for this current application can be progressed.

This currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be discussed with the planning case officer once the final new scheme has been designed.

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

Other ecology comments

The preliminary ecological appraisal and bat report by AWARE Ecology dated September 2022 is noted and refers.

The initial ecology assessment and optimal period bat surveys completed in 2022 demonstrated that the buildings were being utilised by small numbers of "common" bat species and that a Protected Species Licence from Natural England would be required PRIOR to any works commencing. No further protected species (Bats) surveys are identified as being required in order to allow the LPA to make a determination in respect of planning permission. The required protected species licence can only be applied for subsequent to a planning permission being granted.

The applicant should be aware that Natural England may require further 'optimal period' and hibernation bat roost assessments to be completed within same/one season of the Protected Species Licence application being submitted to them. This requirement is separate to any determination or planning permission granted by this authority. If the requirements of Natural England Licensing in anyway amend or change approved plans relevant additional-updated planning permission may be required prior to works progressing.

Based on available information the LPA has no reason to consider that a protected species licence will not be granted by Natural England, The detailed recommendations, including protected species licence requirements, mitigation and compensation measures as detailed in the ecology report by Turnstone Ecology should be secured for implementation by a condition on any planning permission granted.

Ecological Protection

The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. These enhancements are in addition to any mitigation or compensation required by other constraints. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. These biodiversity net gain enhancements are in addition to any mitigation or compensation required due to Natural England species licensing requirements.

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

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

Protected Species and Dark Skies (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.

Following further information and re-consultation dated 24th April 2024

Habitat Regulations Assessment considerations only (other previous ecology comments remain valid)

The Surface Water Management Plan, Flood Risk Assessment and Foul Drainage Strategy by Greenway Planning Ltd Rev2 dated 15/02/2023 is noted and refers.

This report provides details and confirmation that a new private, shared, foul water treatment system comprising of a Package Treatment Plant discharging to a local watercourse will be used to manage all foul water flows from the proposed new 4 residential dwelling development.

As a direct outfall to local watercourse is proposed the additional foul water outfall discharged will create new-additional nutrient pathways (Phosphates) in to the River Lodon which forms part of the River Lugg (Wye) SAC catchment.

The proposal is to demonstrate that nutrient neutrality can be achieved for the lifetime of the development through the purchase of relevant 'Natural England' approved Phosphate Credits. No confirmation of a completed purchase has been supplied and the required HRA appropriate

assessment process cannot be progressed at this time and no planning permission should be granted.

Once a final purchase of required P Credits has been completed, based on current guidance and approved Nutrient Neutrality Calculator, the required HRA process can be progressed.

The Habitat Regulation Assessment can be seen here:

<https://myaccount.herefordshire.gov.uk/documents?id=decea24a-15f3-11f0-908d-005056ab11cd>

4.6 **Public Rights of Way Manager** comments: No objection

4.7 **Land Drainage** comments: 4th December 2022 – Further information required

Initial consultation provided **4th December 2022** initially asked for further information:

Conclusion:

As discussed above, we recommend that the following information is provided prior to the Council granting planning permission for this development:

- Surface water drainage strategy.
- Revised foul water drainage strategy which utilises a gravity fed discharge

Full comments (4th December 2022) can be read at :

<https://myaccount.herefordshire.gov.uk/documents?id=14d63e2a-8831-11ed-9066-005056ab11cd>

4.8 **Land Drainage** comments: 10th November 2023 - No objection subject to conditions

Full Comments can be read here:

<https://myaccount.herefordshire.gov.uk/documents?id=670116b9-83c0-11ee-9073-005056ab3a27> – Appendix 1

Overall Comment

CONDITIONAL NO OBJECTION

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

- Detailed surface water and foul water drainage design drawings/construction layout.
- Details of the management company responsible for the maintenance of the foul water infrastructure.

4.9 **Waste Management** comments:

A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards

In the event that any roads within the development are not adopted, please note the council will only agree to travel private roads for the purposes of waste collection if:

- The council and its contractors determine that collections can be carried out safely; and

- The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis; and
- The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

When the development is brought into use, the council and/or its contractor will assess the safety of collections via the completion of a risk assessment which will take into consideration the access and suitability of the road surface, width, obstructions and turning areas for a 26 tonne RCV.

A Bin Store have been included on the plans. These should be large enough to position the required number of containers and large enough to remove one bin without having to move another first.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

Other Consultation responses

4.10 **The Ramblers** comments: No objection

4.11 **River Lugg Drainage Board** comments: No objection

The site is just outside IDB district but the un-named water course to the east of the site is within the district flowing south to meet Watery Lane.

If infiltration tests show soakaways to be unsuitable for this site the applicant is proposing to use storage with a controlled discharge into this un-named watercourse. The applicant is also indicating that if a drainage field is not appropriate then the outfall from the package treatment plant will discharge into this un-named water course.

CONSENTS will be required from the IDB for both these proposed new outfalls into the un-named watercourse. We would recommend that this is a planning condition of any planning decision. Reason: requirements of Land Drainage Act 1991 (as amended).

CONSENT would also be required from the IDB if any obstructions are proposed within 9m of this watercourse.

4.12 **Hereford Wildlife Trust** comments: no response

4.13 **The British Horse Society** comments:

The British Horse Society is the UK's largest equestrian Charity, representing the UK's 3 million horse riders. Nationally equestrians have just 22% of the rights of way network and are increasingly forced to use busy roads to access them.

The design and access statement suggests that the access to/from the proposed properties will be from the A417. Presumably there would be no access for MPV's through the farm buildings via Yarkhill FP2 and Bridleway Yarkhill 3 towards Monkhide. This is clearly used for MPV/farm access on the ground currently: whilst recorded partly as UCR with mixed maintenance responsibility additional MPV traffic using this route would impact on the safety and enjoyment of the bridleway.

The British Horse Society seeks assurance that the bridleway network here will not be detrimentally affected by the additional housing.

5. Representations

5.1 Yarkhill Parish Council comments: (November 2022) Objection

Irrespective of the demolition of two unattractive buildings, we consider this to be an ill-conceived and presented development scheme. It fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned while also being in close proximity to flood risk zones 2 and 3. In addition, the application is peppered with errors, contradictions and lacking critical information which we consider essential.

Appraisal

Settlement Boundary

- The Planning Statement appears to misunderstand the entitlements of a settlement boundary and the nature of Yarkhill's NDP. Indeed, contrary to the Agent's statement in paragraph 14, the Parish Council and local residents in drafting the NDP, did not wish any site beyond the existing Monksbury Court Barns development to be included within the boundary. This was in order to protect the integrity and attractiveness of the local landscape while recognising the flood risk and paucity of Monkhide's infrastructure. We were, however, compelled to include it under the rules for the drawing of settlement boundaries primarily due to the existence of an agricultural building on the extended site
- While we accept that this action established the principle of development, it does not give LTF properties the right to build as it wishes. The essential purpose of the NDP is to apply policies to any development within the boundary and, as it stands, this application proposes a development where there are numerous conflicts with the established criteria.

Design / Layout

- There is no attempt to address two of the key reasons why Herefordshire Council refused previous application 204153, namely the issue of flooding and the inadequacy of the existing access. Highways, in particular, expressed specific concern about the poor state of the access track and the high number of dwellings already served such that now increasing the number of houses would appear to be inconsistent with this assessment
- The houses will impinge on the converted Victorian barns yet bear little resemblance in either style or layout. When viewed from the south, the proposed development appears as one large dark terrace block without redeeming features or variety which confirms the squeezed in nature of the houses and therefore the overdevelopment of the site. This is in direct conflict with Policy Y2 (Housing within Settlement Boundaries) of our NDP
- The development will not contribute towards the landscape character of Yarkhill irrespective of the removal of the two existing buildings and this is contrary to NDP Policy Y11 (Protecting Landscape Character)
- It is irrational that 4 large houses of this nature should lack side access to their rear gardens other than via a single door in the garage. Somewhat worryingly, units 2 and 3 have no access at all which is presumably a drafting error by the architect? Fundamentally, these are linked houses which actually contributes to their unsuitability given that any sense of openness will be destroyed due to the lack of space or daylight between them. We must also question the sufficiency of vehicle access to the garages of units 1 and 4 and, equally, the ability to exit these dwellings easily
- We cannot understand why there has been no attempt to make this a more mixed development by the inclusion of at least one 3-bedroom property as specified under NDP Policy Y2 and given the recognised demand for this type of accommodation. By doing so, it would allow the development to be better spaced out thus reducing the impression of being crammed onto a relatively small parcel of land. Policy Y2 further indicates a preference for

small scale developments of up to 3 houses only. Even the 4 alone would exceed this objective, but if combined with the 7 already approved, the total would be 11 which is an insupportable number for the location

- It is disappointing to note the lack of energy efficient measures to be incorporated within the design of the dwellings such as alternative air source heating or solar panels which is addressed in NDP Policy Y2 and Y9 (Supporting Sustainability).
- There is no mention of the maintenance of dark skies and the type of external lighting to be used which is particularly important in Monkhide as specified in Policy Y11 of the NDP.

Flooding / Foul Water

- The Flood Risk Assessment is from 2019 and was undertaken in respect of the 7 houses under planning application 192765 and not an additional 4 dwellings as now proposed. Specifically, this is a very different piece of land and set at a much lower level than the site of the 7
- There is no explanation of where the referenced package treatment plant will be situated and it does not appear to be marked on the site plan. This should surely be part of the application
- The development intends to make use of the drainage field approved under application 192765, but this was specifically sized to accommodate the 7 houses only and it is worth noting the comments of Land Drainage from 26/10/20 in this respect. While the latest application indicates that information regarding the suitability of the field for additional houses is provided, this appears to be lacking. We would further suggest that it is important to understand the ownership nature of the drainage field and how this will be dealt with post completion. The site drawing illustrates that only half the field will be within land that is part of this application while the other half sits on land that is part of application 192765 and we understand from public records that LTF properties is in the process of selling the 7-house site
- We are no less concerned by the likelihood that the methodology for foul water treatment will have to involve a complex and engineered solution given that the drainage field sits at a higher level than the development site itself, but this is not addressed anywhere in the application
- With regard to surface water, we find it difficult to reconcile the sensitive nature of the site with the proposal that ground testing and a resultant strategy will be undertaken and designed post an approval. This should surely be a fundamental part of the application rather than left to conditions. We also struggle to buy into the argument that the similarity of roof areas between the houses and existing agricultural buildings means there will be no difference in surface water volume when the site is developed. The profile, layout and proximity of the houses is vastly different with the risk situation being compounded by the loss of land that has natural porosity and an increase in the areas of hard standing. This is without taking into account the impact of the adjacent 7 dwellings
- The topography of the land is such that the 4 houses will sit at a lower level than the 7 which are positioned immediately to the North though it is difficult to get a sense of the respective height levels from the application. Flood waters encroach from the north and east such that there is a risk the new development may not be able to withstand the volume of surface water it would have to accommodate which is evidenced in numerous photos illustrating the amount of excess surface water at this lower level as part of application 192765. In addition, in periods of high rainfall, the access track can be partly underwater and this is likely to cause particular problems for the increased number of residents that will need to use it
- On the basis of the information provided relating to foul and surface water management, we are of the view that the application is contrary to NDP policies Y8 (Water Supply & Sewage) and Y9 (Reducing Flood Risk).

Transport / Infrastructure

- Highways objected to previous application 204153 which we must assume does not take into account the 7 houses approved under application 192765. The current access track still fails to meet Herefordshire Council's Highway Design Guide despite consistent calls for remedial action to be taken and the point at which the track joins the A417 is dangerous. No development should be permitted until this matter is finally resolved. It should also be noted that access to the site is not via Broadlands as stated in the Design & Access Statement which is a private dwelling and driveway
- It is disconcerting that the Planning Statement claims traffic safety will improve as a result of the development given that, following demolition of the piggery and potato shed, there will no longer be heavy farm vehicles using the access onto the A417. This is fundamentally incorrect and contradicts the remainder of the application which states that these buildings are currently redundant structures. The reality of the situation is that there is no traffic of the nature stated, and that traffic volumes will only worsen with 4 additional dwellings each with spaces for 3 cars
- Monkhide has inadequate facilities or infrastructure such that the sense of allowing yet further development must be questioned. Residents will undoubtedly be car reliant for almost every day to day need and there is not even connectivity to the nearby petrol station at Newtown. The PC would like to see the developer committed to providing at least some form of infrastructure improvement be it a pavement from the entrance point on the A417 to the Newtown crossroads or enhanced road safety measures to lessen traffic risk. This is consistent with NDP Policy Y7 (Traffic & Transport)
- Should planning permission be granted, it should be a condition that no traffic from the site, during construction or post completion, may use the access via the U66203 onto the A4103, but only via access onto and from the A417. We would also like to see a formal landscaping plan provided including the location of any oil or gas tanks to uphold the visual appeal of the location.

Conclusion / Recommendation

It is currently difficult to square this development with the NPPF's measures of sustainability. It is not of the right type or in the right place due to the issue of flooding and there is scant evidence of the provision of improved infrastructure in an area that has no mains sewage, drainage or gas combined with access that is presently inadequate (Economic). No range of homes is offered, access to services is lacking, other than by car, and the design is unattractive (Social). There is nothing proposed that helps us move to a low carbon economy and the development neither protects or enhances the historic environment (Environmental). The Parish Council is of the unanimous view that there are critical areas that must be addressed before this application is capable of being supported. As such, we are compelled to object to it in its present form

The Parish Council was re-consulted in July 2025. No additional comments have been received.

5.2 Site Notices / Press

The application was originally consulted on in November 2022. Given the passage of time, a further round of consultation was undertaken in July 2025.

12 representations received in objection to the application.
The comments can be summarised as follows;

- Increase in traffic
- Light and noise pollution
- Ground contamination
- Foul drainage
- Doesn't address housing shortage, affordable homes or local housing need
- Unnecessary overdevelopment
- Materials proposed won't enhance local vernacular
- Flooding issues
- Poor road surface
- Highways concerns
- Harms the character and appearance of the area which includes Victorian Barns, and the landscape character
- Poor design and materials
- Should include renewable energy and rainwater harvesting
- Wildlife habitats
- Unsustainable location
- No access to rear of dwellings
- No green energy
- SUDS report out of date
- Does not comply with NDP policies

All representations can be viewed in full on the Council's website using the following weblink:-

https://www.herefordshire.gov.uk/info/223128/planning_services/planning_application_search/details?id=223128

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

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 Yarkhill Neighbourhood Area, which was made on the 25th September 2018 and forms a part of a part of the Development Plan for Herefordshire.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 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 need updating, and these were subsequently updated in December 2023. 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.
- 6.4 Paragraph 12 of the NPPF does recognise that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans), permission should not usually be granted.
- 6.5 Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS, applies a presumption in favour of sustainable development.

Further information on the subject of this report is available from Ms Tracey Meachen on

- 6.6 The application involves the provision of housing and there is a need to note Footnote 8 of the NPPF.
- 6.7 The recent revisions to the NPPF has resulted in a published five-year Housing Land Supply figure for Herefordshire of 3.06 years. Herefordshire Council is currently unable to identify a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As a result, Paragraph 11(d) of the NPPF is engaged for decision-making purposes. Planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole (11dii); or if specific assets or areas of importance within the current NPPF indicate development presents a 'strong reason' for refusal (11di).
- 6.8 Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision.
- 6.9 Policy SS1 of the CS reflects the principle policy of the NPPF as it confirms a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It is therefore confirmed that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents) will be approved, unless material considerations indicate otherwise.
- 6.10 Strategic policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, then the five market towns of Herefordshire. In rural areas, new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements, particularly directing development to 'sustainable locations'.
- 6.11 Policy RA1 explains that a minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs) albeit across the current plan period of the CS which recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for production of NDPs. The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The CS leaves flexibility for NDPs to identify the most suitable housing sites, through their policies; and allocations.
- 6.12 Policy RA2 of the HCS states that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance, the main focus for development will be within or adjacent to the main built up parts of the settlement.
- 6.13 The Council is currently not able to demonstrate a five year supply of housing land. Following revisions to the NPPF in December 2024 which changed how housing need should be calculated, the supply figure for Herefordshire has reduced to 3.06 years. The tilted balance is therefore engaged. However, it is considered that the development policies within the Core Strategy follow the requirements of sustainability within the NPPF and can therefore still be considered relevant.
- 6.14 Regarding Neighbourhood Development Plans, Paragraph 14 of the NPPF states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

- 6.15 Whilst being mindful that the NDP post-dates the adoption of the CS, the Cradley NDP is now over five years old (made September 2018). Paragraph 14 is not engaged given conflict with a). As such, any conflict with the policies contained within the NDP does not automatically amount to harm that significantly and demonstrably outweighs the benefits of a proposal which would engage Paragraph 14. The aforementioned balance at Paragraph 11d will therefore still apply in earnest.
- 6.16 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision and Paragraph 232 of the NPPF is therefore applicable. The spatial strategy set out in both the CS and NDP is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as both the CS and NDP helps in some ways define what may amount to a 'sustainable location', 'effective use of land' and 'securing well-designed places', key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.17 Monkhide is identified as a settlement for housing growth under Policy RA2 within the Ledbury HMA in associated Table 4.15 of the Core Strategy, as a settlement where proportionate housing is appropriate, with the policy supporting development within or adjacent to these identified settlements. However, the CS does leave it open to NDPs to define any settlement boundaries, as per Paragraph 4.8.23 of the CS. The boundary was established within the Yarkhill NDP as shown in **Figure 5** overleaf.



Figure 5: Yarkhill NDP Policy Map for Monkhide
Proposed site indicated by a yellow star

6.18 Policy Y2 supports proposals for new housing development within the identified Settlement Boundaries for Monkhide provided that it meets the criteria as explored below:

1. *New development is designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;*

Complies. The existing materials are brick, blockwork and timber cladding. Similar materials are proposed with the brick and timber cladding to be conditioned to ensure they correspond to the local materials of the site.

2. *Properties and extensions are restricted to two storeys in height and reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping;*

Complies. The proposed dwellings are of two storey height and laid out in a similar fashion to the existing barns which faced a central area of existing open space. The layout would therefore be similar to the existing layout while matching the design of the adjacent barn conversion complex to the north which provided 7 dwellings. Although modern in appearance, the form, density and arrangement of buildings would reflect the already existing barn conversion site.

3. *Development is designed to be sensitive to any nearby built heritage assets such as Listed Buildings and Scheduled Monuments;*

Complies. The site is not located close to any listed buildings, ancient monuments or Conservation Areas.

4. *New developments retain and incorporate natural features such as trees and hedgerows, and where appropriate ameliorate any loss of habitat for wildlife;*

Complies. The land immediately surrounding the two disused barns is made up of mostly pastoral land and a parking area associated with the converted barns nearby. Most trees and shrubs will be retained, but a small group will be lost to make way for unit 1. Some replacement planting could be attainable within the site.

5. *New development should incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes, and landscaping should include locally appropriate species in planting schemes.*

Complies. These have been included within the Preliminary Ecological Appraisal Survey which has been submitted with the application.

6. *Renewable energy installations if proposed are integrated into the design;*

Does not comply. Although none have been included within the submitted scheme, this is not a valid reason for refusal.

7. *Sites have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours;*

Complies. The access was considered suitable on an appeal decision, subject to a condition which will ensure improvements are made to the access. A similar stance will be taken for this application.

8. *Sufficient provision should be made for adequate off street parking;*

Complies. Adequate parking is proposed.

9. *Development is small in scale (preferably up to 3 dwellings), on small infill sites, and where possible on brownfield sites where the new housing development will not be adversely impacted by existing agricultural or commercial activities;*

Complies. The site is for four dwellings, and smaller than the appeal site which was approved for 7 dwellings. It is still regarded as small scale development and no more than 3 is expressed as a preference rather than a limit.

10. *Schemes provide smaller and family accommodation (2 - 3 bedrooms) to meet the needs of young families. Affordable housing is encouraged where viable and possible.*

Discussed below:

- 6.19 The dwellings proposed are for 4 bed dwellings, so do not exactly comply with this criteria. The Herefordshire Local Housing Market Assessment (LHMA) 2013 is quoted within the NDP. It identified that, in rural parts of Ledbury LHMA, between 2011-2031 there is a need for 339 market houses and 226 affordable houses. The study highlights that within the Ledbury HMA the overall estimated housing need by size 2012-2017 is as follows:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	46.8%	22.3%	22.7%	8.2%

The Herefordshire Local Housing Market Assessment (LHMA) 2021 now suggests the following is required:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	5%	30%	50%	15%

- 6.20 There is therefore a greater need for 4 bedrooled dwellings now than the time the NDP was produced, but still a greater need for 2 and 3 bed dwellings. However, the development for 4 bed dwellings, while conflicting with this part of the policy, and this tension must be considered, it is not considered to be a reason for refusal that could be advanced in isolation. Therefore, unless material considerations show otherwise, the application would be considered acceptable. The previous application approved on appeal consisted of a mix of 3 and 4 bed dwellings.

Impact on the Character of the Surrounding Area and Residential Amenity

- 6.21 CS policy RA2 requires that all developments in identified settlements should be of a high quality and appropriate to their context whilst making a positive contribution to the surrounding environment and its landscape setting.
- 6.22 This is further reinforced by policy LD1 which requires that schemes are positively influenced by the character of the townscape in terms of their site selection, design and scale.
- 6.23 SD1 also requires that schemes are designed to maintain local distinctiveness by respecting scale, height, proportions and massing of surrounding development whilst making a positive contribution to the character of the area. Also, development must safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.24 NDP Policy Y2 expects new development to be:

- designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such as Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;
- restricted to two storeys in height and to reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping; and
- designed to be sensitive to any nearby built heritage assets.

- 6.25 The proposed site is adjacent to Monksbury Court which has recently been converted from farm buildings to residential dwellings. Monkhide is described by the Landscape Officer as a 'very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes', describing the area as follows 'landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature.
- 6.26 On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings'.
- 6.27 There have been objections to the proposals from the public and Parish Council to suggest that the proposals do not match the surroundings in terms of design which are large Victorian Barns, and that the scale of the development is too large being dwellings of four bedrooms. The Parish Council stressed the development 'fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned'.
- 6.28 The character of the area has slowly changed from agricultural when the barns were in use, to maintaining agricultural characteristics, but with a more residential character presiding. The previous application utilised similar building materials to reflect the character of the area, and this application has attempted to apply the same principle. Barn 1 to be demolished is a steel framed structure constructed with concrete block walls. Barn 2 is a single storey brick barn. The proposed brick and timber cladding replicates the better material palette of the surrounding built form, and a condition will be requested to ensure that the council retains control over the brick type and finish. Plain tiles are proposed instead of asbestos roof sheeting currently in situ, and the removal of the blockwork barn and asbestos roofing.
- 6.29 The design of the dwellings now proposed are similar in design to the residential site to the north which is already approved, and which also included grey windows and doors, the proposal will be considered to complement the approved residential scheme while still respecting the original agricultural layout. The Landscape Officer agrees, stating that 'the site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development'.
- 6.30 Despite the concerns which have been expressed, the scale of development is visually acceptable, and the dwellings have been arranged to ensure there will be no overlooking between neighbouring properties. As the patio doors to the rear of unit 1 will face towards the garage and utility areas of the dwelling to the north identified as plot 1 of planning consent 192765, these have been considered in terms of amenity impact. However, impacts on existing and future residential amenity is considered acceptable, and the application appears to comply with policies RA1, LD1 and SD1 within the CS, NDP policy Y2 and policies within the NPPF.

- 6.31 Materials to be used within the development can be controlled through a suitably worded condition as detailed below.

Highways

- 6.32 Policy MT1 of the Core Strategy expects new development to provide safe access from the local road network without undue local environmental impacts, promoting active travel and development without adversely affecting the safe and effective flow of traffic on the highway network.
- 6.33 Policy Y2 of the NDP requires sites to have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours. Sufficient provision should also be made for adequate off street parking.
- 6.34 Policy Y7 seeks, wherever possible, to support and improve existing public transport links to local towns and facilities, and to improve local routes and networks for walking and cycling.
- 6.35 NPPF Paragraph 115 (b) requires safe and suitable access to the site can be achieved for all users, and Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.36 The Area Engineer for Highways has noted that the access to be utilised has 'previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use'.
- 6.37 The Area Engineer therefore has no objections subject to the recommended conditions to ensure adequate visibility splays are put in place and maintained, and to ensure that there are improvements made to the existing access from the A417 to the development proposed.
- 6.38 The application will therefore comply with CS Policy MT1, NDP Policies Y2 and Y7 and the requirements of the NPPF.

Ecology

Protected Species:

- 6.39 NPPF paragraph 180(d) seeks to minimise impacts on, and provide net gains for, biodiversity. Policy LD2 of the Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.40 Policy Y2 of the NDP requires new development to incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes.
- 6.41 Policy Y11 expects proposals to give careful consideration to lighting designs in order to minimise light pollution and protect the area's dark skies for the benefit of wildlife and residents' local wellbeing.

6.42 The application has been supported by an Ecology Assessment including bat surveys. As bats were identified as using the buildings, the Ecology Assessment pointed out that a Protected Species License would be required from Natural England. It was therefore up to Natural England to decide whether any further surveys are required. The Council's Ecologist therefore considered that a protected species licence would be granted by Natural England. The ecology report by Turnstone Ecology recommended the protected species licence requirements, mitigation and compensation measures. Therefore, so long as implementation can be secured by condition, the Council's Ecologist would have no objections. Other conditions were also recommended including the control of external lighting to ensure dark skies and nocturnal habitats are maintained.

6.43 The application therefore complies with the above policies.

Habitat Regulations Assessment and Drainage:

6.44 Policy SD3 states that 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. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures or provide similar to enhance the local flood risk regime.

6.45 Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

6.46 NDP Policy Y8 supports CS policies SD3 and SD4 and development will therefore only be permitted where the capacity of the public sewerage system or waste water treatment works (WwTW) allows, or a suitable private waste water treatment system is installed. In addition, development should not cause an unacceptable risk to the availability or quality of water resources of neighbouring properties, and no development should be allowed to overload the public sewerage system.

6.47 Policy Y9 expects new residential development to be in Flood Zone 1 low risk, and are required to provide effective surface water drainage measures to protect existing and future residential areas from flooding.

6.48 The Flood Risk Assessment and Surface Water Management Plan initially recommended a Sewage Treatment Plant and Drainage Field to discharge Foul Water from the site. This was upgraded to a Haba Bio Easy Flow Package Treatment Plant which reduces phosphate to 0.8 mg/litre Phosphate and which will ensure a betterment to the originally submitted scheme.

6.49 The HRA recognised the following:

FOUR new residential dwellings with new private foul water system foul water discharges
Std occupancy for Herefordshire 2.3
Std water efficient condition to 110lpd (secured by condition))
No mains sewer available
Private Foul water System – Haba Bio Easy Flow (0.8 mg/litre Phosphate)
Discharge to a general binding rule compliant watercourse under the applicant's control.
Annual Rainfall: 850-900mm (applicant data)
Soil Drainage: Slightly Impeded (applicant data)
Existing land use: Mixed agricultural 0.40Ha (application info)

6.50 The Phosphate Budget Calculations show the PTP system proposed would lead to a shortfall of 0.96kg TP/year for the four dwellings. Adequate mitigation has been agreed to be achieved through the purchase of credits which would demonstrate legal certainty of nutrient neutrality for

the lifetime of the development proposed. A copy of the draft legal agreement (S106) is appended to this report – appendix 2.

- 6.51 Both the Council's Ecologist and Land Drainage had no objections to the proposal. A Habitat Regulation Assessment was completed and sent to Natural England who also had no objections so long as the proposed mitigation measures can be secured by either a planning condition or an S106 agreement. As the land is within the applicant's control, a condition will be attached to the Decision Notice to ensure the PTP is provided and adequately maintained for the lifetime of the development. A completed section 106 agreement will confirm the purchase of credits as mitigation/ It is therefore concluded that the proposal is compliant with policies SD3 and SD4 of the Core Strategy, policy Y8 of the NDP, and the requirements of the NDP.
- 6.52 It has been pointed out that this currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be duly considered once the final new scheme has been designed. However, it is not a matter to cause planning permission to be withheld here as there are mechanisms available to the applicant to amend the previously approved drainage scheme.

Drainage

- 6.53 A Flood Risk Assessment and Surface Water Management Plan was included as part of the application which identified the site as being in Flood Zone 1 with no surface water flood risk. However, part of the access road is located within flood zone 2. As such, the applicants were recommended within the Management Plan to check flood alerts during heavy rain so that informed decisions could be taken early if required, and this will be repeated as a Planning Informative on the Decision Notice.
- 6.54 Land Drainage pointed out that the Flood Risk Assessment and Surface Water Management Plan was carried out prior to any infiltration test results being undertaken. They therefore asked for another surface water drainage strategy and layout to be provided along with the associated infiltration test results and calculations.
- 6.55 The updated information confirmed that each property would have its own individual geocellular soakaway, the use of which was supported by the infiltration test results. Land Drainage therefore had no objections so long as the detailed surface water and drainage design drawings and construction layout are provided, which can be secured by condition.
- 6.56 The detailed comments of the Parish Council and other residents in respect of drainage concerns have been noted and reviewed. The submission has been carefully considered by the drainage consultant who raises no objection subject to conditions. It is therefore considered that the application can comply with CS policies SD3 and SD4, policy Y8 of the NDP, and the requirements of the NPPF.

Other

- 6.57 There have been concerns from the British Horse Society that Multi-Purpose Vehicles would use access points through the farm buildings via Yarkhill Footpath 2 and Bridleway Yarkhill 3 towards Monkhide, which would impact the safety of the bridleway, spoiling the enjoyment of the bridleway due to a busy road.
- 6.58 Paragraph 115 of the NPPF requires: in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that - (b) safe and suitable access to the site can be achieved for all users.

- 6.59 The public Bridle Way follows Village Road and also has a public footpath which runs to the east of the application site. The access road goes northwards to the A417 and does not impact the bridleway. A small section of the access road joins with the PROW (public footpath).
- 6.60 There is nothing to prevent traffic from turning towards Monkhide rather than to the A417 as the existing access points will remain unchanged. However, the dispersal of traffic would be throughout the day, and road users would utilise a mix of the two routes. The amount of traffic running along Village Road would not be significant as traffic would most likely prefer the faster route onto the A417 which has a better road surface and traffic speed. It is therefore not considered that the amount of traffic using the narrower road through Monkhide would escalate as a result of the 4 dwellings, and not to the extent that the enjoyment from using the bridleway would be unacceptably spoilt. The application is seen to comply with the requirements of the Development Plan and NPPF in this respect.

Conclusion

- 6.61 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.62 The proposed development represents a small scale and appropriately designed residential scheme situated within the defined settlement boundary of Monkhide, as designated under the Yarkhill Neighbourhood Development Plan. The site is considered to lie in a sustainable location in accordance and the development accords with the general principles of Policies SS1, SS2 and RA2 of the Core Strategy.
- 6.63 The proposal would provide four additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing, and whilst there is some tension with policy in relation to the mix of housing, this is on a small site that is recognised can make an important contribution to meeting the housing requirement for the housing Market Area as a whole.
- 6.64 Furthermore, the proposal is acceptable in terms of scale, layout and design, and would not result in unacceptable harm to residential amenity, landscape character, ecological assets, or highway safety. It would therefore be considered to accord with relevant policy and as there are no other material considerations relevant to this application, it is recommended for approval subject to a the completion of the Section 106 agreement relating to the purchase of Phosphate Credits.
- 6.65 On this basis, it is considered that planning permission should be granted as set out in the recommendation below.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement to secure the payment of phosphate credits, 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:

1. Time limit for commencement (full permission)

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with the approved plans

Further information on the subject of this report is available from Ms Tracey Meachen on

Location Plans
2219 P01 Block Plans
2219 P 10 Elevations
2219 P 04A Proposed Ground Floor Plan
2219 P 05A Proposed First Floor Plan
2219 P 06A Proposed North and South Elevations
2219 P 07A Proposed East and West Elevations

Reason: To ensure adherence to the approved plans in the interests of proper Planning having regard to policies SD1, LD1, LD2, MT1 of the Herefordshire Local Plan, Core Strategy, Policies contained within the Yarkhill Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

Pre-commencement Conditions

- 3. No development shall take place until details of improvements to the access from the A417 to the development hereby permitted have been submitted to and approved in writing by the local planning authority.**

The approved details shall be completed prior to first occupation of any dwelling approved under this permission and thereafter maintained to an acceptable standard.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. No development shall take place until the following have been submitted to and approved in writing by the local planning authority:**

- detailed surface water and foul water drainage design drawings and construction layout

Work shall be carried out in accordance with the approved details and shall be installed prior to the first occupation of the dwellings hereby approved and maintained in accordance with the approved details thereafter.

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

- 5. Construction Management**

Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) A method for ensuring mud is not deposited onto the Public Highway**
- b) Construction traffic access location and specification**
- c) Parking for site operatives**
- d) Construction Traffic Management Plan**
- e) Siting of construction compound / site offices / storage**
- f) Tree / hedgerow protection measures**
- g) Hours of working during construction**

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

Reason: The details relate to the duration of the construction period and are required prior to commencement of development in the interests of highway safety, amenity and landscape protection and to conform to the requirements of Policies SD1, LD1, LD3 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. No works, including any site clearance or groundworks, shall take place until details of a site waste prevention plan and management measures has been submitted to and approved in writing by the local planning authority.

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

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

Other stage conditions

7. With the exception of any site clearance and groundwork, no development shall take place, a landscape scheme shall be submitted and approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

1. Trees and hedgerow to be retained, setting out measure for their protection during construction, including the location of temporary fencing, in accordance with BS5837:2012.
2. Trees and hedgerow to be removed.
3. All proposed planting and seeding, accompanied by a written specification setting out: species, size, quantity, density and cultivation details. This should include native trees.
4. All proposed hardstanding and boundary treatments.
5. Detailed construction drawings of the southern boundary retaining wall in conjunction with proposed tree pits and any other planting.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policy Y11 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of any site clearance and groundwork, no 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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

9. Prior to first occupation of any part of the development works hereby approved, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified

in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approvedT

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), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy Y2 of the Yarkhill Neighbourhood Development Plan.

10. Prior to first occupation, the details of the management company responsible for the maintenance of the foul water infrastructure shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.

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.

11. Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the any dwelling hereby permitted and maintained thereafter.

Reason: In the interests of amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

Compliance Conditions

13. No development shall take place until visibility splays, and any associated set back splays at 45 degree angles have been 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 154 metres northbound and 160 metres southbound along the nearside edge of the adjoining carriageway.

Development shall be carried out in accordance with the approved details and nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

14. The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved.

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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.

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

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

All hard landscaping shall be completed prior to the first occupation of the dwelling to which it relates.

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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

16. All foul water shall discharge through connection to a private foul water treatment system as detailed in the Flood Risk Assessment and Surface Water Management Plan Revision 2 prepared by Greenaway Planning Ltd (dated February 2022) and all surface water shall be managed through plot specific soakaway infiltration systems.

Reason: In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policy Y8 of the Yarkhill Neighbourhood Development Plan.

17. None of the dwellings approved by this permission shall be occupied prior to the 1st of June 2026.

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

18. 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; Policy Y11 of the Yarkhill Neighbourhood Development Plan; and the council's declared Climate Change and Ecological Emergency.

19. 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, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - To ensure the character of the countryside is maintained and to comply with Policy SD1 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 Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year.

Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any

required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. Consent will be required from the Internal Drainage Board for any proposed outfall into the un-named watercourse to the east of the site.
4. Consent will be required from the Internal Drainage Board if any obstructions are proposed within 9 metres of the un-named watercourse to the east of the site.

Decision:

Notes:

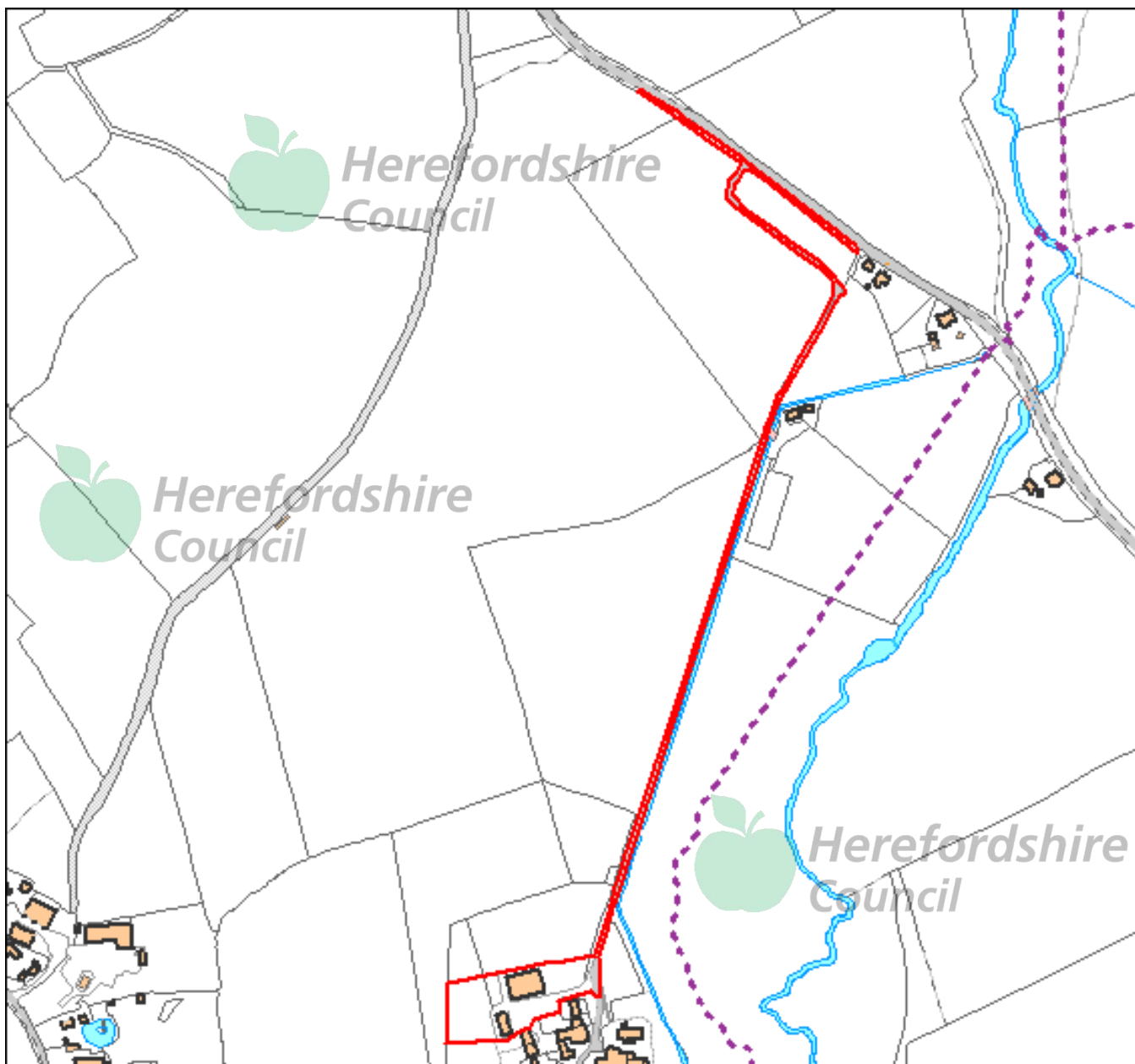
.....

Appendices

- Appendix 1 – Land drainage Comments
- Appendix 2 – Draft S106 agreement

Background Papers

None identified.



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

APPLICATION NO: 223128

SITE ADDRESS : BARNS AT MONKSBUURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU

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 Ms Tracey Meachen on

PF2

Full Planning Applications: Flood Risk and Drainage Checklist

Application details

SITE:	Monksbury Court Barns, Monkhide Village Road, Monkhide, Herefordshire HR8 2TU
DESCRIPTION:	Demolition of 2 no. agricultural buildings. Proposed 4 no. dwellinghouses with garages, landscaping and associated works.
APPLICATION NO:	223128
GRID REFERENCE:	OS 362005, 244306
APPLICANT:	L.T.F Properties Ltd.
AGENT	Mr Ben Greenaway
DATE OF THIS RESPONSE:	10/11/2023

This response is in regard to flood risk and land drainage aspects, with information obtained from the additional sources, following our initial consultation response in December 2022:

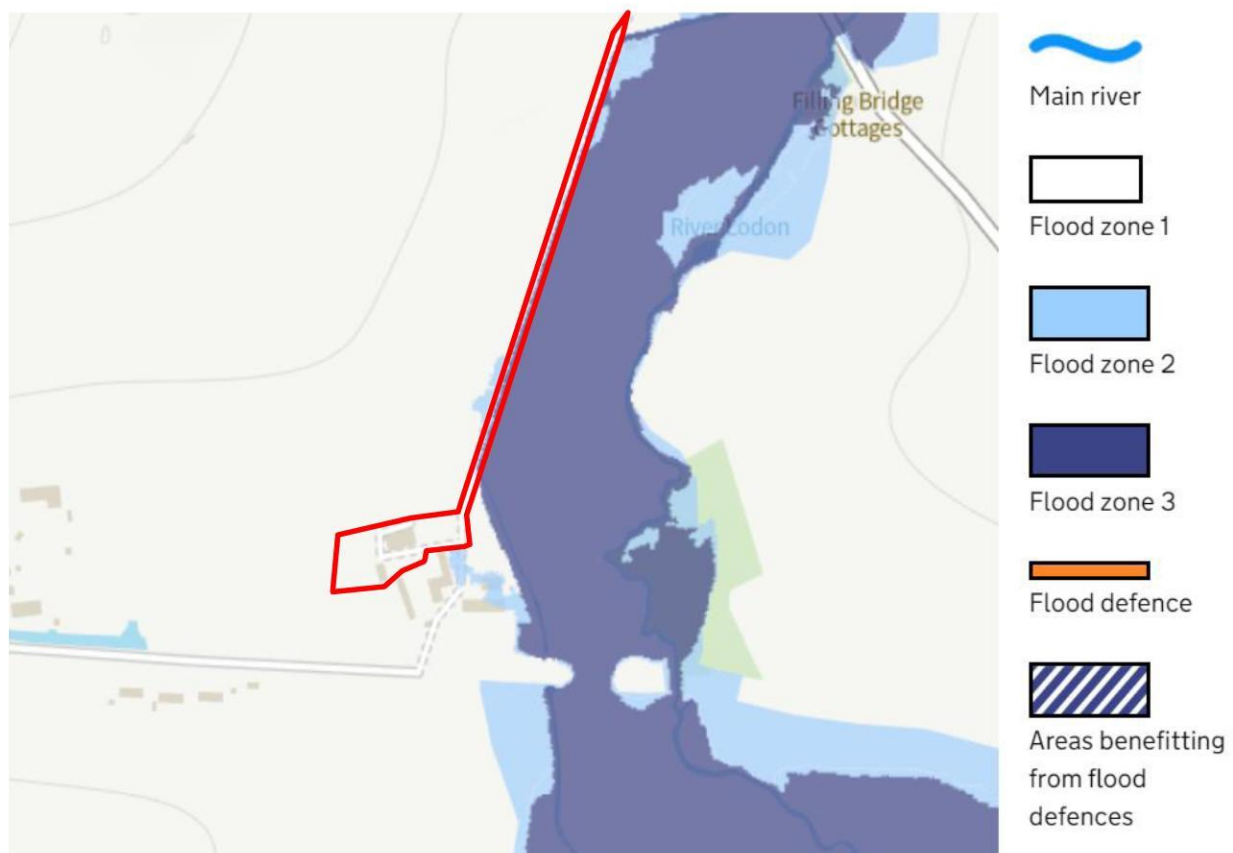
- Surface Water Management Plan, Flood Risk Assessment and Foul Drainage (Rev 2);
- Further drainage information (29/09/2023).

We highlight that any planning application should be submitted in accordance with the Herefordshire SuDS Handbook and the Herefordshire Council Planning Applications Flood Risk & Drainage Checklist available on the Council's website:

https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11

Site location and extract of flood map(s)

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



Development description

The Applicant proposes the demolition of 2 agricultural barns and the construction of four dwellings with associated garages and access roads. The site occupies an area of 0.4ha and is currently a brownfield site. An ordinary watercourse flows parallel along the eastern boundary of the site access road. The topography of the site slopes from the west to east.

Flood Risk

A Flood Risk Assessment (prepared in accordance with NPPF and EA Standing Advice) must support the planning application for any development:

- Located in Flood Zone 2 or Flood Zone 3¹.
- With a site area greater than 1 hectare.
- Located in an area identified to be at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents.

Due to the potential flood risk from the ordinary watercourse to the east of the site and along the access road, a Flood Risk Assessment for the site has been submitted.

Information required	Reviewers comments
Confirmation of the site area in hectares or square metres	Site area confirmed as 0.4ha
Identification of all main rivers within 20m of the site boundary	There are no main rivers within 20m of the site boundary.
Identification of all ordinary watercourses and land drains within 20m of the site boundary	There is an ordinary watercourse immediately adjacent to the eastern boundary of the site access road. The ordinary watercourse is approximately 200m west of the River Lodon and connects to the floodplain associated with the river. A drainage ditch is located within 50m to the south of the site.
Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account	The submitted FRA shows the site to be within Flood Zone 1. The proposed access road however passes through Flood Zone 2. The site is also in close proximity to areas of Flood Zone 3 associated with the ordinary watercourse to the east of the site. However, due to the close proximity of Flood Zones 2 and 3 in this area it is anticipated that there will be minimal increases in the Flood Zone extents due to climate change. Residents have advised that some parts of the access track has flooded in the past. The fluvial flood level defined on the Flood Map for Planning suggests that the access track forms the limit of the 100 year flood zone. The fluvial flood level could have been higher in the 2007 floods as there are reports of domestic flooding in the vicinity, but in the absence of other flood level data the flood map for planning forms the best point of reference. We may assume for the purpose of discussion that the fluvial flood level is similar to the level of the access track adjacent to the development.
Confirmation and supporting justification of whether the site is at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents	Although the EA surface water flood risk maps show the site to be at a very low risk of surface water flooding, we have reviewed photographs of the adjacent properties and note that there appears to be a surface water flooding issue, with water caught in low lying areas of a flat site.

¹ Note that the Council may also request an assessment of flood risk where the development is indicated to be at risk of flooding when the potential effects of climate change are taken into account.

The following information should be provided within the FRA:

✓ Information provided is considered sufficient

✗ Information provided is not considered sufficient and further information will be required

Information required	Reviewer comments	✓ ✗
Sources of risk		
Assessment of Flood Zone 2 and 3 taking the effects of climate change into account, including predicted flood depths for the 1 in 100 and 1 in 1000 annual probability events	The provided FRA identifies the majority of the site as being located within Flood Zone 1. While the site is in close proximity to the Flood Zone 2 and 3 areas associated with the ordinary watercourse to the east of the site it is expected that the flood extents will not increase significantly with climate change. The access track to the site is shown to be within Flood Zone 2. The FRA however stated that the risk to the access road was acceptably low. We agree with the overall categorisation of low flood risk but the risk to the access road has been further considered as cut-off ditches will be provided along the north and western boundaries of the site to minimise risk from these overland flows.	✓
Assessment of fluvial flood risk from other watercourses in close proximity (c.20m) to the site including those with no mapped flood extent, and taking the effects of climate change into account	As above.	✓
Assessment of mapped surface water flood risk	The FRA states that EA surface water flood risk maps show that the site is at very low risk of surface water flooding, though it is noted that the site is surrounded by gently grading slopes. In addition with the slightly impeded drainage properties of the sites topsoil it is possible that sheet flows could pass into the site. The FRA recommends that cut-off ditches are provided along the north and western boundaries of the site to minimise risk from these overland flows. We agree with this assessment of the overland flows and surface water flood risk. Though it is likely that, due to the relatively flat surrounding topography, these overland flows would not be significant.	✓
Assessment of flood risk associated with potential overland flow from adjacent steeply sloping land	As above.	✓
Assessment of groundwater flood risk	The FRA states that the site is considered to be at low risk of groundwater flooding. The lowest point on site sits approximately 1.5m above the floodplain of the River Lodon. We consider this to be an accurate assessment of the groundwater flood risk. In addition, the presence of clayey soils and slightly impeded drainage indicates that groundwater emergence would be unlikely.	✓
Assessment of flooding from surface water, foul water and highway sewers	The FRA states that no drainage from highway land enters the site. Given the topography of the site that slopes towards the access road this assessment is considered to be accurate.	✓
Assessment of flood risk from any other manmade sources, including reservoirs, ponds, detention basins etc.	The FRA states that there is no risk from other manmade features including reservoirs or ponds. Review of OS mapping shows that this assessment is accurate, with no significant manmade water features located upstream of the site.	✓

Information required	Reviewer comments	✓ x
Summary of historic flooding records and anecdotal evidence	The FRA has not provided as assessment of historical flooding in the area. However, due to the low risk of flooding at the site this is not seen to be an issue.	✓
Other works that could pose risk		
Are there any other proposed works that could lead to increase flood risk to the site or elsewhere, for example culverting or diversion of watercourses?	The FRA does not indicate that there are any other works that could lead to an increase in flood risk at the site.	✓
Sequential approach		
Demonstration that the development is in accordance with the Sequential Test outlined in the NPPF	As the site lies within Flood Zone 1 the application of the sequential test is not required.	✓
Demonstration of how a sequential approach has been taken to locate development in the lowest risk areas of the site, including the risk of flooding from other sources	As the site is at minimal risk of flooding the application of the sequential test to the site layout is not considered necessary.	✓
Mitigation		
Summary of how the development has addressed the identified flood risks and incorporated appropriate mitigation into the layout and operation of the development	The site is considered to be at minimal risk of flooding. The FRA identifies that the lowest building is 0.75m above the access track. However, the FRA states that in order to minimise risk further, the following steps will be taken: - Finished floor levels will be set a minimum of at least 150mm above the surrounding ground levels. - Cut-off ditches will be put in place along the northern and western boundaries of the site in order to manage overland sheet flow. - When heavy rain events are forecast, it will be recommended that residents check flood alerts for the River Lodon and take early precautionary action in relation to passing along the small section of access road that sits within Flood Zone 2. The above mitigations are considered sufficient to mitigate the flood risk to the site.	✓
Assessment of how a safe access route(s) to Flood Zone 1 (not including dry islands) would be achieved from the development, taking flood hazard and climate change into account	The FRA states that a small portion of the proposed access road is within Flood Zone 2 associated with the River Lodon. The FRA however stated that the risk to the access road was acceptably low. We agree with the overall categorisation of low flood risk but the risk to the access road has been further considered as cut-off ditches will be provided along the north and western boundaries of the site to minimise risk from these overland flows. In the case of an emergency the track to the south could be used for safe access and egress.	✓

Information required	Reviewer comments	✓ x
Assessment of how the development will ensure no increased risk to people, property or infrastructure elsewhere, for example through the displacement of floodplain compensation or failure of flood defence structures, and demonstration of how mitigation will be incorporated into the design, with supporting calculations	The site is not proposed to be built in an area of existing flood storage. As such it is expected to have no impact on fluvial flood risk to third parties.	✓
Exception Test		
Justification for the successful application of the Sequential Test, if applicable	Due to its presence in Flood Zone 1, in accordance with the NPPF, the Exception Test does not apply to this development.	✓

Surface Water Management Strategy

Infiltration tests undertaken at the site varied between $4.08 \times 10^{-6} \text{m/s}$ and $1.74 \times 10^{-4} \text{m/s}$. Within the soakaway calculations, designed for a 1 in 100 year plus 45% climate change event, the conservative rate of $4.08 \times 10^{-6} \text{m/s}$ has been used.

Each property will be served by its own individual geocellular soakaway.

Foul Water Management Strategy

We understand that previous foul water drainage arrangements for the site comprised a pumped discharge to a shared field. In order to remove the need for pumping, an offsite, gravity fed discharge, via a shared package treatment plant (located in open space) to the River Lodon tributary, to the east of the site is proposed.

The Applicant has confirmed that they own the land between the redline site boundary and watercourse, so no third party permissions to lay the discharge pipe are required. However, the Applicant should ensure that the management company, responsible for the maintenance of the foul water infrastructure are granted access to this land via easement, once the individual plots have been sold off.

The Applicant has confirmed that the daily discharge volume will exceed 2m^3 and an EA permit to discharge will be required.

Overall Comment

CONDITIONAL NO OBJECTION

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

- Detailed surface water and foul water drainage design drawings/construction layout.
- Details of the management company responsible for the maintenance of the foul water infrastructure.

Dated

2025

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

AND

LTF PROPERTIES LIMITED

PLANNING OBLIGATION BY AGREEMENT PURSUANT TO SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND ASSOCIATED
POWERS

RELATING TO

Barns at Monksbury Court, Monkhide Village Road, Monkhide, HR8 2TU

Herefordshire Council

Legal Services

Plough Lane

Herefordshire

HR4 0LE

Council's Legal Ref: **104558**

Council's Planning Ref: **P223128/F**

day of

2025

BETWEEN

- (1) **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL** of Plough Lane Offices,
Plough Lane, Hereford HR4 0LE ('the Council');
- (2) **LTF PROPERTIES LIMITED** incorporated and registered in England and Wales with
company number **11489195** whose registered office is at Little Tarrington Farm, Little
Tarrington, Hereford, United Kingdom, HR1 4JA (**Owner**)

BACKGROUND

- (A) The Council is the Local Planning Authority for the purposes of the 1990 Act for the area in which the Site is situated.
- (B) The Owner is the freehold owner of the whole of the Site free of encumbrances being part of the land registered at the Land Registry with title number HE16248
- (C) The Planning Application was submitted to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.
- (D) On 15 October 2025 the matter is to be heard by the Council's Planning Committee to resolve the Planning Permission subject to conditions and the prior completion of this Deed.
- (E) Pursuant to its statutory duty under section 63 of the 2017 Regulations the Council is required to undertake an appropriate assessment of the implications of the Development and to satisfy itself that the Mitigation secured by the allocation of Phosphate Credits to the Development will ensure the Development is Phosphate Neutral and will not adversely affect the integrity of the Catchment Area as a Habitat Site.
- (F) The Owner agrees to secure the Mitigation in accordance with the Council's Interim Phosphate Policy by the purchase of Phosphate Credits from the Council, in respect of the Development and enters into this Deed accordingly.
- (G) The Council has considered the provisions of the development plan and taken into account material planning considerations affecting the site and considers that in the interests of the proper planning of its area the Development of the Site ought to be only permitted subject to the terms of this Deed and for that purpose the parties are expressly willing to enter into this Deed.
- (H) The Owner has agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed and that they may be enforced by the Council against the Owner and its respective successors in title.

THIS DEED WITNESSES AS FOLLOWS:-**OPERATIVE PROVISIONS****1. INTERPRETATION**

- 1.1 For the purposes of the recitals and the covenants in the Agreement, in this Deed the following words and expressions have the following meanings:

“1990 Act”	The Town and Country Planning Act 1990 (as amended);
“2017 Regulations”	The Conservation of Habitats and Species Regulations 2017 (as amended);
“Catchment Area”	means the River Lugg Catchment Area which is an integral part of the River Wye Special Area of Conservation ;
“Commencement Date”	means the carrying out in relation to the Development of any material operation (as defined within section 56(4) of the 1990 Act) on the Site pursuant to the Planning Permission but (for the purposes of this Agreement) excluding operations consisting of: - site clearance, - environmental site investigations, - archaeological investigations, - site survey works; - investigations for the purpose of assessing ground conditions, - preparatory and remedial work in respect of any decontamination or other adverse ground conditions; - erection of any temporary means of enclosure and the temporary display of site notices or advertisements.

The words “Commence”, “Commenced” “Commencement” shall be construed accordingly;

“Commencement Notice” means a written notice to be in the form set out in Schedule 3 to be served by the Owner on the Council not less than five Working Days prior to Commencement Date;

“Development” means the development of the Site as authorised by the Planning Permission;

“Disposal” means any disposition of whole of the Site under a transfer of the freehold title or grant of leasehold of at least 125 years;

“Dwellings” means the dwellings (including houses flats apartments and maisonettes) to be constructed on the Site pursuant to the Planning Permission and “Dwelling” shall be construed accordingly;

“Habitat Site” means any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites;

“Interim Phosphate Policy” means the Council’s Interim Phosphate Pricing Credit Pricing and Allocation Policy dated May 2022;

“Interest”	means interest at 4.5% above the base lending rate of the Bank of England from time to time;
“Mitigation”	means measures to reduce the input of phosphates to the Catchment Area to off-set the adverse impact of the phosphate output of development, to ensure that the Development is Phosphate Neutral in line with Natural England’s policy requirements;
“Occupation”	means occupation for the purposes permitted by the Planning Permission but does not include occupation for the purposes of fitting out, decoration, marketing, staff training or site security and “Occupy” and “Occupying” shall be construed accordingly;
“Phosphate Credit”	means the instrument which represents the removal or offsetting of 1Kg at £14,000.00 of phosphates per annum from the Catchment Area;
“Phosphate Credit Deposit”	means 10% of the Phosphate Credit Sum
“Phosphate Credit Requirement”	means the 0.96kg Phosphate Credits from Tarrington WETLAND pursuant to the calculations to secure the Mitigation and ensure that the Development will be Phosphate Neutral;
“Phosphate Credit Final Payment”	means 90% of the Phosphate Credit Sum
“Phosphate Credit Reservation”	means the provisional reservation by the Council of the Phosphate Credit

	Requirement to the Development following receipt of the Phosphate Credit Deposit from the Owner
“Phosphate Credit Sum”	a payment of thirteen thousand four hundred and forty pounds (£13,440.00) paid by the Owner to the Council to meet the Phosphate Credit Requirement;
“Phosphate Neutral”	means that a development plan or project does not add to existing phosphate burdens within the Catchment Areas, so there is no net increase in phosphates as a result of the plan or project;
“Plan”	means the plan attached to this Deed at Annex 1
“Planning Application”	means the application for Planning Permission for the Development submitted to the Council and to which the Council has allocated the reference P223128/F ;
“Planning Obligations Manager”	means the Council employee who manages, implements and monitors Section 106 agreements;
“Planning Permission”	means the planning permission demolition of 2 no. agricultural buildings, AND proposed 4 no. dwellinghouses with garages, landscaping and associated works subject to conditions which may be granted in respect of the Planning Application;

“Release Declaration”	means the declaration completed by the Owner returning any unused Phosphate Credits to the Council in accordance with Schedule 1 Part 3 and in the form annexed at Schedule 4;
“Released”	means the release and cancellation of the Phosphate Credit Reservation;
“Site”	means the land shown edged red on the Plan against which this Deed may be enforced and registered at HM Land Registry under title number HE16248 ;
“Working Day(s)”	Mondays to Fridays (excluding days that in England are public holidays) inclusive.

1.2 In this Deed:

- 1.2.1 the clause headings in this Deed are for convenience only and do not affect its interpretation;
- 1.2.2 unless otherwise indicated references to clauses and Schedules are to clauses of and Schedules to this Deed and references in a Schedule to a Part or paragraph are to a Part or paragraph of that Schedule;
- 1.2.3 a reference to any legislation or legislative provision is a reference to:
 - (a) Legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by subsequent legislation; that statute or statutory provision as from time to time amended extended re-enacted consolidated or replaced; and
 - (b) any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision whether before or after the date of this Deed;
- 1.2.4 where the agreement, approval, consent or an expression of satisfaction is required by the Owner under the terms of this Deed from the Council; that agreement, approval, consent or satisfaction shall be given in writing and shall not be unreasonably withheld or delayed;
- 1.2.5 references to the Site include any part of it;

- 1.2.6 references to any party in this Deed include the successors in title of that party and assigns and any person deriving title through or under that party. In addition, references to the Council include any successor to its functions as local planning authority exercising planning powers under the 1990 Act;
 - 1.2.7 “including” means “including, without limitation”;
 - 1.2.8 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;
 - 1.2.9 where two or more people form a party to this Deed the obligations of that party will be joint and several and may be enforced against them all jointly or against each of them individually;
 - 1.2.10 if any provision of this Deed is held by a Court of competent jurisdiction to be illegal unlawful invalid or unenforceable then to the extent possible the offending provision(s) will be severed from the Deed and the legality lawfulness validity and enforceability of the remainder of the Deed shall be unaffected and continue in full force and effect
 - 1.2.11 words importing the singular shall include the plural and vice versa;
 - 1.2.12 words importing the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words shall be construed interchangeable in that manner.
- 1.3 Without prejudice to the terms of any other provision contained in this Deed the Owner shall pay all costs, charges and expenses (including without prejudice to legal costs and Surveyor’s fees) reasonably incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or any obligation of the Owner arising under this Deed;
 - 1.4 The parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 as amended, by any person not a party to it and the terms of this Deed may be varied by a deed agreed between the parties without the consent of any third party being required;
 - 1.5 No party will be liable for any breach of the terms of this Deed occurring after the date on which they part with their entire interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice to liability for any breaches of this Deed occurring before parting with such interests. Neither the reservations of any rights nor the inclusion of any covenants or restrictions over the Site in any transfer of the Site will constitute an interest for the purposes of this sub-clause;

- 1.6 The obligations in this Deed will not be enforceable against a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated by the Owner to that statutory undertaker;
- 1.7 No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

2. EFFECT OF THIS DEED

- 2.1 This Deed is made pursuant to section 106 of the 1990 Act and to the extent that they fall within the terms of section 106 of the 1990 Act the obligations contained in this Deed are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council.
- 2.2 To the extent that any of the obligations contained in this Deed are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in section 111 Local Government Act 1972, section 2 of the Local Government Act 2000, section 1 Localism Act 2011 and all other enabling powers, with the intention to bind the Owner and successors in title.
- 2.3 The covenants, restrictions and requirements of the Owner contained in this Deed are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by them in the Site and their respective successors and assigns.
- 2.4 Nothing in this Deed restricts or is intended to restrict the proper exercise at any time by the Council of any of its statutory powers, functions or discretions in relation to the Site or otherwise.
- 2.5 This Deed will be registered as a local land charge by the Council.
- 2.6 If the Council agrees following an application under Section 73 of the Act to vary or release any condition contained in the Planning Permission or if a condition is varied or released following an appeal under Section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission unless the Council in determining the application for the new planning permission indicate that consequential amendments are required to this Deed to reflect the impact of the Section 73 application when a separate deed under Section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

3. MISCELLANEOUS

- 3.1 Nothing in this Deed prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Deed, whether or not pursuant to an appeal.
- 3.2 Nothing in this Deed shall be construed as a grant of planning permission.
- 3.3 Unless expressly agreed otherwise in this Agreement, the covenants in this Deed shall be enforceable without any limit of time against the Owner and any successors in title to the Site and assigns of the Owner in an interest or estate to the Site or any part or parts of the Site as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.

4. COMMENCEMENT

The provisions of this Deed shall have immediate effect on the date upon which it is completed.

5. OBLIGATIONS OF THE OWNER

The Owner covenants with the Council as set out in Schedule 1 of this Deed.

6. OBLIGATIONS OF THE COUNCIL

The Council covenants with the Owner as set out in Schedule 2 of this Deed.

7. TERMINATION OF THIS DEED

- 7.1 This Deed will cease to have effect (insofar only as it has not already been complied with) if:
- 7.1.1 the Planning Permission is quashed, revoked or otherwise withdrawn prior to the Commencement Date so as to render this Deed or any part of it irrelevant, impractical or unviable or;
 - 7.1.2 the Planning Permission expires prior to the Commencement Date.
- 7.2 The Council shall upon receipt of a written request by the Owner and without unreasonable delay at any time after this Deed has come to an end under clause 7.1 or the obligations contained in the Schedules hereto have been discharged issue written confirmation thereof and note all related entries in the Register of Local Land Charges provided that the Owner has adequately set out the basis for making such a request.

8. NOTICES

- 8.1 A notice under this Deed is valid only if it is given by hand, sent by recorded delivery and it is served at the address shown in this Deed for the receiving party or at any address specified in a notice given by that party to the other parties.
- 8.2 A notice sent to the Council:
 - 8.2.1 in relation to any matters arising from this Deed shall be addressed to the Planning Obligations Manager Development Management Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE quoting reference **P223128/F**;
- 8.3 A notice shall be deemed delivered:
 - 8.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that, if delivery occurs:
 - (a) before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day; and
 - (b) if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
 - 8.3.2 if sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post or on the third working day after posting if sent by second class post;

9. CHANGE IN OWNERSHIP

- 9.1 At the time of execution of this Deed, the Owner warrants that no person other than the Owner has any legal or equitable interest in the Site.
- 9.2 The Owner agrees to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company address or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

10. ENFORCEMENT

- 10.1 This Deed is to be governed by and interpreted in accordance with the law of England;
- 10.2 The Courts of England are to have jurisdiction in relation to any disputes between the parties out of or related to this Deed. This clause operates for the benefit of the Council who retains the right to sue the Owner and enforce any judgment against the Owner in the courts of any competent jurisdiction.

11. DISPUTE

Any dispute or disputes between any of the parties to this Deed arising out of the provisions of this Deed (other than a dispute or difference relating to a matter of law or

concerning the meaning or construction of this Deed) shall be referred to a single arbitrator to be agreed between the parties or in default of agreement on the application of any party by the President of the Royal Institute of Chartered Surveyors in accordance with the Arbitration Act 1996 or any statutory modification or re-enactment for the time-being in force.

12. COUNCIL'S COSTS

The Owner covenants and agrees with the Council that prior to completion of this Deed the Owner shall pay to the Council its reasonable and proper legal costs in connection with the preparation of this Deed, together with all disbursements, incurred in connection with the negotiation, preparation, completion and registration of this Deed;

13. LATE PAYMENT

Without prejudice to the Council's rights to enforce any breaches of this Deed (including by way of injunction) if any sum due to the Council from the Owner under this Deed is not paid on or before the date upon which it is due then Interest shall be payable from the due date of payment until the actual date of payment

14. COMMUNITY INFRASTRUCTURE LEVY

The terms of this Deed comply in all respects with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the obligations contained herein are necessary to make the Development acceptable in planning terms, directly relate to the Development and fairly and reasonably relate in scale and kind to the Development.

SCHEDULE 1
Owner's Obligations

The Owner covenants with the Council:

Part 1

1. To serve the Commencement Notice on the Council and;
2. Not to allow, suffer or permit the Commencement Date until the Commencement Notice has been served upon the Council.

Part 2

Payment of the Phosphate Credit Sum

1. To pay to the Council upon completion of this Deed the Phosphate Credit Deposit and the Owner acknowledges that the Phosphate Credit Deposit shall be non-refundable except where the provisions of paragraphs 2.1 or 2.2 of the Second Schedule of this Deed are applicable.
2. To pay to the Council prior to the Commencement of Development the Phosphate Credit Final Payment and not to Commence or cause or allow the Commencement of Development unless the Phosphate Credit Final Payment has been paid.

Part 3

The Release of Phosphate Credits Purchased

1. In the event that:-
 - 1.1 this Deed terminates in accordance with clause 7.17.1; or
 - 1.2 the Development is not Commenced within 3 years of the date on which the Planning Permission is granted and the Planning Permission has expired;

the Phosphate Credit Reservation shall be Released and the Owner acknowledges that the Council shall be entitled to re-allocate the Phosphate Credits comprised in the Phosphate Credit Requirement to other developments and projects in its administrative area.

2. That if the Phosphate Credit Reservation is Released then the Owner (or such successor in title) shall not implement the Planning Permission.

Part 4

Disposal of the Site Prior to the Commencement Date:

1. If prior to Commencement Date there is a Disposal of the Site, the Phosphate Credits already reserved shall transfer to the purchaser/successor in title and the Owner shall be responsible for recovering the reimbursement of the Phosphate Credit Deposit from the purchaser/successor in title if applicable.
2. The Owner shall notify the Council in writing within 14 days of the Disposal of the Site to a purchaser/successor in title. Such notice shall give details of the transferee's full name and registered office (if a company address or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

SCHEDULE 2
Council's Obligations

The Reservation of the Phosphate Credit Requirement

1. On receipt of the Phosphate Credit Deposit from the Owner the Council shall reserve the Phosphate Credit Requirement for the benefit of the Development and shall not allocate the Phosphate Credit Requirement to any other development or project within its administrative area unless the Phosphate Credit Reservation is Released in accordance with Paragraph 1 of Part 3 to the First Schedule
2. The Council hereby covenants with the Owner that on receipt of the completed Release Declaration by the Owner, that it will refund to the Owner within 28 days of receipt, the Phosphate Credit Deposit where either of the following circumstances apply:
 - 2.1 The Planning Permission has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired ("Circumstance 1");
 - 2.2 The Planning Permission has been quashed, revoked or otherwise withdrawn without the Owner's consent before Commencement of Development ("Circumstance 2");
3. The Council hereby covenants with the Owner that on receipt of the completed Release Declaration by the Owner, that if the Owner has already paid the Phosphate Credit Final Payment it will refund to the Owner within 28 days of receipt, the Phosphate Credit Deposit Final Payment where any of the following circumstances apply:
 - 3.1 The Planning Application has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired ("Circumstance 1");
 - 3.2 The Planning Permission and has been quashed, revoked or otherwise withdrawn without the Owner's consent before Commencement of Development ("Circumstance 2");

- 3.3 The Planning Permission has lapsed prior to the Commencement of Development ("Circumstance 3");
4. In the event a refund is due under paragraphs 2 or 3 of this Schedule 2 the Council shall issue the refund to the Owner or such purchaser/successor in title, provided they are registered as the freehold or long leasehold (of at least 125 years) Owner of the entire Site at the HM Land Registry or evidence of such ownership is provided to the reasonable satisfaction of the Council.
5. The refund made by the Council in respect of the Phosphate Credit Sum shall not accrue interest.

SCHEDULE 3
Commencement Notice

TO: Planning Obligations Manager
Hereford Council
Plough Lane
Hereford
HR4 0LE

("the Council")

FROM:

("the Owner")

DEVELOPMENT: (*description of development and site name*):

RELEVANT PLANNING PERMISSION (*reference number*):

RELEVANT SECTION 106 AGREEMENT (*date and parties*):

("the Section 106 Agreement")

I/We Owner * hereby put the Council on notice that we intend to commence development on [] 20[]. This notice is the Commencement Notice served pursuant to the Section 106 Agreement.

DATED this day of 202[]

.....

Signed by the Owner or an authorised signatory of the Owner

SCHEDULE 4
Release Declaration

Planning Obligations Manager
Hereford Council
Plough Lane Offices,
Plough Lane,
Hereford
HR4 0LE

Planning Application Site:	
the Applicant (full name):	
Development	
Details of the Planning Permission	
Details of the S106 Agreement	

The Owner entered into the above Section 106 Agreement with the Council on [DATE].

In the Section 106 Agreement the Owner reserved the Phosphate Credits by payment of the Phosphate Credit Deposit in accordance with Schedule 1 of the Section 106 Agreement and the Council's Interim Phosphate Pricing Credit Pricing and Allocation Policy dated May 2022 to offset the phosphate output of the Development and thereby mitigating adverse effects resulting from increased phosphate levels within the River Lugg Catchment Area.

The Owner HEREBY GIVES NOTICE to the Council that:

- a. The Planning Permission referred to in the Section 106 Agreement has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired;
- b. The Planning Permission referred to in the Section 106 Agreement has been quashed, revoked or otherwise withdrawn before Commencement of Development;
- c. It has been more than 3 years since the date on which the Planning Permission was granted and the Planning Permission has now expired.

[Delete as appropriate]

and the Owner hereby returns the Phosphate Credits as set out below:

I the Owner hereby return to the Council the Phosphate Credits Purchased under the S106 Agreement in respect of the Whole of the Development :	Details of the Phosphate Credits for the Development:
--	---

Signed

Owner

Print Name

DATED

ANNEX 1
SITE PLAN

IN WITNESS of which the parties have executed this Agreement as a Deed on the date first written above

EXECUTED AS A DEED when)

THE COMMON SEAL OF)

THE COUNTY OF HEREFORDSHIRE)

DISTRICT COUNCIL

Was hereunto affixed BY ORDER)

Authorised Signatory :

EXECUTED as a DEED by
LTF PROPERTIES LIMITED

Acting by:

Director

Director/ Secretary

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	242922 - ERECTION OF 2 DETACHED CUSTOM/SELF-BUILD DWELLING HOUSES AT LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH For: Mr Pratley per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242922&search-term=242922

Reason Application submitted to Committee – Redirection

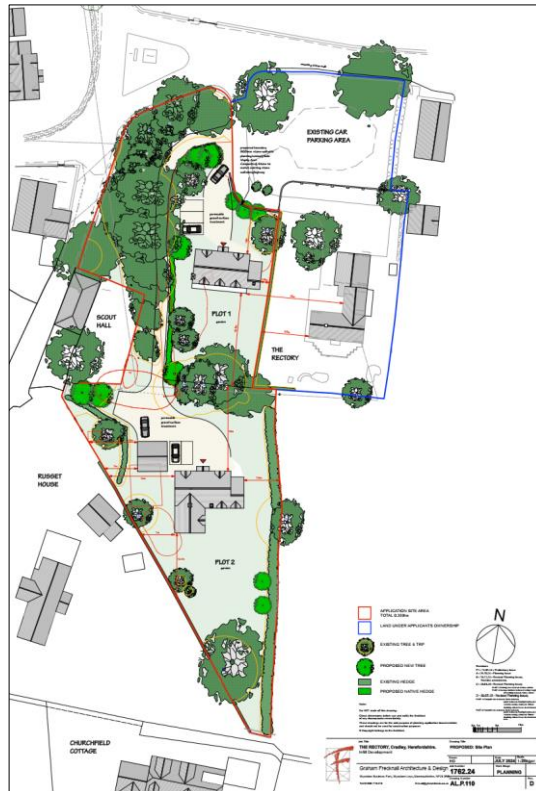
Date Received: 12 November 2024 **Ward: Bishops Frome & Cradley** **Grid Ref: 373529,247024**

Expiry Date: 12 February 2025
Local Member: Cllr Rebecca Tully

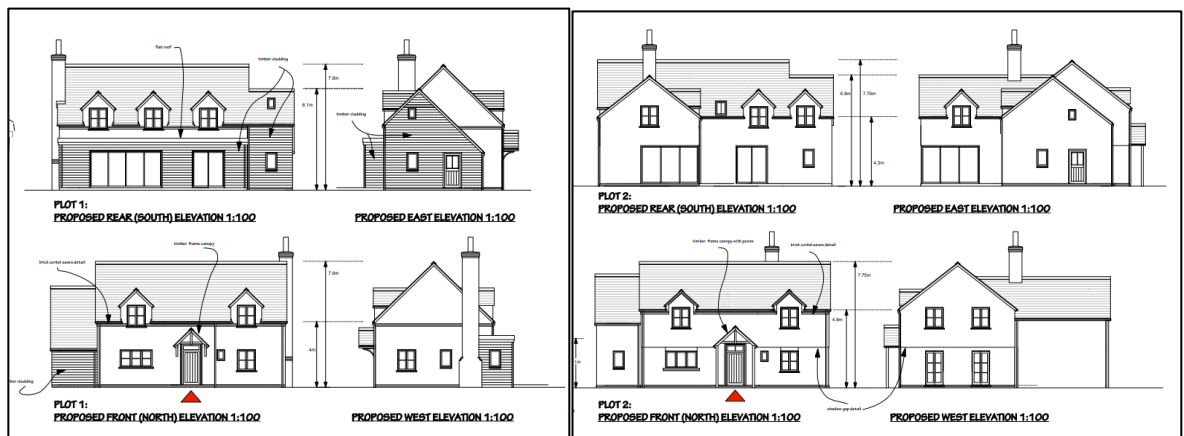
1. Site Description and Proposal

- 1.1 The application site is immediately south of Rectory Lane and west of The Rectory, comprising an irregularly shaped parcel of approximately 0.359 hectares. It consists of two distinct parcels.
- 1.2 The northern parcel (Plot 1) is vegetated and overgrown, accessed by a vehicular track from Rectory Lane. To the east lies The Rectory, a relatively modern detached house with its own plot and a separate car parking area for use by the Church and Village Hall, and to the west is a scout hut.
- 1.3 The southern parcel (Plot 2), set back from Rectory Lane, is triangular and relatively open, containing an existing outbuilding and yard used for a forestry-related business. It is bounded by two modern dwellings, Russet House to the west and Churchfield Cottage to the south.
- 1.4 The Site lies entirely within Cradley village's defined settlement boundary and Conservation Area, and within the wider setting of Listed Buildings, notably the Grade II Listed Old Rectory to the north and the Grade II* Listed Church of St James to the northeast.
- 1.5 The Site lies within the Malvern Hills Area of Outstanding Natural Beauty (AONB) now known as the Malvern Hills National Landscape.
- 1.6 This application seeks full planning permission for the erection of 2 detached dwellings. Plot 1 would consist of a 3 bedroomed dwelling of a rectangular form measuring in 14 metres in length and 8.2 metres in width with a proposed ridge height of 7.6 metres. Plot 2 would consist of a 5 bedroomed dwelling, with an L-shaped floorplan measuring in 14.2 metres in length and 12.8 metres in width with a proposed ridge height of 7.75 metres. Access is to the north of the site. Extracts from the proposed plans are inserted below.

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855



Proposed site plan (Drawing number AL.P.110 Rev D)



Extract Proposed Plans Plot 1 – DRGNo AL.P.112 Rev D

Extract Proposed Plans Plot 2 – DRGNo AL.P.112 Rev D

1.7 The proposed external materials include red brick, timber cladding and plain clay roof tiles.

1.8 The application has been supported by the following:

- Design and Access Statement
- Planning Statement
- Ecology Report
- Tree Survey Report
- Further Tree Report and Tree Protection Plan
- Heritage Report

1.9 The application can be accessed in the supporting documents section on the website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242922&search-term=242922

2. Policies

2.1 The Herefordshire Local Plan Core Strategy (CS):

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS3 – Releasing Land for Residential Development
- SS4 – Movement and Transportation
- SS5 – Employment Provision
- SS6 – Environmental quality and local distinctiveness
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's Villages
- H3 – Ensuring an Appropriate Range and Mix of Housing
- MT1 – Traffic Management Highway Safety & 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
- SD2 – Renewable and Low Carbon Energy
- SD3 – Sustainable Water Management and Water Resources
- SD4 – Wastewater Treatment and River Water Quality

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

2.2 Cradley Neighbourhood Development Plan (NDP):

The Cradley Neighbourhood Development Plan was made on 21 August 2017. It now forms part of the Development Plan for Herefordshire.

- CNDP1 – Settlement Boundary
- CNDP2 – Housing Provision
- CNDP5 – Area of Outstanding Natural Beauty
- CNDP9 – Design

The Cradley Neighbourhood Development Plan can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/downloads/file/11048/neighbourhood_development_plan_may_2017

2.3 The National Planning Policy Framework (NPPF):

- Section 2 – Achieving sustainable development
- Section 4 – Decision Making
- 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 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

2.4 Malvern Hills AONB Management Plan:

- PE5 – Transport and accessibility
- PL1 – Landscape
- PL5 – Historic environment
- PL7 – Built development
- PL8 – Local distinctiveness

<https://www.malvern-hills-nl.org.uk/wp-content/uploads/2025/05/2025-30-MHNL-Management-Plan-FINAL-INC-Chair-Foreword.pdf>

- 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). These 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 and any policy tension is set out within the assessment and planning balance in the Appraisal section below.

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent – Qualified comment

With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

4.2 Welsh Water – Qualified comment – 17/01/2025

Dwr Cymru Welsh Water are not the sewerage undertaker in this area and therefore have no comment to make on this application.

4.3 Further Welsh Water – Qualified comment – 26/08/2025

Dwr Cymru Welsh Water have no further comment to make on this application.

4.4 Historic England – Qualified comment – 07/08/2025

Thank you for your letter of 28 May 2025 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.5 Further Historic England – Qualified comment – 29/05/2025

Thank you for your letter of regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.6 Initial Historic England – Qualified comment – 20/01/2025

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

Internal Council Consultations

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

4.7 **Area Engineer Highways Comments** – No objection – 28/05/2025
No objections to the updates

4.8 **Area Engineer Highways Comments** – No objection – 31/12/2024
No objection to the proposed. The site can accommodate both properties with access and parking, however cycle storage should be provided.

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CB2 - Secure covered cycle parking provision

I11 – Mud on highway

I09 – Private apparatus within the highway

I45 – Works within the highway

I35 – Highways Design Guide and Specification

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

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

4.9 **Ecology Comments** – No objection – 02/05/2025
Habitat Regulation Assessment

The site lies within the impact risk zone of the River Teme SSSI, part of the River Clun SAC, however, the trigger for requiring an HRA is the discharge of any water or liquid waste of more than 20m³ /day either to ground or to surface water.

This application is unlikely to reach this threshold and has therefore been screened out as requiring an HRA.

Ecology

I have read the Preliminary Ecological Appraisal and Automated Static Bat Survey Report written by Cotswold Environmental dated October 2024.

The report states the habitat on site is dominated by trees and shrubs but notes that these are largely to be retained with the exception of a single mature tree and an area of scrub.

The site was assessed for suitability for bats with no evidence of roosting bats discovered during the site visit. The outbuilding within Plot 2 was deemed as having a lack of suitable features for roosting bats. It was also concluded that the tree to be removed and adjacent trees were lacking in suitable roosting features. The static monitoring showed five species of bats commuting and foraging within the site.

The report states that it is possible that local water bodies could support Great Crested Newt populations although there are no water bodies present on site. The unmanaged vegetation and undisturbed log piles on site would provide suitable habitat for reptiles and amphibians. The report recommends working with a Precautionary Working Method Statement, which has been included in the report.

Biodiversity Net Gain

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

The development is classed as self-build and is exempt from BNG.

Providing the development is secured formally as a "self-build" then it is likely to remain exempt from statutory Biodiversity Net Gain. Should this self-build designation fail to apply then statutory BNG will become necessary and relevant details to discharge this requirement must be submitted for approval to the planning authority.

Conditions

Please include the following conditions on the decision notice

Nature Conservation – Implementation

The recommendations set out in the Preliminary Ecological Appraisal and Automated Static Bat Survey Report written by Cotswold Environmental dated October 2024, should be followed in relation to protected species, unless otherwise agreed in writing by the local planning authority.

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

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types and TWO bat roost features, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:

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.

Wildlife Protection Informative

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

4.10 Tree Officer Comments – Further information required – 27/08/2025

Previous comments remain relevant.

4.11 Tree Officer Comments – Further information required – 04/06/2025

I have reviewed the submitted Arboricultural Impact Assessment, Method Statement and Tree protection Plan (JJH Arboriculture_JJH_25003_AIA_MS_TPP_V1_27.05.25) and have the following comments.

The AIA identifies all trees within and adjacent to the site and categorises them in accordance with BS5837:2012. It identifies tree removals required to implement the development proposals which includes 3 low quality tree groups (G4, G7 and G8). G7 and G8 are contained within the site and impact to the overall Conservation Area will be limited due to lack of visibility.

G4 is a more significant tree group (up to 9 metres in height, although small stem diameters) which will also require removal. Although low quality, this does have visibility from Rectory Lane to the North and opens up views in to the site from The Rectory to the east. It would be helpful to understand whether some trees within this group (i.e. on the north-eastern boundary) could be retained and bolstered with new tree planting as screening to neighbouring properties? I note that no landscaping scheme has been submitted but will be essential to confirm mitigation planting.

The AIA and AMS provides adequate information to ensure the retained trees are protected during the development. Once the information regarding service installation is available, this document will have to be updated (via a planning condition) to ensure completeness.

No facilitation pruning is proposed but I note that the off-site TPO'd (TPO029/T14) Lime tree (T1 in survey) adjacent to the entrance of the site has a reasonably low canopy (2.5m) and therefore has the potential to be damaged by construction vehicles is consent is obtained. No works have been highlighted to this tree within the Facilitation Pruning section (para 4.2) of the AIA. I consider that this detail will need to be included within the report.

Overall, I consider that impacts to the overall existing arboricultural resource are reasonably low. The AIA/AMS report addresses most areas of concern and therefore acceptable.

I consider that the applicant should explore whether sections of G4 could be retained and improved with new tree planting and whether facilitation pruning is required to T1 (TPO'd Lime). If these points are addressed, I would have no reason to object to the proposals.

The information regarding service installation could be requested as a planning condition if consent is obtained.

4.12 Buildings Conservation Comments – Qualified Comment – 02/09/2025

The revised designs have been received with thanks and are duly noted.

Whilst the designs of the elevations have been refined as per Officer advice, there remains an element of heritage harm to the well-established core of the Conservation Area and grain of the settlement - due to the level of change the scheme envisages and encroachment of modern development further to the south and east, onward into the historic core. This level of harm would equate to less than substantial.

If the Officer is minded to approve, suitable conditions should be employed to comprehensively control the following but not limited to finishing and facing materials, fenestration, joinery, hard and soft landscaping and boundary treatment.

There are no further comments from Built Heritage.

4.13 Buildings Conservation Comments – Further information required – 27/06/2025

Initial comments and preliminary pre-application advice by a previous Officer (2023), has been re-reviewed by Built Heritage and apologies are sent for the contrasting wording.

In terms of the preliminary pre-application advice; the principle of development is positive and this is concurred with. However, comments as below remain echoed in the current concerns in terms of Setting, materials, design, scale and form, and what heritage harm would arise from the change imposed on the natural open spaces in this core area of the Conservation Area. Pre-application comments pertaining to this are reiterated as follows:

“The proposed site is within the village Conservation Area and the Malvern Hills Area of Outstanding Natural Beauty. It is located in the oldest part of Cradley, in close proximity to a number of designated heritage assets, buildings of local interest, and immediately adjacent to key views within the village that positively contribute to its character. The development of this site has the potential to impact both the character of the Conservation Area and the setting of several listed buildings.

The Cradley Conservation Area Appraisal identifies the character of the village to be defined by the uncrowded plots surrounded by orchards and meadows and demarked by rubble boundary walls, hedges and mature trees which create a sense of enclosure. This is contrasted by the open spaces that break up the built environment. Any development in this area should be mindful of this established character and the proposals should be sympathetic in continuing it.

In such a highly historically sensitive location, we would expect the design of these dwellings to be of exceptional quality, drawing on the special historic and architectural characteristics and local building materials of the Cradley Conservation Area”.

Whilst a building was seen in this vicinity in previous times, the scale and form, paired with large garages within the proposed scheme are not traditional to the Conservation Area in this location, and there is concern there would be harm imposed to the ways in which the vicinity is experienced and therefore Setting as per Section 72 Planning (Listed Buildings and Conservation Areas) 1990:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Previous pre-application advice provides that designs should be exceptional and draw on characteristics of the Conservation Area. Unfortunately, at this time this is not seen to be fulfilled and amendments are therefore sought to revise the form and architectural tooling, and materiality

of the structures. Designs are encouraged to acknowledge the vernacular and draw on positive features to provide enhancement. It is noted that chimneys are included features and this is welcomed and positive. It is encouraged that:

- dormers are reduced or omitted for simpler roofscapes, (window units are small and uncomfortable within large surrounds),
- central lone skylights above front doors are omitted,
- porches and porch roof lights are omitted,
- the scale of the structures are reduced. For example, only the historic buildings both listed and unlisted of a large scale should be primary in this vicinity, and not in competition with new development.
- fenestration is neater, i.e. ground floor windows to both see arch headers, or both without.
- to acknowledge more traditional rural domestic characteristics.

Please see the below contrasting images, on the left is the indicative plans provided for the pre-application that now differ to what of which is within the application in terms of mass. It is noted that plot 1 was also encouraged to be reduced and brought further south though it is unclear as to whether amendments had been made:



Further information is awaited before providing final comment.

4.14 **Buildings Conservation Comments** – Objection – 07/02/2025

No pre-application accompanies the scheme.

I strongly object to this scheme, and it is unlikely this objection would be resolved. I do not at this time see heritage benefit or material need for the scheme.

Background

The site is within Cradley Conservation Area, and proposed to be within immediate proximity to the following:

- Stables west of Rectory. Grade II. List UID: 1177124.
- Rectory. Grade II. List UID: 1082301.
- Churchyard Cross S of Tower of St James Church. Grade II. List UID: 108229.
- Church of St James. Grade II*. List UID: 1082298.
- Parish Hall Old Boys School. Grade II*. List UID: 1082300.
- Church Cottage. Grade II. List UID: 1307574.
- Lych Gate of St James Church. Grade II*. List UID: 1177095.

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

- Garden Wall at Rectory to S and W of House. Grade II. List UID: 1082302.
- Maclean War Memorial. Grade II. List UID: 1462191.

Notwithstanding the substantial overlap of Setting between the heritage assets, the hamlet of Cradley and its collection of highly graded heritage assets are located in a marginally lofty position in the core of the hamlet. They are viewed together and with intersecting lines of vistas, views through and direct intervisibility. On approach, they are all at the highest point in the centrepiece of the hamlet, and as such are emphasised by this position in terms of their experiential value. There is a physical sense of place to this ancient core, highlighted by the topography.

The grain of the original settlement is well established, and on approach toward the Church and its accompanying buildings, is a sense of reveal. Historic significance is legible through this, and through the tight knit lanes and impressive buildings with patina of age, is clear evidential value. The layout of this grain, and the original core of the settlement is positive and relationships between structures are evident. It has remained as was, intact, and is seen in Historic OS Maps of 1886. The hamlet could successfully be described as a rural miniature.

Whilst the Conservation Area is hugged and overlooked by the Malvern Hills AONB, the vicinity has seen diminutive piecemeal development far to the west and north of the settlement. However, the original core is untouched and the ingredients of a primitive rural hamlet survives, nucleated adjacent to the Church and Rectory. This in itself is particularly rare, and I would assess the collection of assets and Conservation Area to have substantially high value.

The site visit revealed the hamlet core to be a hub of community activity, still an active working Church and with active accompanying buildings; it is a historic scene that is retained in present day due to the marker point made by the memorial, alongside large garden wall to the Rectory then leading onto, and into respective buildings. One would simply expect to see single track lanes meeting in a primitive Y shape in the core of a hamlet, accompanied by some sort of memorial such as commemorative War time monument and such like, with paths and tracks leading to houses of clergy and places of worship. It is, one can only describe, as the quintessential format to a British village or hamlet. This in itself is strong and clear evidential value, legible historic survival, and high historic significance.

Leading on from the above, the natural or organic space between Churches, Rectory's, respective estate cottages and parish halls are evidence of their former uses, and are positive contributing factors in terms of setting, relationship between buildings and grounds, and setting within the Conservation Area. They are, as seen on site, positive ways in which the vicinity and assets are experienced.

For example, the Rectory (List UID: 1082301) retains its grounds adjacent to the listed Stables, simply because it required at the time, land for horses and tack. Further legibility is interpreted from this, due to the nature and size of the building, evidently a landowner or clergyman of wealth and status, and so on. Each of these heritage assets are accompanied by concise reason and placement behind their layout and design, and can be translated through their integrity and survival condition in the vernacular.

I relay for emphasis the following listing description for: Church of St James. Grade II*. List UID: 1082298.

Parish church with tower of c1200 heightened in C15, part restored 1868 by G.G. Scott, further restored with addition of aisle in 1869 by A.E. Perkins.

MATERIALS: Local red sandstone rubble with freestone dressings, tile roof.

PLAN: Rectangular plan of nave with lower and narrower chancel, west tower, south porch, north aisle with vestry.

EXTERIOR: The 3-stage tower is Transitional work of c1200 in its lower stages, and has C19 diagonal west buttresses and angle south-east buttress. It has a south doorway with a cyclopean arch and, in the second stage, a round-headed window, whereas the corresponding north window is pointed. Set into the wall on the north side is a fragment of masonry with crockets, probably Anglo-Saxon. The west side is altered, with 3-light C19 Perpendicular west window, above which the second stage has a small cusped window under a square label. North and south sides have clock faces installed as a 1914-18 war memorial. The freestone upper stage, with diagonal buttresses, is C15. It has 2-light bell openings with louvres, and embattled parapet. The nave south doorway is late C12. It has nook shafts with scallop capitals and arch with roll mould and chevrons. It stands in a porch added in 1893. The remainder of the church is C19 work in the decorated style. The nave has three 2-light windows and a single-light window L of the porch. In the chancel are two 2-light windows on south and north sides, and south priest's door. The east window of 3 stepped lights is beneath a single pointed hood mould. Either side of it are re-set grotesque heads from a C12 corbel table. Two similar corbels, of a face-puller and an animal head, are re-set below the south side of the east verge. The north aisle has 2-light windows, and vestry under an outshut roof, which has square-headed windows and west door under a shouldered lintel.

INTERIOR: The Transitional tower has responds of 3 clustered shafts, scalloped capitals and pointed stepped arch. North and south interior walls of the tower base are timber-framed with square plaster panels. Nave and aisle walls are exposed hammer-dressed stone. The 6-bay nave arcade has piers with 4 clustered shafts and double-chamfered arches, both piers and arches being executed in banded masonry, with alternating red and cream courses. Nave and chancel have crown-post roofs on corbelled brackets, and the aisle has a trussedrafter roof. The division between nave and chancel is marked by arched braces below the westernmost tie beam of the chancel roof. The floors are C19 tiles, with raised wood floors below pews. In the sanctuary are encaustic tiles and re-set grave slabs, one dated 1776.

PRINCIPAL FIXTURES: Chancel screen has panel dado, open-arcaded main lights and moulded crest. The central doorway has low doors with blind Gothic panelling. The tower screen has cusped arcading over a boarded dado, with central cusped arch. In the chancel the communion rail is brass on iron standards. The font, given by Thomas Bisse and dated 1722, has a rustic Baroque stem with square-bowl, and Gothic concave cover. The C19 polygonal pulpit has Gothic panels and foliage cornice, on a panelled stone base. Nave benches are plain, of 1869, but the choir stalls have ends with poppy heads, some of which are C16. There are few memorials, the noteworthy examples being a neo-classical tablet to Richard Chambers (d 1776), and a wall monument to Daniel Price (date illegible) that shows a mourner (damaged) leaning on a stele. Beneath the tower is a board dated 1795 listing fines for bellringers' misdemeanours. The east window shows the Resurrection in bright colours, possibly by Frederick Preedy. The chancel north window shows St Francis, post 1933, and the nave south-east window shows St James and Joseph of Arimathea, post 1864.

SUBSIDIARY FEATURES: The base and part of the shaft of a churchyard cross have a sundial with copper plate and gnomon, all restored in 1887 (LBS no 151081). The timber-framed lych gate is late medieval (LBS no 151082). Each is separately listed.

HISTORY: The church is of C12 origin and the tower of c1200 shows it to have been a substantial church by that time. It takes its present appearance mainly from C19 restoration and rebuilding. The chancel was rebuilt in 1868 by George Gilbert Scott (1811-78), one of the busiest church restorers of the C19. In 1869 A.E. Perkins, architect of Worcester, restored the nave and added the north aisle and vestry. The porch was added in 1893.

SOURCES: N. Pevsner, *The Buildings of England: Herefordshire*, 1963, p 108. *St James the Great Church, Cradley*, church guide. Information from Alan Brooks

REASONS FOR DESIGNATION: The church of St James the Great, Cradley, is listed Grade II* for the following principal reasons: * It has an impressive tower of c1200, retaining original detail, heightened in the C15. * The main body of the church is a good example of C19 Gothic-Revival architecture, undertaken by one of its leading practitioners, Sir George Gilbert Scott. * It has fixtures of special interest, including an unusual C18 font, C16 choir benches, and well-designed C19 east window. * It has group value with the churchyard cross, lych gate and surrounding historic buildings at the heart of the village.

Proposal

The scheme sees two oversized modern houses positioned to the immediate south of the hamlet core, and to the immediate south of the collection of heritage assets. The scheme simply appears to be 'shoe horned' into the space.

From a heritage perspective, the project appears to have simply located two gaps to fill, and does not take into account the positive, unassuming character and natural space among the historic environment. The scheme long term will invite depreciation of the setting by way of parking paraphernalia, associated clutter, additional access, and additional development to facilitate this and accommodate later change associated to these additional modern dwellings. This does not have the long term preservation, merits and survival of the Conservation Area, or its respective assets in mind. I do not believe overlap of setting has been taken into account, and I assess the scheme to irreversibly undo and therefore harm the legibility of the established core, and setting of the highly graded assets.

From the drawings provided, the buildings proposed are wholly unrelated to any humble vernacular or traditional architecture by way of their anonymous design, regimented and contrived elevations, and would be uncomfortable in the vicinity. I do not see them to be successfully harmonious for the quiet character of the settlement. I am deeply concerned the scheme proposes overdevelopment of the ancient hamlet, where at this time no heritage betterment or long term protection is found to offset this.

I am deeply concerned the scheme invites great harm to the ways in which the vicinity is experienced, and its survival integrity, and I emphasise this in particular would amount to loss and irreversible harm.

Historic mapping provides that no such domestic dwellings and garages of this scale and form are found and as such I do not see a precedent.

Positive characteristics are described in the supporting information such as for example:

"The character of the conservation area is defined by the predominance of detached residential dwellings set back from the streets within large gardens. There is an abundance of timber framed buildings which line the village streets but remain uncrowded. This aspect of the conservation area is largely unchanged from its medieval character. Later buildings dating to the 18th century and 19th century are constructed in brick and stone, predominantly detached with rubble walls, hedges and mature vegetation comprising the boundary treatment".

I am inclined to agree with this statement, and later it is noted the asset/s are of high significance. However, the scheme ultimately conflicts with these notes regarding uncrowded character, natural space surrounding vernacular buildings, and consequently does not look to enhance, protect or better reveal any medieval character.

I strongly disagree that the proposed buildings are similar to the vernacular seen in the core of the hamlet, and for example mass produced modern red-orange brick presumed 'to match' will only be obtrusive and alien. Conversely, this emphasises that they are further out of place simply by reason they must be forcibly contrived to 'match'.

Further to this I do not agree that simply by way of their presumed similarities in porches, dormers and chimneys alone that there will be overall no harm whatsoever. Unfortunately, I do not believe this is realistic.

The assessment then concludes that the scheme is only in accordance with Local Plan Policy 9: Design.

Unfortunately; the following is in substantial conflict:

Herefordshire Local Plan Core Strategy 2011 – 2031:

Policy LD1 requires that development proposals should:

- Demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection , protection and enhancement of the setting of settlements and designated areas;
- Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

Policy LD4 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
- Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;

National Planning Policy Framework 2023

212.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.

213.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1) –

In determining planning applications which affect listed buildings Local Planning Authorities are required to pay 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72(1) –

In determining planning applications which affect Conservation Areas Local Planning Authorities are required to 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Concluding comments

I cannot support this scheme, and as such strongly object. I assess it to be particularly contentious in terms of heritage.

Despite a marginally detailed Heritage Statement - I do not see an adequate reason for the project, or any clear and convincing justification. This appears to be missing. As above, it is unrealistic to presume no harm whatsoever to this highly significant vicinity.

Due to the accumulation of assets, (those of which are graded II*: as 'particularly important, of more than special interest, making up 5.8% of listed building stock'), and Conservation Area status; there is harm identified, referring to paragraph 212 of the NPPF 2023. Whilst the harm is less than substantial, I do not see there to be any heritage benefit to outweigh this harm. I also assess Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be at clear and present conflict.

4.15 Landscape Comments – Qualified Comment – 25/08/2025

I note the submission of the Proposed Landscape Plan (ref AL.P.113, rev A), which shows an additional two silver birch trees to the rear garden of plot 2. No specification details on the size of tree to be planted or method of planting is included. The proposed planting will all be on plot and therefore presumably maintained and managed by the plot holders in the long term and therefore it is accepted that little more could be provided in this respect.

I defer to the historic building officer comments in relation to the impact of the new buildings on the Conservation Area and character of the village.

4.16 Landscape Comments – Objection – 14/07/2025

I have reviewed the three revised drawings (to rev C) and the tree report (dated 27/05/2025).

I note the changes to the layout at the front of Plot 1, to move the parking away from the house and to clarify a 900mm stone wall to the front boundary. Pea gravel has been specified as the surface treatment to the drive, however this is not locally distinctive and is a rather generic material that does not fit well with the character of the Conservation Area. I note that three field maple trees are also proposed to the front of the plot. As per the Tree Officer response (Andrew Cunningham), I remain concerned that the design of this plot still does not take suitable account of the existing trees, whether any could be retained and provide suitable mitigation planting. A smaller building, with less car parking and more planting, would better reflect the character of the site.

In relation to plot 2 and the overall site, it is disappointing that in this sensitive location no detailed landscape plan has been provided. While in some cases it is appropriate for this to follow later by condition, on a sensitive site such as this it is preferable for the hard and soft landscape to be considered from the outset as integral to ensuring that new development is integrated appropriately into the surroundings. I agree with the Historic Building Officer response (eho) that the scale of the structures be reduced and that the design details better reflect the local setting.

Overall I maintain the objection that the proposed development is contrary to Core Strategy Policy LD1. It does not demonstrate that the character of the landscape and villagescape has positively influenced the scale or design of the proposals. It does not conserve or enhance the natural, historic or scenic beauty of the Malvern Hills National Landscape (AONB). No suitable landscape scheme is proposed in order to ensure that the new dwellings will integrate appropriately into its surroundings.

4.17 Landscape Comments – Objection – 30/01/2025

The site and setting was for pre-application advice. As stated then, this is a sensitive site, within the Malvern Hills National Landscape (an area of outstanding natural beauty, AONB) and Cradley Conservation Area, with nearby listed buildings and TPO. There are also nearby public footpaths and views down into Cradley, with good visual amenity value. The site currently contributes to the green and low density character of the village.

The proposal will result in the loss of these currently undeveloped plots and increase the density of built development, with associated vehicle access, movements and other residential paraphernalia. In landscape terms it would be preferable to retain the sites as per the current situation.

Landscape and visual appraisal – considering the sensitive and unique location of the site, the design and access statement does not include an adequate landscape and visual appraisal. It lacks photographs from public view points to assess the impact of the new dwellings, importantly the public footpaths that surround the site, including the southern boundary of plot 2 and winter views across the adjacent fields to the east of the site. It lacks assessment of the surrounding village character of existing dwellings, boundary treatments, materials and colours.

Site layout, Plot 1 - is currently well vegetated and makes a positive green separation between the hall and The Rectory. It would be particularly important to retain a green frontage to the main road and the war memorial, on the North West corner of the red line boundary. Plot 1 would appear rather squeezed in, once parking and turning areas are added there would be a considerable soil sealing and built form, with a loss of green infrastructure and biodiversity, as shown on the submitted preliminary ecological appraisal figure 2, which shows plot 1 as broadleaved woodland.

Landscape scheme, Plot 1 - The footprint of the dwelling does not seem proportional with the size of the plot, with most of the front area taken up for the drive. The one of the three parking spaces is shown right in front of the front door, which is not attractive or practical. The permeable hardstanding material has not been specified and is important to integrate with the setting, as it is a considerable change to the existing vegetation. A proposed boundary brick wall is shown to the front, however no height is given, if high this will look particularly un-attractive / suburban from views into the site (see street view image below). If a low boundary wall is required then stone would be a preferable material to match that along Rectory Lane. The garden to the rear will be considerably shaded by ash tree (no. 12), together with the adjacent hazel coppices. The site plan shows two retained trees to the south west corner of the dwelling, which are not marked on the tree survey.

Site layout, Plot 2 - has the potential to be developed on its own, with a single drive through a well vegetated area to the north. Plot 2, in the southern triangle, has more space for the required change of use infrastructure, while also allowing for retaining the boundary trees and vegetation.

Vehicle access, Plot 2 – the design and access statement includes that the driveway will follow a similar line to the existing track, however the tree survey states that the existing track is within the root protection areas of the existing trees and therefore a ‘no-dig’ surface solution will be required. The exact route and width of the access track should be plotted in relation to the trees and the surface detail specified in order to determine whether this is possible.

Landscape scheme, Plot 2 – There are no landscape proposals shown to the boundaries, to support the offsite Ionicera hedgerow (H4) or the gappy mature mixed hedgerow (H3).

Tree protection and long term management – No detailed arboricultural impact assessment has yet been provided (as recommended at 6.1 of the tree report). No information has been provided in relation to the long term management and maintenance of the retained trees, particularly the visually prominent important boundary trees marked as group 1, which would not appear to be conveyed to either plot owner.

Conclusion, objection – As shown the application is contrary to Core Strategy Policy LD1. It does not demonstrate that the character of the landscape and villagescape has positively influenced the scale or design of the proposals. It does not conserve or enhance the natural, historic or scenic beauty of the Malvern Hills National Landscape (AONB). No suitable landscape scheme or long term management of existing trees is proposed in order to ensure that the new dwellings will integrate appropriately into its surroundings.



Important view into the site, which Plot 1 will interrupt.

4.18 **PROW Comments** – No objection – 06/08/2025

No objection to the houses but it should be noted that if access is planned off byway CD93, this will not be maintained to the standard of a metalled road by HC.

PROW Comments – No objection – 28/05/2025

No objection

PROW Comments – No objection – 03/01/2025

No objection

Other Consultees

4.19 **Open Spaces Comments**

No response

4.20 **Ramblers Comments**

No response

4.21 **Ledbury Area Cycle Forum Comments** – Objection – 30/01/2

I am writing on behalf of Ledbury Area Cycle Forum (LACF) to object to the proposals as there is no provision for cycle storage on Plot 2.

4.22 **Malvern Hills National Landscape (AONB) Comments**

No response

5. **Representations**

5.1 **Parish Council – Objection – 18/08/2025**

Cradley & Storrridge Parish Council OBJECTS to this application, the Parish Council note the revisions to the various aspects of the two proposed dwellings, which need to be considered in respect of how they might help reduce the overlooking and visible aspects from neighbouring properties and the wider area/vista. Our other concerns still stand and overall, we still object to this development with the comments we have made still needing to be addressed/considered. This development also does not comply with NDP 4, 5 and 9 plus a reference to Cradley Conservation Area in respect of protection of trees and wildlife.

5.2 **Parish Council – Objection – 15/06/2025**

Resolution – The Cradley & Storrridge Parish Council OBJECTS to this application having read the updated information in relation to the Tree Report and Agents comments on the Heritage report and having viewed the updated drawings.

The Parish Council stands by its earlier comments that it OBJECTS to this development as it is for a dwelling type we don't need in Cradley, whereas the site could support dwelling developments that we do need i.e. high quality 1-2 bed bungalow developments, and we have serious concerns as to the safety to pedestrians and motorists from the inadequate site access arrangement from the "main road" it is served from.

If a development were to be approved however, we would ask Herefordshire to consider your own tree officers' comments about retention of some of the trees in G4 to subsequently be bolstered/supplemented with others. We would also ask that Herefordshire stress that any contractor followed the site protection works proposals to protect the trees to be retained as we fear these could be easily overlooked/ignored.

We note the agent's objection to the Heritage report and whilst they may have some valid points which you will have to determine, we believe there is some significant value and comments in the Heritage report which need to be considered and lend significant weight to an objection to the development as submitted.

We also note that the applicant still hasn't undertaken any further investigation and presented possible proposals in relation to the concerns raised by a number around various aspects of the ecology assessment given their knowledge of the site.

5.3 **Parish Council – Objection – 30/01/2025**

After careful consideration and in considering views expressed by the immediate neighbours at Russett House and Sundown Lodge and other interested parties, Cradley and Storrridge Parish Council OBJECT to this application.

Although the application falls within the Settlement Boundary (CNDP1) it fails to satisfy a number of concerns:

1. The development is within the AONB (recently renamed Malvern Hills Natural Landscape – MHNL) where development is only supported where it is necessary to promote the economic and social well-being of the designated area and their communities and enhances the quality of the landscape or biodiversity (CNDP5).

It is considered that the proposal for one four bedroomed and one three bedroom house is a fundamental concern as Cradley does not need more of the type of accommodation proposed in this application at this current time.

Currently in Cradley there is a high number of 3- and 4-bedroom houses (around 15-20) available on the market, which are not selling and many have been on the market for many months and in some cases years.

We are aware from comments that we receive however, that there is a need for affordable homes to purchase and the need for high-quality eco-friendly two bedroom bungalow accommodation to support older single people (often widowed) who would subsequently release more larger properties back onto the market, as they moved to the accommodation suggested. They believe such accommodation, if available, would enable them to remain in their community and/or others to move to what is perceived as a safe, supportive and established community in Cradley.

The Governments housing strategy focuses on affordable homes necessary to meet needs, not housing per se.

2. The application makes no reference to improving the access arrangements to and from Rectory Lane which sits off two blind bends on the adjacent through road, the C1162.

We are aware of accidents at this “junction”.

It is felt that this concern could possibly be addressed, if any permission that might be granted incorporated conditions for the ‘developer(s)’ to convert the existing access into a one-way system, with appropriate signage and double yellow lines on both sides of the access/exit, for the length that runs past the Memorial Cross to ensure appropriate visibility for users of the lane pulling out onto the through road. In considering how suitable access arrangement might be achieved, we would also ask Highways Officers to consider whether the curbing to the Memorial Cross site, needs to be slightly realigned/reset on what would be the new one-way exit from Rectory Lane, to help traffic turning right out of the lane avoid clipping what is currently a fairly pointed curb which does get caught.

3. There are also concerns around the visibility splays for traffic turning into and out of the proposed development site from Rectory Lane. A solution may be more difficult to find here for the developer to implement, as it is thought that the Walls lining this access point maybe listed.
4. We believe inadequate access/visibility from Rectory Lane to the C116 has been the reason for previous applications being refused and we are surprised that this application makes no reference to how those concerns would be addressed in this application.
5. Various parties have a concern as to whether the ecological study is adequate, as they believe there are other species in this area not listed or considered in the report.
6. Similarly, various parties have a concern that a more comprehensive Arboreal Assessment should be undertaken, as they believe that there are other species of trees worthy of consideration/protection within the proposed development site.
7. The immediate neighbours at Sundown Lodge and Russett House believe that the impact assessment of the development on their continued enjoyment of their properties has not been fully considered or accurately portrayed. They feel the proposed properties will be more ‘overbearing’ than suggested. We would welcome this being considered/reviewed further as bulk and massing of developments are a requirement of CNDP9.
8. If any permission were to be granted, we believe it should be conditional on any developer having to produce a construction programme and method statements, which specify how construction vehicles and materials/equipment will be delivered to the site, to avoid damage to the relatively narrow roads running through the village to the site, through Rectory Lane itself and around the Memorial Cross land. The method statements should incorporate proposals for how the developer will keep the roads clean and clear of construction mud/debris throughout the contract. The plan should also include proposals for where

tradesmen/people working at the site will park to avoid congestion due to the limited car parking around that area.

9. Any developer(s) should also be required to avoid deliveries to the site between 8:15 to 9:00 and 14:45 to 15:45 to avoid school pick up and drop off times.
10. Adjacent to the proposed development site, the Diocese own a further parcel of land which historically has provided the only parking for the Church and Village Hall. This land is currently leased to the individual using part of the development site for business interests, who in turn allows the Church and Village Hall to use it. To facilitate any development, we anticipate that the lease with this lease holder would have to be determined inclusive of the lease covering the car parking.

In granting any permission for these developments, we would welcome confirmation from the Diocese that they will continue to make this land available for parking to the Church in perpetuity. We would also ask the Diocese to consider/support 'giving' this land to an appropriate body, to ensure it remains available for appropriate safe use by Parishioners for supportive/necessary community activities around that area in perpetuity. As part of this agreement, it would also be welcomed if the developer was required to 'level' this land to support its safe use as a car park.

During our discussions with various parties, there has been a query raised as to whether the Diocese own the full extent of the land holding covered by these development proposals. We recognise that the application form says that they do, but Herefordshire Council might want to consider whether clarifying ownership should have any bearing in considering this application.

The Parish Council would be happy to discuss the above concerns and possible resolutions with Planning Colleagues, the Diocese or their agents as might be appropriate.

We have advised all neighbours and other parties who have raised concerns with us that they should raise them in full directly with yourselves.

5.4 Third Party Representations

A total of 54 representations have been made to the Local Planning Authority, 2 have been made in support of the scheme and 29 have been in objection, and 8 general comments. The responses can be summarised as follows:

Support

- Will not affect Scout community building subject to a 6ft close boarded fence on this boundary
- Will resolve problems with the use of the car park and the access track for the plot 2 area.

Objection

- The development is not necessary within AONB
- A similar application was refused in the 1980s
- The site is to utilise a dangerous access
- No traffic survey conducted
- The development would negatively impact the historical setting of the Church and Conservation Area
- No engagement with local community
- There a number of trees on the site that should be protected
- The proposal does not address housing needs of Cradley, smaller 2/3 bedroomed houses or bungalows would be more appropriate

- The site is currently a green area within the Conservation Area and AONB and should be protected
- The proposal lacks sufficient evidence that foul and surface water drainage can be sustainably managed on-site
- Development would result in the loss of a private allotment site on Plot 1
- There is a well in the small brick-built hut in the SW of the site, adjoining Russet House's N boundary. The Deeds of the house explain that the well is for the use of Russet House, and that occupants of the property have a right to enter the building, maintain the well pump, and to use the water.
Great Crested Newts have been found/ seen on adjoining site
- Plot 2 would result in an eyesore from Russet House, Sundown Lodge, and walkers to the south

5.5 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=242922&search-term=242922

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

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 Cradley Neighbourhood Area, which was made on 21 August 2017.
- 6.3 The NPPF makes clear that all decisions need to apply the presumption in favour of sustainable development as set out at Paragraph 11 of the NPPF. This makes clear that development which accords with an up-to-date development plan should be approved without delay. Where there are no relevant policies or the most relevant policies are considered to be 'out-of-date', then the presumption in favour of sustainable development as set out by Paragraph 11 d) ('the tilted balance') is engaged. This means that planning permission should be granted, unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.4 Footnote 7 to Paragraph 11d (i) specifies that the policies referred to include those related to habitats sites, Sites of Special Scientific Interest, Green Belt land, Local Green Space, National Landscapes, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.
- 6.5 Footnote 8 makes clear that, for applications involving the provision of housing, policies should be regarded as being out of date if the Local Planning Authority is unable to demonstrate a five

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

year supply of deliverable housing sites. Following changes to the standard method for calculating housing targets which accompanied the revised NPPF in December 2024, the Council is no longer able to demonstrate a five year supply of housing land. The current supply figure in the county stands at 3.06 years. The relevant policies of the development plan should therefore be regarded as being 'out of date' and the positive presumption as set out at Paragraph 11 d) is engaged.

- 6.6 For plans that contain policies and allocations to meet their identified housing requirement, and which are not more than five years old, paragraph 14 of the NPPF allows the decision maker to attach significant weight to the neighbourhood plan even when the council cannot demonstrate a five year housing land supply. For parish groups with plans that are less than 5 years old; both a and b of paragraph 14 is applicable and will be a material planning consideration when assessing the principle of speculative housing developments in the Designated Neighbourhood Area.
- 6.7 Whilst being mindful that the NDP post-dates the adoption of the CS, the Cradley NDP is now over five years old (made 21 August 2017). Paragraph 14 is not engaged given conflict with a). As such, any conflict with the policies contained within the NDP does not automatically amount to harm that significantly and demonstrably outweighs the benefits of a proposal which would engage Paragraph 14. The aforementioned balance at Paragraph 11d will therefore still apply in earnest.
- 6.8 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision and Paragraph 232 of the NPPF is therefore applicable. The spatial strategy set out in both the CS and NDP is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as both the CS and NDP helps in some ways define what may amount to a 'sustainable location', 'effective use of land' and 'securing well-designed places', key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.9 Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF.
- 6.10 In locational terms Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.11 Policy RA1 relates to rural housing distribution. A minimum of 5,300 new dwellings will be provided between 2011 and 2031 to contribute to the county's housing needs. New dwellings will be broadly distributed across the county's rural areas on the basis of seven Housing Markets Areas (HMA). This acknowledges that different areas of Herefordshire have different housing needs and requirements.
- 6.12 The CS outlines that to maintain and strengthen locally sustainable communities across Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements outlined under Policy RA2. This site is within the Ledbury HMA, which is earmarked for an 14% indicative housing growth and Cradley is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development.

- 6.13 The proposal in this case lies within the Cradley Neighbourhood Area. The NDP policy CNDP1 identifies a settlement boundary for Cradley shown by the bold black line in Figure 1. The approximate location of the site is depicted by the yellow star which clearly shown to be within the boundary.

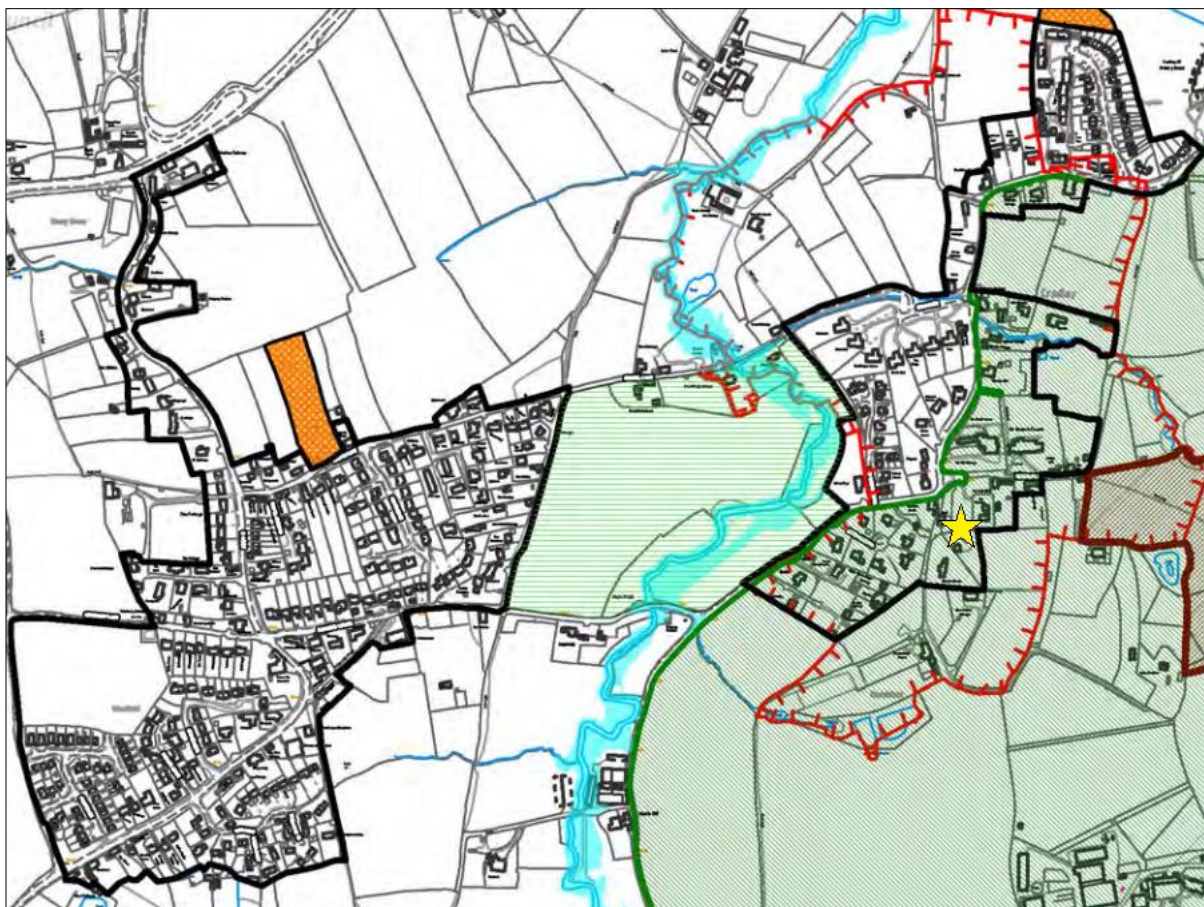


Figure 1- Cradley settlement boundary

- 6.14 With the above in mind, I consider the principle of the development is acceptable in purely locational terms. Notwithstanding the inclusion of the site within the settlement boundary, it is acknowledged the site is within the Malvern Hills National Landscape and Cradley Conservation Area. As such, there is a requirement to further the purpose of conserving and enhancing the natural beauty of the AONB pursuant to section 85 of the Countryside and Rights of Way Act 2000. Special attention should also be paid to the desirability of preserving or enhancing the Conservation Area, and special regard is to be given to the desirability of preserving listing buildings and their settings.
- 6.15 An assessment of the proposed development in the context of those considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. The wider details of the scheme with regards to policy are considered below.

Design, residential amenity and impact on character and appearance of area

- 6.16 The NPPF promotes a high level of design and emphasis on achieving well-designed places. Paragraph 131 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"*.

- 6.17 The detail of design is assessed by Policy SD1 of the CS. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.18 The requirements of Policy SD1 and RA2 are underpinned by Policy LD1 (landscape and townscape). Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately, through the retention of important trees, appropriate replacement of trees lost through development, and new planting to support green infrastructure.
- 6.19 NDP policy CNDP9 states *“development which take appropriate account of the their setting in terms of bulk and mass, siting, design, materials and boundary treatments, and which strengthen the distinctive character of the plan area will be supported”*.
- 6.20 The submitted scheme would appear to be appropriate size relative to the plot. The dwellings would have sufficient gardens fitting with the pattern of development in the immediate area where dwellings are set within generous plots. The proposed two-storey dwellings are intended to be in keeping with the masonry and clay roof constructions of well-established and more recent dwellings such as Mistletoe Cottage in the locality.
- 6.21 The proposed new buildings are designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. The proposal does not feature a design specific to a generic “scheme” and displays how they take account of the locally distinctive character of the area in which they are to be sited, largely down to the ‘self-build’ nature of the proposed scheme.
- 6.22 In terms of design therefore, your officer is content that Policies SS6, RA2, SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF; and Policies SS1, SS4 and SS7 are satisfied. As recognised by the NDP at Policy CNDP9, materials should be appropriate for its setting and conditioning of samples of materials can enable suitable materiality.

Residential Amenity

- 6.23 Turning to residential amenity, Policy SD1 of the CS strives to safeguard residential amenity for current and future occupiers, meaning a long-term perspective needs to be considered. This is consistent with Paragraphs 135 of the NPPF. Policies SS4 and SS7 also touch on residential amenity as part of wider design policy considerations.
- 6.24 It is considered that no concerns arise in relation to protecting neighbours’ residential amenities. The Rectory is the closest neighbouring dwelling to Plot 1, located some 20 metres to the east, with Russet House being the closest neighbouring dwelling to Plot 2 being located some 20 metres to the south-west of Plot 2. Additionally, the projecting rear gable of Plot 2 contains no openings facing Russet House. Therefore, despite the relative proximity of neighbouring dwellings, the

degree of separation means that there would be no significant loss of privacy or immediate outlook.

Landscape and Visual Impacts

- 6.25 Policy CNDP5 states within the National Landscape, development will be supported where it does not adversely affect the intrinsic natural beauty of the landscape and is necessary to promote the economic and social well-being of the designated area and their communities and enhance the quality of the landscape or biodiversity.
- 6.26 Paragraph 187 sets out ways in which planning policies and decisions should contribute to and enhance the natural environment, including protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Furthermore, minimising impacts and providing for net gains for biodiversity and preventing new and existing development from contributing to unacceptable risk from soil, air, water or noise pollution of land instability. Additionally, land where appropriate.
- 6.27 Paragraph 189 identifies great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 6.28 Paragraph 190 then goes on to say, when considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.29 By reason of the modest scale of the development and its visual relationship with the built form of Cradley, the proposed development does not constitute major development within the Malvern Hills National Landscape. As such, in officers' view there is no requirement for 'exceptional circumstances and public interest' to be demonstrated in this case.
- 6.30 Malvern Hills National Landscape Partnership (formerly known as Malvern Hills AONB Unit) have been consulted in connection with the application and have not responded.
- 6.31 The proposed dwellings are considered to be of an acceptable design and set back from the streetscene, and this in conjunction with the existing and proposed vegetation, would help to minimise its visibility within the wider landscape.
- 6.32 Whilst the Senior Landscape Officer has not objected it is suggested that should the application be approved, a more detailed landscaping scheme be secured by condition. This should include specifications relating to the treatment of residential boundaries, surface materials for permeable vehicular access areas, and detailed planting information. Such measures are necessary to ensure that the new built form and associated land use are appropriately integrated into the surrounding landscape context. In addition to this, it is recommended that permitted development

rights for the erection of ancillary buildings, walls and fences are removed given the sites location within the Malvern Hills National Landscape. This would ensure additional urban features such as fencing will require planning permission allowing control over potentially harmful means of enclosure.

- 6.33 Taking the above into account it is considered that the proposed development will conserve the scenic qualities of the National Landscape in a manner consistent with the legal duty under the Levelling Up and Regeneration Act 2023 to seek to “further the purpose” this National designation and in accordance with the Development Plan policies identified above and the NPPF.

Heritage Impacts

- 6.34 The historic environment is defined as all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of significance with statutory protection are referred to as designated heritage assets. Policy LD4 of the CS is applicable to heritage assets throughout Herefordshire whether formally designated e.g. listed building and conservation areas, or not, ranging from individual structures and their settings, archaeological remains, to larger neighbourhoods of historic value, parks, gardens and other green spaces of local interest. Policy SS6 identifies that development proposals should conserve and enhance those environmental assets that contribute towards then county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.
- 6.35 When considering the impact of a development proposal upon the setting of a heritage assets, there are several stages. Firstly, identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance is considered. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets’ setting, this depends upon whether that view contributes to the significance of the asset. Also, a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.
- 6.36 There are a number of listed buildings and a scheduled monument in close proximity:
- 6.37 The Site is located in the oldest part of Cradley within the Cradley Conservation Area. The Site also lies in close proximity to a number of designated heritage assets, buildings of local interest to the north of the application site, and immediately adjacent to key views within the village that positively contribute to its character.

- Stables west of Rectory. Grade II	List UID: 1177124
- Rectory. Grade II	List UID: 1082301
- Churchyard Cross S of Tower of St James Church. Grade II	List UID: 108229
- Church of St James. Grade II*	List UID: 1082298
- Parish Hall Old Boys School. Grade II*	List UID: 1082300
- Church Cottage. Grade II	List UID: 1307574
- Lych Gate of St James Church. Grade II*	List UID: 1177095
- Garden Wall at Rectory to S and W of House. Grade II	List UID: 1082302
- Maclean War Memorial. Grade II	List UID: 1462191

- 6.38 Figure 2 highlights the relevant designated heritage assets:

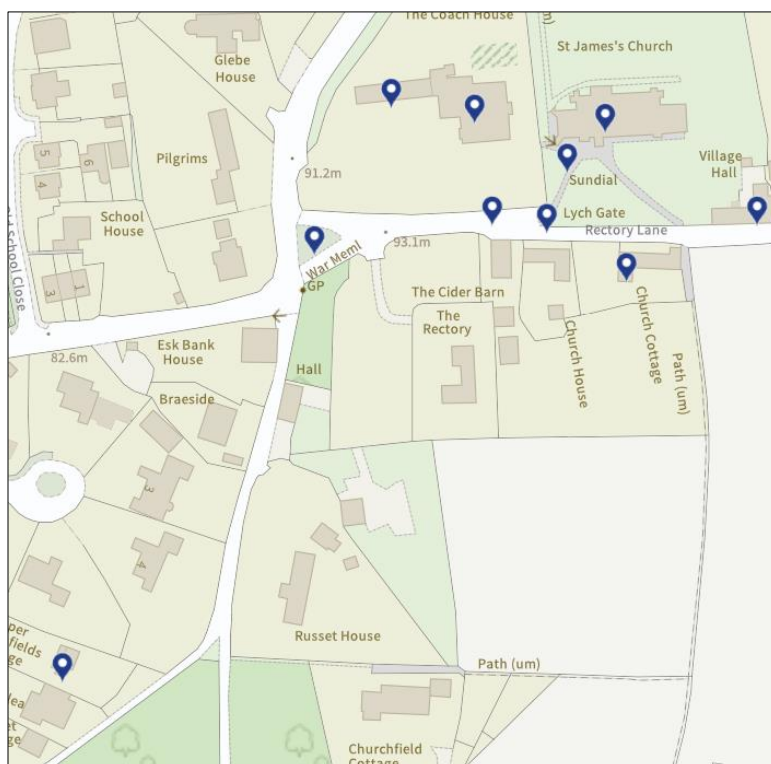


Figure 2 - Historic England Map of designated heritage assets

- 6.39 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.40 It follows that the duties in Section 66 do not allow a decision-maker to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.41 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved in a manner appropriate to their significance. Section 16 particularly offers clarity about the assessment to be made of the significance of heritage assets. Paragraph 210 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.42 Whilst policy requires heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a

mechanism for assessing how harm should be factored into the planning balance. In order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

- 6.43 A Heritage Statement has been submitted to support the application, in line with Paragraph 207 of the NPPF.
- 6.44 In respect of heritage assets the advice set out at paragraph 212 of the Framework is relevant, insofar as it requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 214, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 215 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.45 It is worth noting that historically, there was a dwelling in similar location as the proposed dwelling on plot 1. This building was described in the Royal Commission of the Historic Monuments of England's survey of Herefordshire in 1932 as follows:
- 6.46 *d(24). Cottage, E. of Pound Bridge and 350 yards W.N.W. of the church, was built late in the 17th or early in the 18th century*
- 6.47 The historic mapping (overleaf) shows that this building was in existence until the mid-twentieth century, but has since been demolished. The existing access to the Church and Village Hall car park may have been the original access to this building.

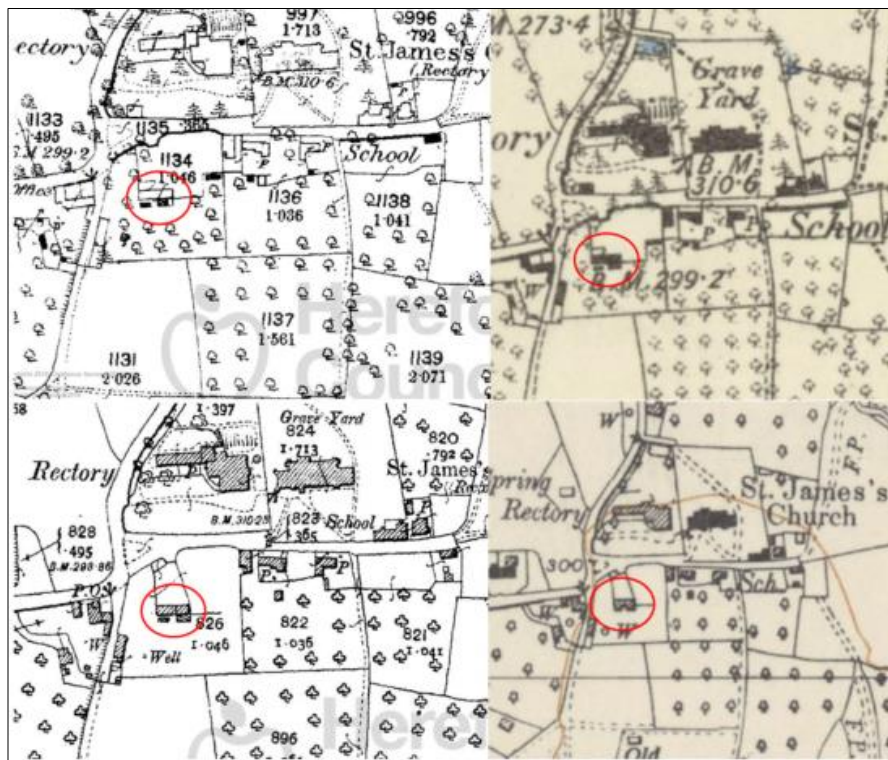


Figure 3- Historic OS mapping of the centre of Cradley village, from 1843 (top left), 1885 (top right), 1919 (bottom left) and 1953 (bottom right), illustrating the existence of the seventeenth century structure present on the proposal site before it's demolition

- 6.48 The Council's Buildings Conservation Officer has reviewed the amended application and concludes that there is a element of heritage harm to the well established core of the Conservation

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

Area and grain of the settlement - due to the level of change the scheme envisages and encroachment of modern development further to the south and east, onward into the historic core. The Buildings Conservation Officer describes this harm as less than substantial.

- 6.49 In accordance with the Framework great weight should be given to the conservation of heritage assets. Paragraph 215 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal. The development would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and is on a small site that can make an important contribution to meeting the housing requirement for the area, as well as addressing a shortfall in 'self-build' plots across Herefordshire.

Ecology and biodiversity

- 6.50 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows.
- 6.51 The report states that it is possible that local water bodies could support Great Crested Newt populations although there are no water bodies present on site. The unmanaged vegetation and undisturbed log piles on site would provide suitable habitat for reptiles and amphibians. The report recommends working with a Precautionary Working Method Statement, which has been included in the report. Furthermore, from the supplied and available information there is no reason for the LPA to consider there are likely to be any effects on any other protected species or other ecological interests as a result of the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act.

Biodiversity Net Gain

- 6.52 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12th February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 6.53 In relation to the requirement for mandatory 10% BNG, the application is promoted as a self-build project which benefits from an exemption. The continued compliance with the exemption will be controlled by condition limiting first occupation of the dwelling by persons complying with the legal definition of this tenure as set out in the Self-Build and Custom Housebuilding Act 2015.

Access and highways

- 6.54 Policy MT1 of the 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.
- 6.55 Paragraph 116 of the NPPF reads 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 6.56 There have been representations raising concerns regarding the highways impacts of the proposed development. The proposed development would be served via an existing access onto Rectory Lane within the 30mph village speed limit. This access serves the Site, the Old Rectory and the car park for use of the Church and Village Hall.
- 6.57 It is considered that the intensification in use of the existing access associated with the proposed development does not give rise to a severe impact on highway safety. The Site access lies within the 30mph speed limit and given the proximity of the memorial junction it is this Officers experience that actual vehicle speeds are much lower. The Area Engineer has confirmed the proposal is acceptable with regards to the nature of the local network and are adequate to ensure that safe access can be achieved. The internal layout makes adequate provision for the parking and manoeuvring of vehicles, and a condition is recommended to secure storage for cycles. Subject to the imposition of conditions addressing cycle storage, driveway gradient, and shared driveway arrangements, and given that the Area Engineer has raised no objections, the proposal is considered to be consistent with Core Strategy policy MT1 and the relevant paragraphs of the NPPF.

Drainage

- 6.58 Policy SD3 of the CS requires development proposals to include sustainable water management in order to reduce the risk of flooding. In relation to Policy SD4, development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network.
- 6.59 The proposal seeks for foul water to be drained to the mains with surface water going to a soakaway. There is no objection to this approach however, it is noted Severn Trent has suggested a condition to secure details of these drainage arrangements.

Other considerations

- 6.60 This application is progressed as a self-build and custom-build dwelling under the Self-build and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. It would be appropriate to afford weighting in terms of contributing to the requirement to deliver an appropriate number of self-build dwellings, where there is recognised to be a current shortfall of 89 plots (Self and Custom Build Authority Monitoring Report, May 2025).
- 6.61 A number of objections make reference to the proposal resulting in a loss of allotment. This is a private allotment with a notice period of 2 months. It is understood that all parties are aware of this application.
- 6.62 Loss of a private view, enjoyment of the area by residents and visitors, as well as the number of properties 'for sale' in the area, are mentioned in a number of representations but are not material considerations.
- 6.63 The representations received pertaining to covenants on the land are civil matters between the relevant interested parties are all non-material planning considerations and do not prevent the Local Planning Authority from making a determination of this particular planning application.
- 6.64 Furthermore, within the representations there are references to a discrepancy in the red line boundary, suggesting a land ownership issue, however no deed maps have been provided to evidence this.

Conclusion

- 6.65 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.66 The proposed development represents a small scale and appropriately designed residential scheme situated within the defined settlement boundary of Cradley, as designated under the Cradley Neighbourhood Development Plan. The site is considered to lie in a sustainable location in accordance with Policy CNDP1, and the development accords with the general principles of Policies SS1, SS2 and RA2 of the Core Strategy. The proposal would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing and is on a small site that can make an important contribution to meeting the housing requirement for the area, as well as addressing a shortfall in 'self-build' plots across Herefordshire.
- 6.67 Furthermore, the proposal is acceptable in terms of scale, layout and design, and would not result in unacceptable harm to residential amenity, ecological assets, or highway safety. The proposal subject to the imposition of appropriate conditions – including those securing landscaping details and boundary treatments – is not considered to result in unacceptable harm on landscape character or the National Landscape. Less than substantial harm has been identified by the Buildings Conservation Officer, however based on the preceding assessment, the harm is not considered to significantly and demonstrably outweighing the benefits of the proposal. On this basis, it is considered that planning permission should be granted as set out in the recommendation 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

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. C06 – Development in accordance with approved plans

The development hereby approved shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:

- **Location Plan**
- **AL.P.001 rev. B**
- **AL.P.010 rev. B**
- **AL.P.110 rev. D**
- **AL.P.111 rev. D**
- **AL.P.113 rev. A**
- **AL.P.112 rev. D**

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, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

3. CBK – Restriction on working hours during construction

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

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Commencement Conditions

4. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. Prior to the commencement of the development, the submitted Arboricultural Impact Assessment Method Statement and Tree Protection Plan (JJH Arboriculture_JJH_AIA_MS_TPP_V1_27.05.25) shall be updated to explore the part retention of tree group G4 and pruning required to T1. This will then be re-submitted and approved by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Relevant Commencement Conditions

6. C13 – Samples of External Materials

With the exception of any site clearance and groundwork, no further development shall take place until samples of materials to be used externally on walls and roofs of the approved dwelling and garage 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, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

7. CA1- Landscape Scheme

With the exception of site clearance and groundworks, no further development shall commence until 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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

Pre-Occupancy Conditions

8. Driveway gradient

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

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

9. Parking – single/shared private drives

Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

10. CB2 – Implementation of secure cycle storage

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.

11. CE6 – Efficient Use of Water

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, Policies SS2 and SS4 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

12. CNS – Non-standard condition

Prior to first occupation of the dwelling approved under this planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types and TWO bat roost features, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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.

Post-Occupancy/on-going compliance conditions

13. Landscape Implementation

All planting, seeding or turf laying in the approved landscaping scheme (Condition 7) 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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

14. CNS – Non-standard condition

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

15. C58 – Domestic use only of garage

The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwellinghouse as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies SS4 and SS7 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

16. Removal of Permitted Development rights

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 and E of Part 1 and Class A of Part 2 both of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, enable re-assessment of impacts upon landscape character, visual amenity and heritage assets, to maintain the amenities of adjoining property and to comply with Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

17. Self-build

The dwellinghouses hereby permitted shall be constructed as self-build within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The first occupation of each dwellinghouse hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation.

The dwellinghouses shall be occupied in accordance with the approved details.

Reason: The approved development is granted on the basis that it complies with the Self Build and Custom Housebuilding Act 2015 and is consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of

Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

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

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

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

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

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

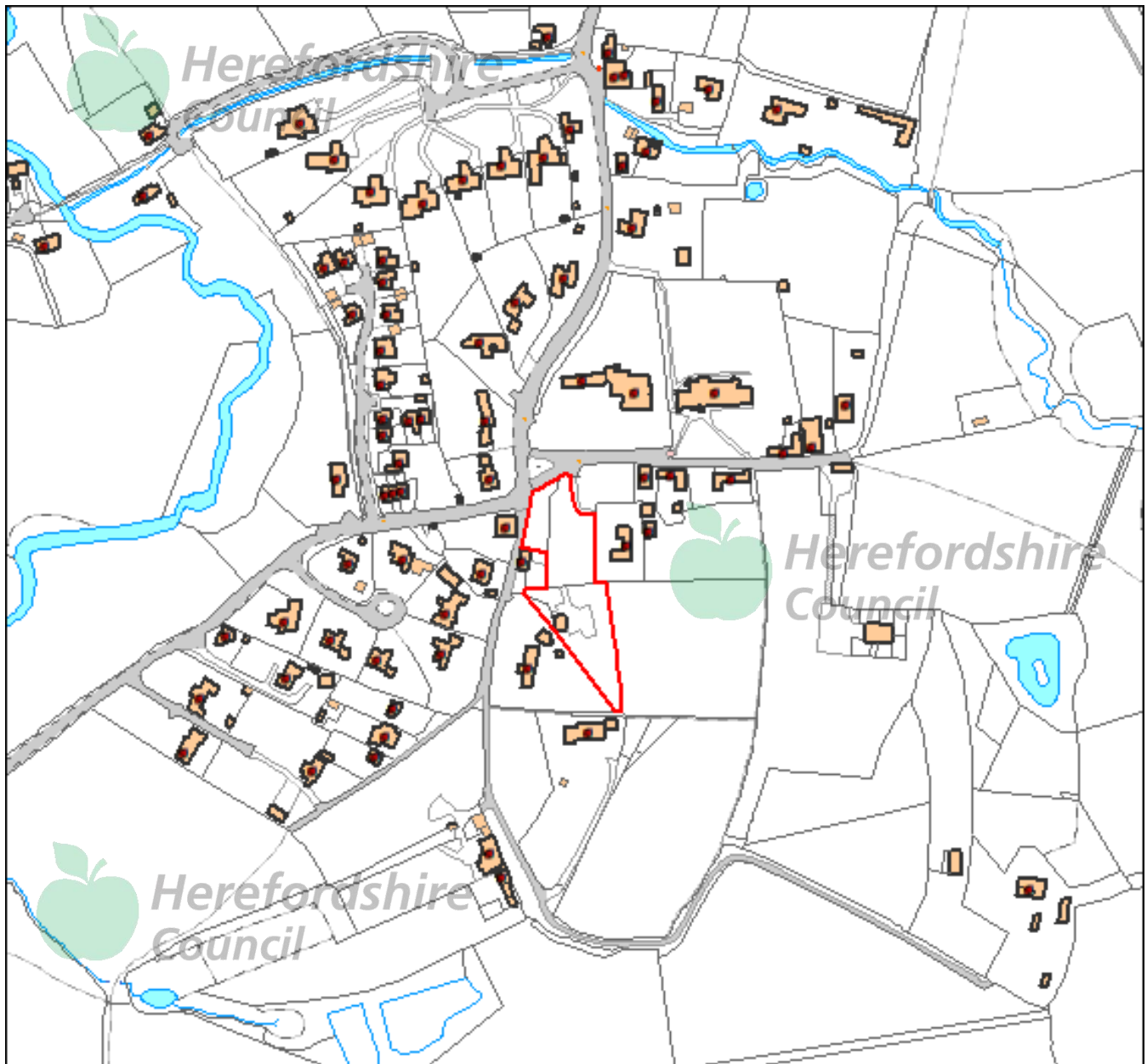
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 242922

SITE ADDRESS: LAND TO SOUTH OF RECTORY LANE, CRADLEY, HEREFORDSHIRE, WR13 5LH

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:	15 OCTOBER 2025
TITLE OF REPORT:	243176 - ERECTION OF AN AGRICULTURAL BUILDING ON AGRICULTURAL LAND AT LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE For: Mr & Mrs Boaz per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243176&search-term=243176
Reason Application submitted to Committee – Redirection	

Date Received: 13 December 2024 **Ward: Golden Valley** **Grid Ref: 335261,238678**
North

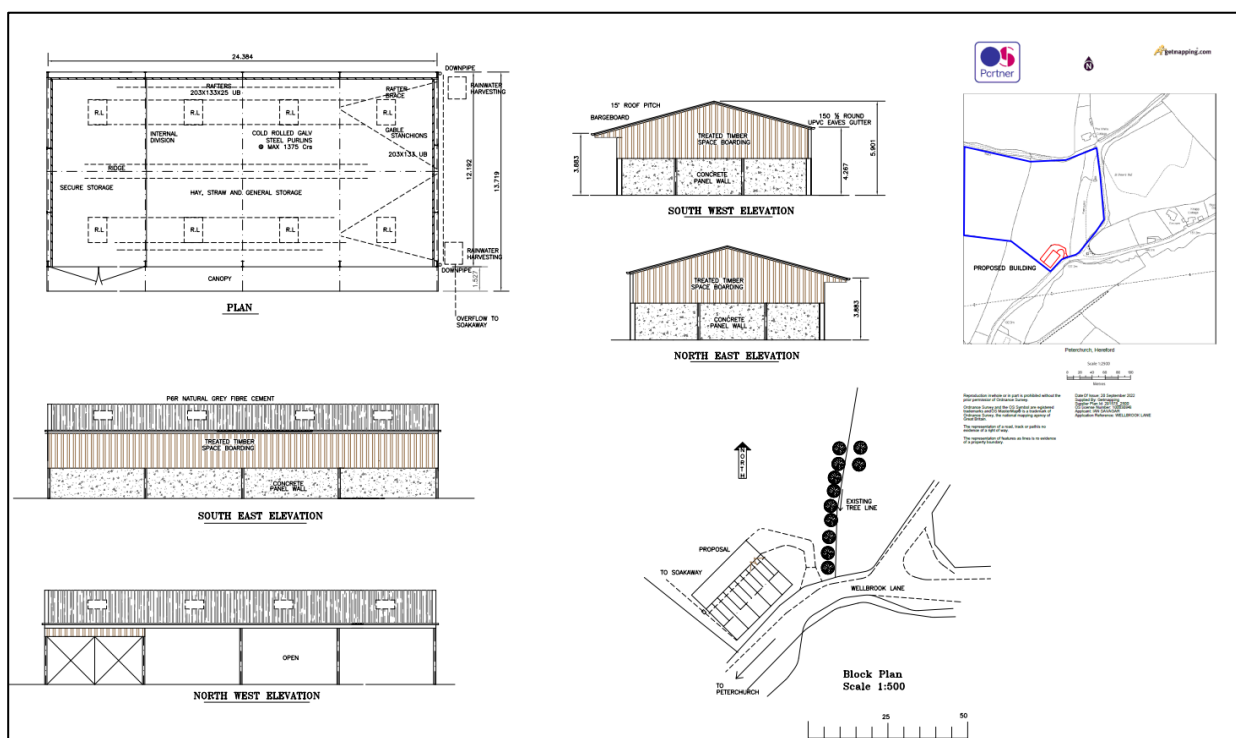
Expiry Date: 15 October 2025
 Local Members: Cllr Philip Price

1. Site Description and Proposal

- 1.1 The application relates to a parcel of pasture land located in a rural landscape approximately 0.6 miles to the north west of the village of Peterchurch. The access to the proposed site is formed by an existing gated agricultural access to the north off Wellbrook Road (C1195) and there is a public right of way (PR6) which extends along the north and eastern boundary of the site.
- 1.2 The site is characterised by a sloping topography which rises to the north of the highway. The site therefore occupies a slightly raised position to the road. The site itself is not constrained by any restrictive landscape or heritage designations.
- 1.3 This submission follows two previously refused and one withdrawn application for the erection of an agricultural building (planning no. 233630, 224028 and 223231 respectively). Further consideration was deemed necessary in relation to the agricultural need for the building, the landscape impact and surface water drainage arrangements. Subsequent pre-application discussions have informed this current submission.
- 1.4 The proposal seeks permission to erect an agricultural building to be situated in the north-west corner of the parcel of existing pasture land and parallel with the highway to the north of Wellbrook Road. The building would be set upon a relatively level piece of land behind existing boundary vegetation and there is a wooded area to the immediate south west of the proposed building. The proposal would provide for general purpose storage and sheltered accommodation for the applicant's existing cattle stock over-winter and would be accessed by the existing agricultural access to the field.

Further information on the subject of this report is available from Ms Heloise Hardwick on

- 1.5 The proposed building would have a footprint of 13.7m x 24.38 m (including canopy); minimum eaves height (canopy) 3.84m, with eaves to the rear being 4.3m. The ridge height of the building would be 5.9m. The building would be constructed from a concrete panel wall, with treated timber space boarding above. The Roof would be a natural grey fibre cement. Plans submitted are provided below:



Drawing Number 8396/1 – Location Plan, Block Plan, Elevations and Floor Plans

2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

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 SD1	–	Sustainable Design and Energy Efficiency
Policy SD3	–	Sustainable Water Management and Water Resources
Policy SD4	–	Waste Water Treatment and River Water Quality

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

2.2 Peterchurch Neighbourhood Development Plan (NDP)

Policy P6	–	Landscape
Policy P9	–	Dark Skies

The Peterchurch Neighbourhood Development Plan can be viewed on the Council's website by using the following link:

<https://www.herefordshire.gov.uk/directory-record/3096/peterchurch-neighbourhood-development-plan>

2.3 The National Planning Policy Framework (NPPF)

Chapter 2	–	Achieving Sustainable Development
Chapter 4	–	Decision-Making
Chapter 12	–	Achieving Well-Designed-Places
Chapter 15	–	Conserving and Enhancing the Natural Environment

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

- 3.1 P233630/PA7 – Prior notification for proposed general purpose agricultural building – Prior approval is required.
[Planning Search – Herefordshire Council](#)
- 3.2 P224028/PA7 – Proposed general purpose agricultural building – Refused (Appeal Dismissed).
[Planning Search – Herefordshire Council](#)
- 3.3 P223231/PA7 – Prior approval notification for general purpose agricultural building for the storage of straw, hay, agricultural machinery and equipment – Prior approval is required.
[Planning Search – Herefordshire Council](#)

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.2 **Land Drainage Consultant – Original Comment – Holding Objection**

Overview of the Proposal

The Applicant proposes the construction of an agricultural building. The site covers an area of approx. 0.09ha and is currently agricultural land. An ordinary watercourse flows immediately to the east of the site. Another ordinary watercourse flows immediately to the southeast of the site on the opposite side of the adjacent highway. The topography of the site slopes down from north to south by approx. 1m. The adjacent land to the northwest slopes down towards the site.

Flood Risk

Fluvial Flood Risk

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

Further information on the subject of this report is available from Ms Heloise Hardwick on

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

**except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at risk of surface water flooding. The nearby ordinary watercourses are shown as high-risk surface water flow routes; however, it appears that the flows are modelled to largely remain in-channel.

The adjacent highway (C1195) to the southeast of the site is also shown to be a high-risk surface water flow route; the Applicant should be aware of this and the potential for compromised site access due to floodwater.

Other Considerations and Sources of Flood Risk

The EA Flood Map for Planning does not consider watercourses with small catchments and therefore it may happen that the site is identified as located in Flood Zone 1 on the EA map but there may be a risk of fluvial flooding from the watercourse located immediately to the east of the site. The potential risk from this watercourse should be considered in the design of the development.

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

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 four trial holes were excavated; two were 0.6m deep (IFT2 and IFT4) and the other two were 1.2m deep (IFT1 and IFT3). Three tests were completed in each hole. Acceptable infiltration rates were established in all trial holes: IFT1 = 5.4×10^{-6} m/s, IFT2 = 1.24×10^{-6} m/s, IFT3 = 4.24×10^{-5} m/s, IFT4 = 6.45×10^{-6} m/s. As such, a surface water discharge to ground is proven to be viable. No groundwater was encountered at 2.5mBGL.

We note proposals for an infiltration basin to discharge the roof water runoff from the proposed building (roof area = 346m²) to ground. The basin is stated to be sited down gradient of the proposed building, as required to achieve a gravity-fed discharge. However, based on the plans provided, it is suggested to be located to the north of the proposed building meaning it is unclear how this would be achieved.

Furthermore, given the sloping topography of the site and surrounding area, **we have concerns that surface water could overtop the basin and flow onto the adjacent highway. This would focus the flow of land drainage runoff, increasing flood risk to road users and third-parties down gradient of the site.** As such, we ask the Applicant to consider the use of buried soakaways to mitigate the risk of overland exceedance flows associated with a basin and discharge the roof water runoff from the proposed building to ground at depth. This appears to be a viable solution given the acceptable rates established at 1.2mBGL.

We await confirmation of the proposals accordingly. A clear surface water drainage layout should be provided to confirm that the proposed drainage infrastructure can be accommodated within the red line site boundary, as required.

It should be noted that soakaways should be located a minimum of 5m from building foundations.

All proposed areas of hardstanding will be constructed of permeable materials.

Foul Water Drainage

No foul water facilities are proposed as part of the development.

Overall Comment

HOLDING OBJECTION

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

- Confirmation of the surface water drainage proposals in line with the above advice.
- Submission of a clear drainage layout drawing.

4.3 Land Drainage Consultant – Updated Comment – No Objection

Our knowledge of the development proposals has been obtained from the additional sources provided since our previous consultation response in March 2025:

- UPDATED Surface Water Drainage Strategy 14.8.25 (Ref: Rev C).

Overview of the Proposal

The Applicant proposes the construction of an agricultural building. The site covers an area of approx. 0.09ha and is currently agricultural land. An ordinary watercourse flows immediately to the east of the site. Another ordinary watercourse flows immediately to the southeast of the site on the opposite side of the adjacent highway. The topography of the site slopes down from north to south by approx. 1m. The adjacent land to the northwest slopes down towards the site.

Flood Risk

Fluvial Flood Risk

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

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not located within an area at risk of surface water flooding. The nearby ordinary watercourses are shown as high-risk surface water flow routes; however, it appears that the flows are modelled to largely remain in-channel.

The adjacent highway (C1195) to the southeast of the site is also shown to be a high-risk surface water flow route; the Applicant should be aware of this and the potential for compromised site access due to floodwater.

Other Considerations and Sources of Flood Risk

The EA Flood Map for Planning does not consider watercourses with small catchments and therefore it may happen that the site is identified as located in Flood Zone 1 on the EA map but there may be a risk of fluvial flooding from the watercourse located immediately to the east of the site. The potential risk from this watercourse should be considered in the design of the development.

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

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 four trial holes were excavated; two were 0.6m deep (IFT2 and IFT4) and the other two were 1.2m deep (IFT1 and IFT3). Three tests were completed in each hole. Acceptable infiltration rates were established in all trial holes: IFT1 = 5.4×10^{-6} m/s, IFT2 = 1.24×10^{-6} m/s, IFT3 = 4.24×10^{-5} m/s, IFT4 = 6.45×10^{-6} m/s. As such, a surface water discharge to ground is proven to be viable. No groundwater was encountered at 2.5mBGL.

We note revised proposals comprising a below ground soakaway to discharge the roof water runoff from the proposed building (roof area = 346m²) to ground, as per our previous comments. The soakaway calculations have now been informed by the slowest infiltration rate established during the testing (5.4×10^{-6} m/s). The required soakaway volume is 25.84m³ in order to accommodate a 1 in 100yr + 40% CC event. The proposed volume is stated to be 26.88m³ which appears adequate.

The soakaway is stated to be sited down gradient of the proposed building, as required to achieve a gravity-fed discharge. All proposed areas of hardstanding will be constructed of permeable materials.

Foul Water Drainage

No foul water facilities are proposed as part of the development.

Overall Comment NO OBJECTION

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

4.4 Ecologist – No Objections – Condition Recommended

Further information on the subject of this report is available from Ms Heloise Hardwick on

As agreed with Natural England where 'Full Householder' or 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 and with no increase in cattle numbers able to otherwise occupy the land holding created or supported by this proposed development this 'exemption' would be applicable in respect of this current application and the River Wye SAC.

No additional cattle are supported by the proposed development that could not otherwise already occupy the land holding and no additional air emissions are identified as a result of the proposed overwintering of cattle in the proposed building.

The supplied statutory Biodiversity Net Gain information appears relevant and appropriate and will require full details and establishment and future management scheme to be submitted as necessary to formally 'discharge' the statutory BNG requirement. This 'discharge' must be made subsequent to any planning permission being granted but prior to any permitted works commencing. A standard informative/condition should be utilised.

From supplied and available information there is no reason for the LPA to consider there are likely to be any effects on protected species or other ecological interests as a result of the proposed development. The applicant should be reminded of their and their contractors' legal obligation to wildlife protection afforded at all times through the Wildlife & Countryside Act. There are records of multiple bats and other protected species within the wider locality.

Wildlife Protection Informative

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

The local illumination levels are such as to support nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure local illumination levels are not increased and local nature conservation interests are not impacted a condition to manage any additional external lighting is requested:

Protected Species and Dark Skies (external illumination)

Unless otherwise agreed in writing by the planning authority, no external or internal lighting associated with the permitted development shall be permanently illuminated between dusk and dawn except in an emergency.

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

4.5 **Landscape Officer – Qualified Comment**

I am familiar with this development as part of the pre-application stage, and the iterative design process undertaken to work with the site and its historic context to provide an appropriate location of the agricultural building. I have no objection in principle to the general location of the building.

However, more should be done to mitigate or integrate the building into the context and give more emphasis on aiming to reduce the visual influence of the building from the lane, and from overlooking from the north.

It is recommended to draw the building further away from the boundary, to give a less overbearing sense of the building onto the lane, and provide space for trees.

The other issue is drainage. The site access is relatively steep and should not take water from the site onto the lane. With the increased hard standing associated with the building (machinery holding area, and turning areas), there is going to be increased water to management.

Like all well designed development, context is everything. In this instance context is everything, and it's not explicitly shown on the applicants plans. Showing existing landscape and levels, with proposed new landscaping and levels would significantly enhance the ability of this development to demonstrate the requirements of core strategy, policies LD1 (setting and character), LD2 (biodiversity) and LD3 (green infrastructure).

Recommendations:

- Move the building to reduce overbearing onto the lane, and provide space for trees;
- Provide level details and a drainage systems to prevent water from egress onto the lane;
- Show the actual vehicle (tractor and implements) movements and associated hardstanding associated with using the building; and
- Provide a tree plan, with specification information and maintenance strategy.

4.6 **Environmental Health Officer (Noise/Nuisance) – No Objections**

Comments are made from a noise and nuisance perspective.

There is sufficient distance between the proposed site and nearest residential receptors to avoid adverse impacts on amenity.

Therefore this department does not object to this proposal.

4.7 **Area Engineer (Highways) – No Objections**

The Local Highway Authority (LHA) has reviewed the proposed development for the erection of an agricultural building on agricultural land.

The site will utilise an existing field access, which is already set back from the highway and provides access onto a rural single-track country lane. Given the nature of the proposed agricultural use and the characteristics of the existing access, the LHA does not anticipate any significant impact on highway safety or capacity.

To ensure safe and effective use of the access, the applicant should upgrade the first 10 meters from the highway by surfacing it with tarmac, constructed to Herefordshire Council's standard road specifications. Therefore, the LHA has no objections, subject to these conditions being met.

Further information on the subject of this report is available from Ms Heloise Hardwick on

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

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

Recommendations:

- CAE – Vehicular access construction
- The first 10m of the access off the highway should have a bound surface such as tarmac, gravel is not acceptable for the first 10m.

5. Representations

5.1 Peterchurch Parish Council

Peterchurch Parish Council strongly objects to this planning application. Councillors noted that there is nothing in the current set of proposals which sets aside the rationale detailed by the Planning Inspectorate when rejecting the appeal against the refusal of planning permission for a similar agricultural building in 2023 (PA224028). More specifically Councillors remain concerned over the obvious risks of flooding for which no obvious mitigation plan has been offered by the applicants. Also, the proposed building will be close to neighbouring properties and will have a negative impact on the character and appearance of the local area.

5.2 Peterchurch Parish Council – further comments following re-consultation

Peterchurch Parish Council considered and object to the proposals set out in the Planning Re-Consultation. Councillors noted that this application was rejected in the past and the only change in the current iteration is the drainage plan which Councillors considered is not fit for purpose.

5.3 Third Party Representations

Following the initial consultation period, there were 37 representations from 29 individuals.

22 of these representations objected to the proposal, 11 of these representations wrote in support of the proposal and 4 of these representations provided general/mixed comments.

Following the re-consultation period, there were a further 17 representations from 10 individuals. 12 of these representations objected to the proposal, and 5 of these representations wrote in support of the proposal.

The objections are summarised below:

- Previous prior notification applications refused.
- Potential increase in flooding on the adjacent local highway network.
- Polluted surface water from animal manure.
- Vehicle access and highway safety.
- Air, light and noise pollution.
- Landscape impact, siting, size and scale of the building.
- Impact upon neighbouring amenities.
- Archaeological concerns and soil quality.
- Peterchurch Water Supply.
- Impact upon public right of way and tourism in the local area.

The letters of support are summarised below:

- Local farming enterprise.
- Supporting rural economy.
- Agricultural need for the building.
- Continued use of the land as permanent pasture livestock grassland.

5.4 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.

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' Peterchurch Neighbourhood Development Plan. The National Planning Policy Framework is a significant material consideration.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. 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 applications.
- 6.4 The NPPF provides support to development which encourages the growth of prosperous rural economies. Paragraph 88 of this framework makes clear that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; in addition to the development and diversification of agricultural and other land-based rural businesses.
- 6.5 Paragraph 89 emphasises that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously development land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
- 6.6 In more specific terms, Policy RA6 of the Herefordshire Core Strategy supports employment-generating proposals that contribute to the strengthening and diversification of the rural economy. A range of economic activities is encouraged under this policy, including the promotion and support of local food and drink production, as well as the retention and diversification of existing agricultural businesses. Proposal must be appropriately scaled in relation to their location and setting. The economic benefits of such developments must be carefully balanced against potential

impacts on residential amenity, the local road network, and water quality targets. Specifically, developments must:

- Be of a scale appropriate to their location and setting;
- Avoid causing unacceptable adverse impacts on residential amenity due to factors such as design, massing, noise, dust, lighting and odor;
- Ensure that traffic movements can be safely accommodated within the local road network; and
- Avoid undermining water quality targets as set out in Policies SD3 and SD4.

- 6.7 The application relates to an existing agricultural holding located in a rural landscape approximately 0.6 miles to the north-west of the village of Peterchurch and outside of its main built-up area. The proposal seeks permission to erect an agricultural barn to be used as a storage building for machinery and fodder and in addition as sheltered accommodation for the applicant's existing cattle stock over-winter.
- 6.8 Clear justification for the need of the proposed building for agricultural purposes has accompanied the submission and was made clear within previous pre-application discussions. It is evident that there are no existing buildings present on agricultural land within the applicant's ownership and in this regard the building would be necessary to support the vital operation of the agricultural enterprise.
- 6.9 The proposed building is considered to support an existing agricultural unit by providing necessary storage facilities, where there is no existing provision on the site. The proposed building would hence facilitate the continued viable operation of the enterprise, thereby offering economic benefits to Peterchurch and the wider rural economy.
- 6.10 With the above in mind, the principle of development is considered favourably against CS Policy RA6. Notwithstanding the above, landscape impact, design, neighbouring amenities, access arrangements, drainage and ecology are material considerations which are key to the acceptability of any development on this site and these are outlined below.

Landscape Impact

- 6.11 CS Policy LD1 states that development proposals should demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas. Policy SD1 emphasises that new buildings should be designed to maintain local distinctiveness through careful attention to materials, scale, height, proportions and massing. Policy P6 of the Peterchurch NDP reinforces this notion and makes clear that development proposals should demonstrate that the character of the surrounding landscape has influenced the materials, design, scale, form and siting of the development proposed.
- 6.12 The visual impact of the proposal to the character of the surrounding open countryside is a significant consideration to this application and a number of representations made by third parties concern this landscape impact.
- 6.13 The topography of the site is characterised by a relatively steep sloping landscape which rises to the north of Wellbrook Road with the proposed building occupying a raised position relative to the road. The proposed building would be situated to the north-west corner of the site and set against an existing wooded area to the west and behind mature boundary vegetation along the road. This provides some natural screening from street scene and from wider viewpoints and the rising topography is such that the building will not be seen on a skyline.

- 6.14 It is considered that the size and scale of the proposed building is appropriate to its intended use and is proportionate to its setting in terms of the size of the agricultural holding and noting the lack of existing buildings associated with the holding. In addition, the proposed development is of a design and appearance which reflects the agricultural nature of its proposed use and is characteristic of the appearance of agricultural buildings within the wider surrounding area.
- 6.15 On balance, whilst it is acknowledged that the building would occupy a rather isolated position away from existing buildings, its location is an appropriately considered one, making use of an existing flat area of land, existing mature landscaping and in a location close to an existing access avoiding the need for a track access across field. It will be visible in close proximity to the site and from higher ground to the north but it considered to be the optimum position on the land available to the applicant and would not have an unacceptable visual impact to the character of the rural landscape and existing boundary vegetation would further provide some screening of the development from wider viewpoints.
- 6.16 Whilst the comments provided by the Council's Landscape Officer are duly noted, it is considered that the additional landscaping mitigation advised would not be reasonably necessary owing to the topography of the site which provides natural screening from the public right of way to the north of the site and the existing vegetation to the west of the site and along the highway boundary. Moreover the proposed materials are considered to integrate well with the site's context and setting.

Surface Water Drainage and Flooding

- 6.17 CS Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect, and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water.
- 6.18 It is evident that the site is located within Flood Zone 1, characterised as the lowest risk of fluvial flood risk, although it is noted that potential fluvial flooding may occur from the nearby watercourse and onto the adjacent highway. Moreover, the site is at risk of surface water flooding from the highway and from higher land.
- 6.19 The proposal would introduce a building with associated hardstanding areas on the site. These hardstanding areas are to be constructed in permeable materials.
- 6.20 It is very clear from many of the representations received that the potential impact of surface water flooding down slope of the site is a real concern. As such, the Council's Land Drainage Consultant was consulted in respect of the application and whilst lodging a holding objection in the first instance, following receipt of a surface water drainage strategy offers no objections.
- 6.21 Whilst the third party representations made in regard of surface water flooding are duly noted, with no technical objections raised by the Land Drainage Consultant, it is not considered that the development would result in any increase in surface water flooding on the site or within the surrounding area and there is no evidence to suggest it will exacerbate existing conditions.

Ecology, Biodiversity and Protected Species

- 6.22 CS Policy LD2 states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire. Policy P6 of the Peterchurch NDP further states that all development proposals will have to show regard to the varied and distinctive landscape character of the area by protecting and enhancing the natural, historic and scenic beauty of the area.

- 6.23 The Council's Ecologist was consulted in respect of the application and offers no objections to the proposed development. The proposal would not increase livestock numbers on the holding that could not otherwise already occupy the land holding. As such, there are no additional air emissions identified as a result of the proposed development. There will be no likely significant effects arising from additional discharges from the site and no likely significant effect upon the River Wye SSSI/SAC. The proposal is 'screened out' of the Habitat Regulations Assessment and planning permission can legally be granted.
- 6.24 Policy P9 of the Peterchurch Neighbourhood Development Plan states that to reduce light pollution into the Golden Valley and to improve the views of our night time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following: they have undertaken an appropriate assessment and can demonstrate the need for the lighting and the nature of the proposed lighting is appropriate for its use and location.
- 6.25 With the above policy in mind, it is clear that local illumination levels are important to local amenity and to nature conservation interests particularly in relation to protected species. As such, a condition is attached to ensure some control over external illumination given the site's rural locality.
- 6.26 For the avoidance of doubt, an informative note is recommended to remind the applicant's to their obligations under the Wildlife and Countryside Act.

Neighbouring Amenities and Environmental Health

- 6.27 CS Policy SD1 states that development proposals should safeguard residential amenity for existing and proposed residents.
- 6.28 The proposed building would be situated some distance from neighbouring occupiers, with the closest residential property located approximately 135 metres to the south west of the site. The Council's Environmental Health Officer advises that this distance is sufficient and the use of the proposed building is not considered to give rise to adverse impacts in terms of noise, smell nor other forms of nuisance. The application is not deemed to result in overlooking/loss of privacy/loss of light/visual dominance to a degree that would be contrary to the above policies.

Access Arrangements

- 6.29 CS Policy MT1 states that development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flows 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.
- 6.30 CS Policy RA6 makes clear that applications which support the retention of existing agricultural businesses should not generate traffic movements that cannot safely be accommodated within the local road network.
- 6.31 The proposed development would retain and utilise an existing gated agricultural access to the site. The Council's Area Engineer was consulted in respect of the application and offered no objections subject to conditions. It is indicated that given the nature of the proposed agricultural use and characteristic of the existing access, the use of this access is appropriate and no significant impact on the highway safety or capacity is anticipated.

Conclusion

- 6.32 When assessing the proposed development against the relevant policies, it is clear that whilst some visual impact is identified in respect of the location of the proposed building, this is not

considered to result in harm to the character of the landscape and would not adversely impact upon neighbouring amenities. The principle of supporting the ongoing viable operation of an existing agricultural unit can be afforded weight in relation to strengthening a local business and contributing wider benefits the rural economy. That said, the landscape, highways, drainage, ecology and amenity impact have all been considered and with no technical objections raised.

- 6.33 The proposal is not considered to be in conflict with the Development Plan and is considered acceptable. The application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers:

1. Time limit for commencement

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

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

2. Development in accordance with approved plans

The development shall be carried out strictly in accordance with the approved plans (drawing no. 8396/1 and document entitled "Planning Statement"), 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, the Peterchurch Neighbourhood Development Plan and the National Planning Policy Framework.

3. Vehicular Access Construction

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.

4. Access Construction

The first 10m of the access off the highway should have a bound surface such as tarmac, gravel is not acceptable for the first 10m.

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.

5. Protected Species and Dark Skies (external illumination)

Unless otherwise agreed in writing by the planning authority, no external or internal lighting associated with the permitted development shall be permanently illuminated between dusk and dawn except in an emergency.

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.

6. Surface Water Drainage Strategy

The development shall be carried out in accordance with the approved details (Surface Water Drainage Strategy received by email 14th August 2025) for the duration of the development.

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

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. Wildlife Protection Informative

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

3. Biodiversity Net Gain Informative

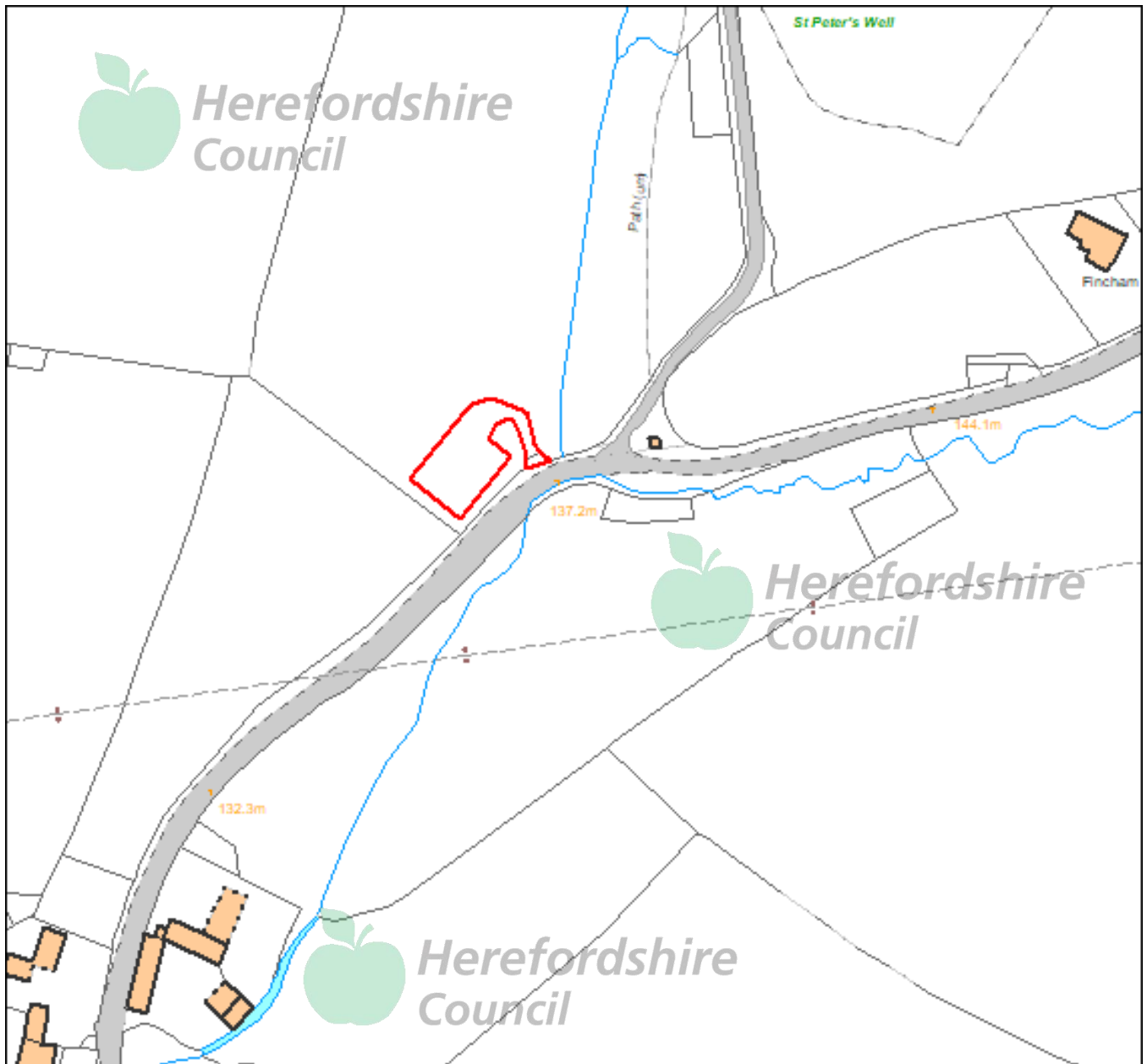
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 243176

SITE ADDRESS : LAND OFF WELLBROOK ROAD, PETERCHURCH, HEREFORDSHIRE

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 Ms Heloise Hardwick on

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	251363 – PROPOSED CONVERSION AND EXTENSION OF FIELD BARN TO A SELF-BUILD DWELLING AND ASSOCIATED WORKS (PART RETROSPECTIVE) AT THE COTE, LOWER CROSSWAYS FARM, DORSTONE, HR3 6AT For: Mr Goodwin per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=251363
Reason Application submitted to Committee – Re-direction	

Date Received: 6 May 2025

Ward: Golden Valley
North

Grid Ref: 331941,241861

Expiry Date: 24 July 2025

Local Member: Cllr Philip Price

1. Site Description and Proposal

- 1.1 The application site lies to the south of the B4348 approximately 0.3 miles to the north-east of Dorstone and comprises an isolated and now former agricultural field barn known as 'The Cote'. Comprised of random stone construction, The Cote is found some distance away from the more modern farm buildings which comprise Lower Crossway Farm to the west. It is positioned close to the north-eastern field boundary and was once part of a larger, more rectangular agricultural field before it was sub-divided to achieve a residential curtilage with boundary treatments formed of post-and-wire fencing together with well-established roadside hedgerow running along the northern boundary. Topography across the site falls generally from north-east to south-west into Dorstone and towards the River Dore. On the opposite side of the B4348 the land rises further north and east up towards Dorstone Hill Wood.
- 1.2 Whilst unlisted, The Cote has heritage value in terms of its long association with the agricultural working landscape between Dorstone and Peterchurch. It has previously been considered by the Local Planning Authority in decision-making to be a 'non-designated heritage asset'.
- 1.3 Planning permission was granted in 2019 (Reference: P180101/F) for conversion of The Cote into a one-bedroomed dwellinghouse together with the creation of a new vehicular access directly off the B4348, driveway, and formation of the aforementioned residential curtilage. Pre-commencement conditions were discharged and works commenced to implement that particular planning permission which is currently at a stage of part-conversion.
- 1.4 This current application seeks to vary the approved scheme, to include a proposed single-storey lean-to utility/WC extension off the west elevation and a single-storey three-bedroom extension effectively perpendicular to the east elevation with a single-storey glazed link to connect the extension with the barn. The proposal is also promoted as a 'self-build' dwellinghouse.

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- 1.5 Due to the description of development approved under P180101/F which clearly referenced a one-bedroomed dwellinghouse to be created through the conversion, a fresh application for planning permission has been submitted for determination. However, taken at face value, the extensions proposed are essentially the main difference between the approved permission and this current proposal.
- 1.6 This application is also a re-submission of a recently refused application of a not too dissimilar proposal for extensions to the barn (Reference: P233424/F), which was determined as a delegated decision by officers.
- 1.7 Below are the plans approved under P180101/F (Figure 1), the plans previously refused under P233424/F (Figures 2 and 3) and the proposed plans for this current application (Figures 4-9 inclusive):

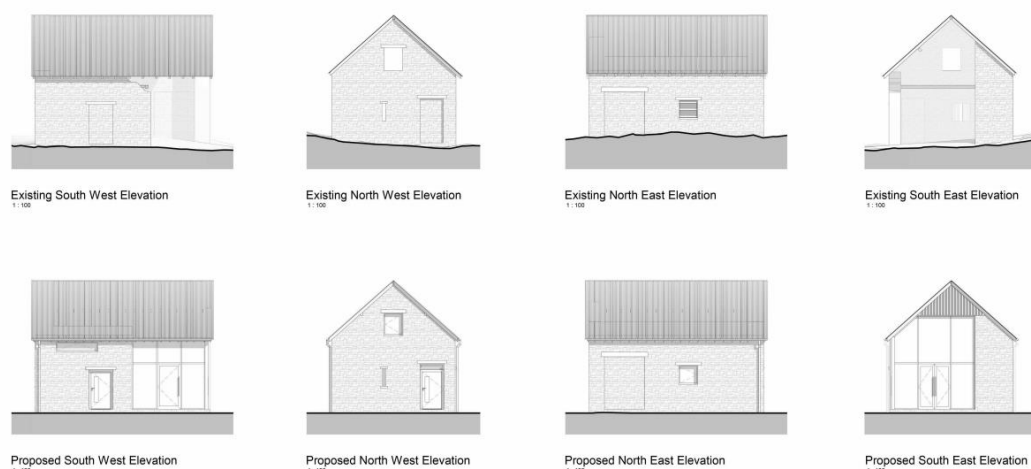
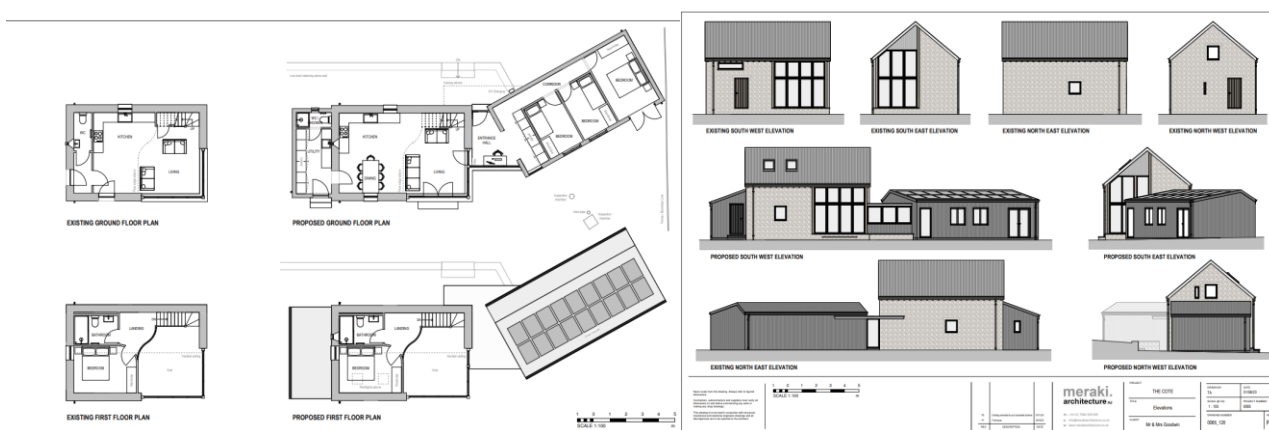


Figure 1 – Existing and Proposed Plans approved under P180101/F



Figures 2 & 3 – Existing and Proposed Plans refused under P233434/F

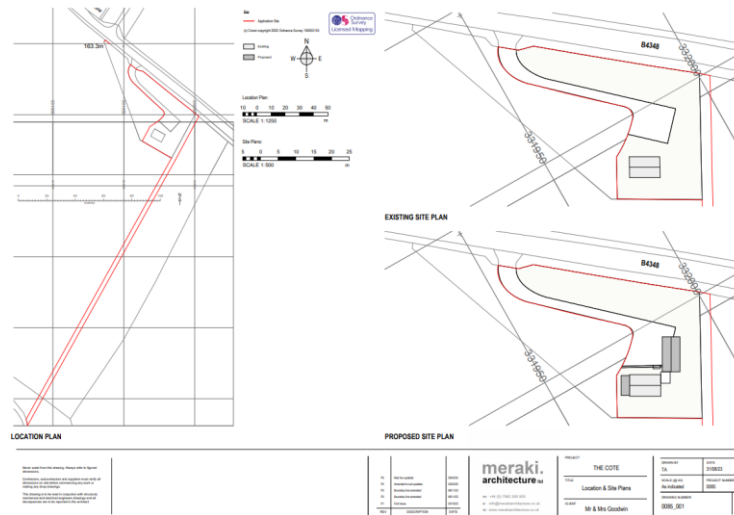
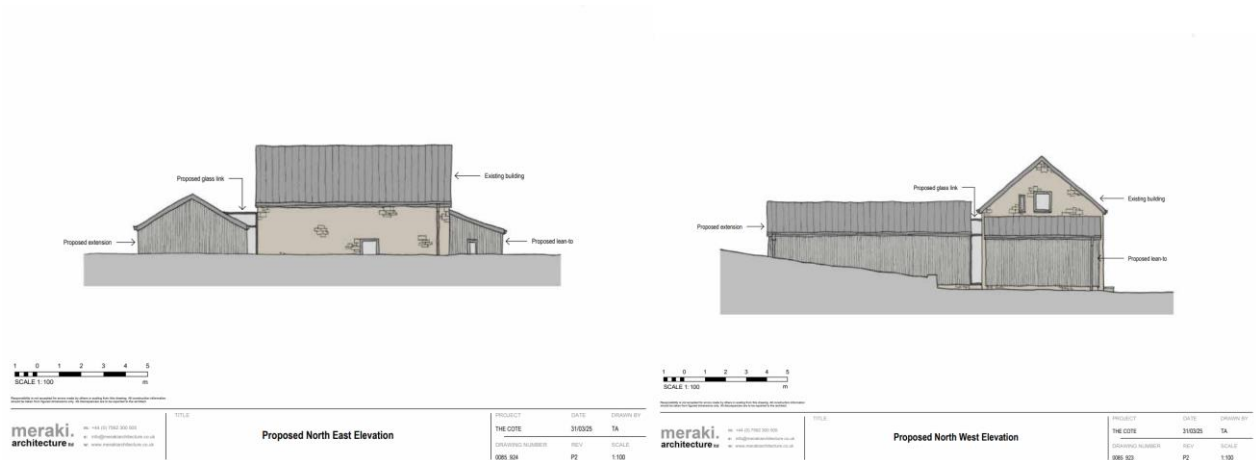
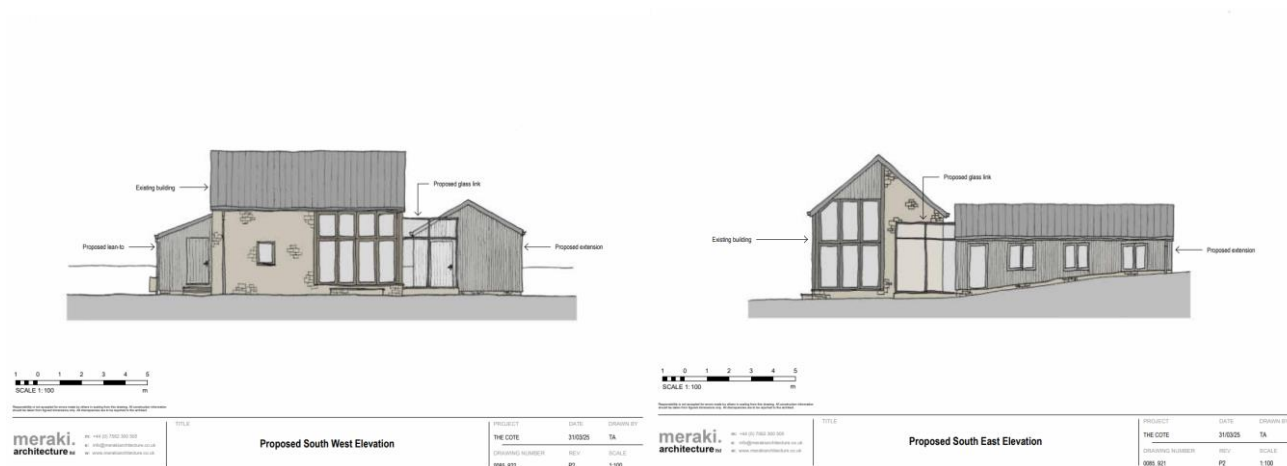


Figure 4 – Location Plan, Existing and Proposed Site Plan for P251363/F (current application)



Figure 5 – Existing and Proposed Floor Plans for P251363/F (current application)





Figures 6, 7, 8 and 9 – Proposed Elevations for P251363/F (current application)

1.8 The application is also to be considered together with the following supporting documents:

- Application Form (signed Certificate B);
- Planning Statement;
- Technical Note – Drainage Strategy;
- Ecological Survey (also submitted under P180101/F); and
- Structural Assessment Report (also submitted under P180101/F).

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted 15 October 2015 (CS)

- SS1 – Presumption in favour of sustainable development
- SS2 – Delivering new homes
- SS4 – Movement and transportation
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- RA1 – Rural housing distribution
- RA2 – Housing in settlements outside Hereford and the market towns
- RA3 – Herefordshire's countryside
- RA5 – Re-use of rural buildings
- H3 – Ensuring an appropriate range and mix of housing
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- LD4 – Historic environment and heritage assets
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Paragraph 34 of the revised National Planning Policy Framework (NPPF) requires a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15th October 2015 and a review was required to be completed before 15th October 2020. The decision to review the CS was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the relevant policies have been reviewed, are considered consistent with the NPPF and therefore attributed significant weight.

CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-
https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy

2.2 Dorstone Neighbourhood Development Plan – made on 17 February 2017 (NDP)

DNP H1 – Housing Policy
DNP H2 – Housing design criteria
DNP ENV1 Policy 1 – Conservation, heritage and landscape
DNP F1 Policy – Flooding

The Dorstone NDP policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-
<https://www.herefordshire.gov.uk/directory-record/3053/dorstone-neighbourhood-development-plan-made-17-february-2017>

2.3 Herefordshire Minerals and Waste Local Plan – adopted on 8 March 2024 (MWLP)

SP1 – Resource Management

The MWLP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website by using the following link:-
<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan>

2.4 National Planning Policy Framework (NPPF) – revised on 7 February 2025

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

The NPPF sets out the government's planning policies for England and how these are expected to be applied in plan-making and decision-making. The NPPF can be viewed using the following link: - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.5 National Planning Practice Guidance (PPG)

The Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed through the following link: <https://www.gov.uk/government/collections/planning-practice-guidance>

3. Planning History

- 3.1 P180101/F - Conversion of existing barn to form a one-bedroom dwelling and construction of new vehicular access – Approved with conditions on 2 May 2019 - https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180101

- 3.2 P201510/XA2 - Application for approval of details reserved by conditions 3 5 7 8 9 11 & 13 attached to planning permission 180101 – Approved on 18 August 2020 - https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201510
- 3.3 P233424/F - Conversion and extension of field barn to a dwelling and construction of new vehicular access (part retrospective). – Refused on 20 March 2024 - https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233424

4. Consultation Summary

4.1 Statutory Consultations

4.1.1 Dwr Cymru Welsh Water – No objections:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage. 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.

4.2 Internal Council Consultations

4.2.1 Building Conservation Officer – Objection:

Comments:

The proposal

The proposal is for the conversion and extension of a field barn to a self-build dwelling and associated works part retrospective.

The site

The site is located in an isolated position within a field alongside the B4348 to the south of Lower Crossway Farm. The original application for conversion noted that the barn is unlisted but clearly has heritage value in terms of its long association with the agricultural landscape between Dorstone and Peterchurch.

Planning History

180101/F – conversion of existing barn to one bedroomed dwelling – approved 02/05/2019
201510 – discharge on conditions in respect of 180101 – approved 18/08/2020
233424 – conversion & extension of field barn to dwelling part retrospective – refused 20/03/2024
241390 – pre-application.

Legislation Policy and Guidance

Paragraph 135 of NPPF advises that planning policies and decisions should ensure developments should;

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 208 of NPPF advises that a “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Policy RA5 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that; The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to residential development, or is essential to the social well-being of the countryside, 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.

Policy SS6 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular landscape, and heritage assets and especially those with specific environmental designations Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based upon sufficient information to determine the effect upon each where they are relevant.

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area’s character and by enabling appropriate uses, design and management.

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

- Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and

sympathetic design, in particular emphasising the original form and function where possible.

Assessment of Proposal

The building in question has previously been granted consent for a one bedroomed dwelling, and therefore it is considered that the principle of the conversion of the building in line with CS policy RA5, has already been considered, and despite the degree of rebuilding that was necessary was supported in built heritage terms as it would retain the simple agrarian character of the building.

The building works associated with the previous application are as yet not completed and the building is understood not yet to be occupied.

The proposal is for an extension to the barn, which requires planning permission as permitted development rights were removed on the original application.

The approved scheme was for an open plan living kitchen dining room on the ground floor (plus WC) and one bedroom and bathroom on part of the first floor, with part being a 2 storey void.

The current proposal is for a single storey lean to-utility extension on the western stone gable, a glass lobby and a 3 bedroom extension to the north, facing the B4348.

As such the proposal is very similar to the previously refused scheme under application 233424, which was refused on 2 grounds the one relevant to built heritage being the first reason for refusal.

The proposed extension, by virtue of its design, siting and appearance, would be an unacceptable form of development that would be out of keeping with the agricultural character of this non-designated heritage asset and detrimental to its contribution to the character of the site and would fail to conserve or enhance its immediate setting and surrounding area. As such, the proposal would be contrary to policies SD1, LD1, LD4, SS6 and RA5 of the Herefordshire Local Plan – Core Strategy and policies DNP H2 and DNP ENV Policy 1 of the Dorstone Neighbourhood Development Plan, that seek to ensure development respects the character of the area and its surroundings and the National Planning Policy Framework that promotes and reinforces the importance of a sense of place and conserving and enhancing of the historic environment, with particular relevance to Chapters 12 and 16.

Whilst noting that the angle of projection differs in the current proposal, nonetheless it would appear that the proposal is so similar to the previously refused scheme that the reason for refusal would still be applicable. Advice was issued at pre-application stage that has not been progressed for the reasons detailed in The Planning Statement sections 2.4.1 – 2.4.3. Whilst noting the details in the submission, the concerns raised in respect of application 233424 would still be relevant.

However should the principle of an extension to the barn conversion be considered appropriate in policy RA5 terms, I would suggest that a more traditional approach of a simple 2 storey extension (50% of floor size), in conjunction with the flooring of the 2 storey void, be considered as an alternative, that would address some of the reasons for refusal on the previous scheme, and enable the children's bedrooms to be on the same floor as the master bedroom, which may be beneficial and retain the character of the barn to a greater degree than proposed. The walls could be timber clad, or stone at the base if preferred, and whilst 2 rooms (utility room and reception room) have been suggested on the ground floor, the ground floor could be divided further if required.

I would be happy to enter into discussions in this respect, however, to aid consideration of the suggestion, I have drafted some indicative sketches for consideration below [Figure 10].

Figure 1 comparison of approved, refused and current proposal and alternative suggestion

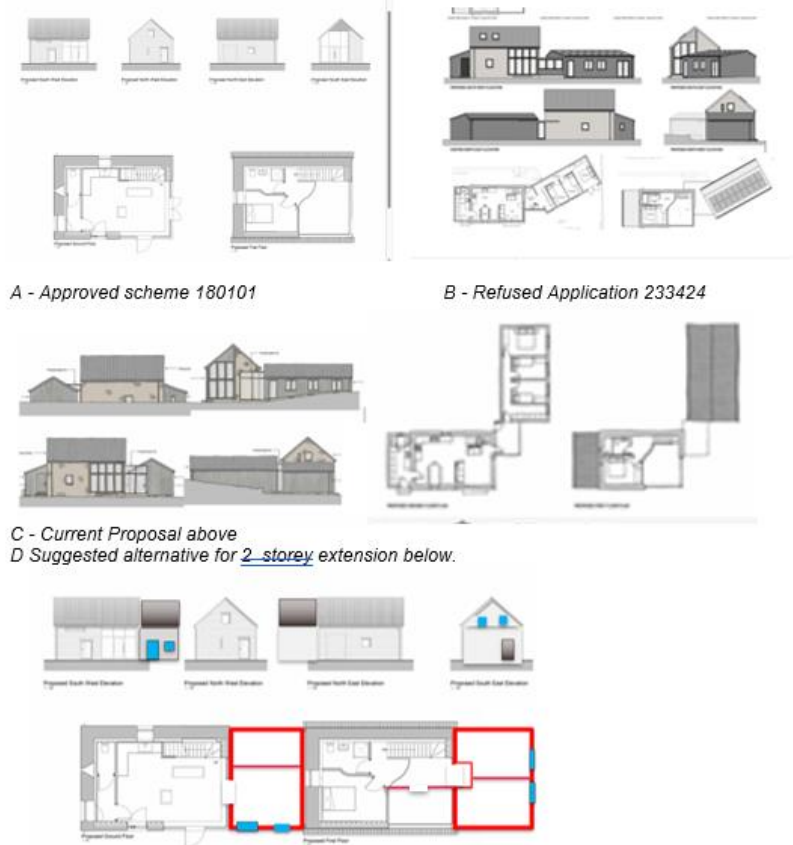


Figure 10 – Suggested alternative extension by Building Conservation Officer

Should the principle of extension be considered acceptable, given the location of the building so readily prominent in the landscape, and the former sympathetic conversion scheme of what was considered as a non-designated heritage asset, it is requested that consideration be given to a less harmful alternative method of achieving three additional bedrooms, and maintain the character and appearance when viewed from the B434, longer views from the village by siting the proposed lean-to extension away from the western gable, and the PROW. I trust that the above sketches are sufficiently detailed to illustrate the suggestion, however if I can be of further assistance please do not hesitate to contact me.

However based on the current proposal I would have to object for the reasons issued in the refusal of application 233424 detailed in paragraph 5.6, as the proposal is sufficiently similar in its design, siting and appearance to the refused scheme, and as such would remain an unacceptable form of development that would be out of keeping with the agricultural character of this non-designated heritage asset and detrimental to its contribution to the character of the site and would fail to conserve or enhance its immediate setting and surrounding area. As such, the proposal would be contrary to policies SD1, LD1, LD4, SS6 and RA5 of the Herefordshire Local Plan – Core Strategy and policies DNP H2 and DNP ENV Policy 1 of the Dorstone Neighbourhood Development Plan, that seek to ensure development respects the character of the area and its surroundings and the National Planning Policy Framework that promotes and reinforces the importance of a sense of place and conserving and enhancing of the historic environment, with particular relevance to Chapters 12 and 16.

4.2.2 Senior Landscape Officer – Qualified Comments:

The existing and renovated field barn has a distinctive scale, appearance and character as a standalone building in open countryside. With the inevitable paraphernalia and extension that

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

comes with development of buildings in openness, the charm of an old redundant barn in the field is gone.

Taking that into consideration, the proposed development is within reason of a scale, design and materiality that is in keeping with the old building and new renovation, and therefore does not have a significant adverse effect, but does still bring with it harm to the landscape character.

What is missing is an understanding of the proposed landscape, as this too has an effect on the character, and how the buildings will be viewed in context as part of the landscape experience.

It is recommended to look at the development from a wider landscape perspective, and establish if the buildings are purely in an open landscape, or connect with the neighbouring buildings and treescape. With the addition of carefully selected trees (most likely native), the character of the landscape may therefore influence the character of the building in its setting. It would be important to study the existing treescape and tree species to enable objective tree selections.

Attention to the hard landscape elements (pavements surfaces, gates, fences etc.) also has an influence on the overall landscape setting, and therefore character. Overall, the development needs to elaborate further on the landscape character in accordance with Core strategy, policies LD1 and SS6.

4.2.3 Land Drainage Engineer – No objection:

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

- Application for Planning Permission;
- Location and Site Plans (Ref: 0085_001 P5);
- Existing Floor Plans (Ref: 0085-925 P1);
- Proposed Floor Plans (Ref: 0085_926 P1);
- Technical Note – Drainage Strategy (Ref: 25-3130-KTN-TN-01-B).

Site Location

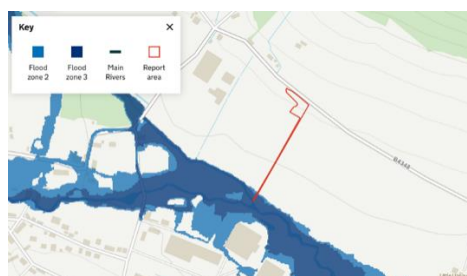


Figure 11: Environment Agency Flood Map for Planning (Rivers and Sea), July 2025.

Overview of the Proposal

The Applicant proposes the conversion and extension of an existing field barn (1-bed) to form a 4-bed dwelling. The site covers an area of approx. 0.15ha. A field ditch appears to be located approx. 105m to the northwest of the site. The River Dore flows along the southern boundary tip of the site. The topography of the main site area slopes down from northeast to southwest by approx. 3m.

Flood Risk

Fluvial Flood Risk

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

As the proposed development is located within Flood Zone 1 and is less than 1ha, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

Surface Water Flood Risk

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



Figure 12: EA Surface Water Flood Risk Mapping, July 2025.

Other Considerations and Sources of Flood Risk

There may be a risk of surface water flooding from higher land. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

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 whereby one trial hole was excavated to 2mBGL. Three tests were conducted and an infiltration rate of $1.04 \times 10^{-6} \text{m/s}$ was established. This suggests that ground conditions would support some infiltration to ground but it has been stated that this cannot be solely relied upon to drain the entire site. No groundwater level assessment was conducted.

The existing surface water drainage arrangements comprise a direct, uncontrolled discharge to ground. We note proposals for a geocellular attenuation crate; this has been designed to facilitate infiltration through the base of the crate. A limited discharge (1l/s) from the crate is proposed to the existing foul discharge pipe of the existing package treatment plant; however, we note that a small orifice (29mm diameter) is required to achieve this. Small orifices are at heightened risk of blockage.

Given the size and rural location of the development site, the Applicant could consider the provision of a larger soakaway to mitigate the requirement for a small orifice; notably due to an acceptable infiltration rate being established onsite.

It should be noted that soakaways should be located a minimum of 5m from building foundations and that the base of soakaways should be a minimum of 1m above groundwater levels.

All areas of hardstanding will be constructed of permeable materials.

The surface water drainage system will be maintained by the future property owner.

Foul Water Drainage

Percolation testing has been undertaken at the site whereby three trial pits were excavated to 1.3mBGL. Three tests were completed in each pit and an average Vp rate of 108s/mm was established. This is a slow rate which would not support the construction of a drainage field.

We understand that the existing building onsite is served by an existing package treatment plant with a gravity-fed discharge to the River Dore. The existing PTP is stated to have a capacity for 6 people. This appears to be adequate to serve the potential population of the proposed development; should this not be the case, the Applicant will be responsible for installing a correctly sized PTP.

The red line site boundary appears to include all drainage infrastructure including the discharge point to the River Dore.

Overall Comment – NO OBJECTION

Based in 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.

4.2.4 Transportation – Area Engineer – No objection:

The local highways authority has considered the application as detailed above and makes the following comments. The site has an existing permission for a one bed dwelling with all access already considered and approved. The gateway is set back from the B4348 and is acceptable to the LHA. There is sufficient space within the existing site area for the parking of three vehicles which would comply with the Herefordshire Council highways design guide and would be acceptable.

No objections to the application.

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

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

4.2.5 Senior Ecologist – No objection; conditions recommended: River Wye SAC Habitat Regulation Assessment

The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The demonstration of the use all best available 'natural' technology to minimise the discharge of phosphates in to the River Wye SAC catchment must be demonstrated

Notes in respect of HRA

- There is an existing lawful residential dwelling which provides an existing baseline for foul water flows (nutrient pathways).
- The proposed development is considered as not creating any new or additional residential units.
- The proposed development is solely an increase of existing accommodation arrangements and creates no new independent residential units.
- With no increase in total residential units (dwellings) created, through the agreed nutrient calculation system with Natural England, no additional nutrient pathways are considered to be created.
- The existing installed foul water system will manage the existing and proposed foul water flows from the single residential unit.
- The existing and proposed development will manage all surface water created through use of relevant designed Sustainable Drainage Systems (SuDS) with appropriate local infiltration where possible.
- With no new residential units being created and foul water management scheme remaining unchanged and utilised the required HRA process can be considered as being 'screened out' at stage 1 of the appropriate assessment process. No further formal HRA appropriate assessment is required.

Additional Ecology Comments

As a wholly new planning application the self-build exemption from statutory Biodiversity Net Gain must be secured on any planning permission granted. If this exemption does not apply then BNG will automatically become applicable and must be discharged in full PRIOR to any permitted works commencing. If BNG is required the baseline should be the site as of 30th January 2020 and be considered as a minimum of 'moderate' condition. No statutory BNG gain can be delivered within the residential curtilage or any boundary feature of that residential curtilage.

From available information the LPA has no reason to consider there will be any effects on protected species or local ecological interests subject to relevant control of external lighting. The applicant and their contractors still have a statutory duty of care towards wildlife protection and an informative to remind of this duty 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 for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council’s declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Species (Biodiversity) potential of the area. Based on scale, location and nature of proposed development a relevant Condition is suggested to secure these enhancements:

To obtain Species (Biodiversity) Net Gain

Prior to first use of any building permitted under this planning permission, evidence such as photographs or ecologists report should be supplied to and acknowledged by the local authority evidencing the suitably placed installation of a minimum of FOUR bird nesting features and FOUR bat roosting features. The installed features shall hereafter be maintained as approved unless otherwise agreed in writing by the local planning authority.

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

Informative: The Bat Conservation Trust and RSPB websites can provide assistance in type and location of appropriate habitat boxes.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species (Bats) commuting/foraging in wider locality and adjacent habitats. A condition to ensure all local nature conservation interests are not impacted and external lighting is requested:

Protected Species and Dark Skies (external illumination)

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

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

4.2.6 Environmental Health (Noise & Nuisance) Technical Officer – No objection:

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Comments are made from a noise and nuisance perspective. No objections.

5. Representations

5.1 Dorstone Parish Council – Support:
Dorstone Parish Council resolved to support the application, providing it complies with the Herefordshire Core Strategy policies RA3 & RA5. (Dorstone Neighbourhood Policies DNP H1 Housing Policy).

5.2 The remaining 47 letters of third-party representations received can be broken down as follows.

3 letters (duplicated) of objection from 1 resident. They raise the following summarised comments:

- Application conflicts with Policy RA3 and RA5
- Does not preserve the features of the countryside
- Appears a rehash of previously refused application [P233424/F]
- Appears to seek social support to get application through
- This is effectively a new build out of a shed which has evolved through ‘stealth’

44 letters of support from 40 different interested third parties from 35 properties. They raise the following summarised comments:

- Support local people to stay in area and support local services
- No highway safety issues
- No impacts on amenity
- Enhancement to landscape
- Appropriate design, converted sensitivity
- Extensions are achievable under ‘Class Q’
- ‘Self-Build’

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=251363

6. Officer’s Appraisal

Policy context

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Minerals and Waste – Local Plan (MWLP) and the Dorstone Neighbourhood Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 34 of the NPPF requires a review of local plans to be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. The CS was adopted in October 2015 and a decision to review the CS was taken in November 2020, which is over five years.
- 6.3 In reaching a decision, the level of consistency of policies within the local plan with the NPPF will therefore need be taken into account by the decision-maker, as per Paragraph 232 of the NPPF. From reviewing those policies within the CS applicable to the determination of this application, these are generally consistent with the guidance contained within the NPPF. As such, significant

weighting should continue to be afforded to these relevant policies, particularly in relation to key policies on directing development to a sustainable location, achieving well-designed places and environmental assets. This position has also been crystalised at the Appeal Court prior to the most recent revisions to the NPPF coming into effect following *Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates v Cheshire East BC & SSCLG* [2016] EWCA Civ 168 which were described by the Court thus “We must emphasize here that the policies of the NPPF do not make “out-of-date” policies for the supply of housing irrelevant in the determination of a planning application or appeal. Weight is, as ever, a matter for the decision maker (as described the speech of Lord Hoffmann in *Tesco Stores Ltd. v Secretary of State for the Environment* [1995] 1 W.L.R. 759, at p.780F-H)”.

- 6.4 Planning reforms published in December 2024 by the UK Government included revisions to the NPPF, which has implications for both plan-making and decision-making. In the context of Herefordshire, this notably includes a 70% increase in the new homes requirement over the plan period – rising from 16,100, as identified within the current CS, to 27,260 new dwellings. These changes have subsequently impacted the Council’s publicised housing land supply, which has now dropped below the required five years to 3.06 years (as of January 2025).
- 6.5 Paragraph 11 of the NPPF, like Policy SS1 of the CS, sets out a presumption in favour of sustainable development. For decision-making, Paragraph 11d will need to apply. It states that where there are no relevant development plan policies, or the policies which are most important for determining the application are ‘out-of-date’ (in instances where applications involve the provision of housing, as per Footnote 8), to grant planning permission unless:
 - the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (11di); or
 - 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (11dii).
- 6.6 Paragraph 12 of the NPPF nevertheless does remain relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the adopted development plan), permission should not usually be granted.
- 6.7 Revisions to the NPPF also have implications for Neighbourhood Development Plans (NDPs). Paragraph 14 of the NPPF states, “*In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
 - a) *the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).”*
- 6.8 The Dorstone NDP was made on 17 February 2017. At the time of decision-making, it is more than 5 years old and does not identify any proposed housing allocations and as such does not benefit from the enhanced provisions of Paragraph 14 and accordingly any conflict with the housing policies contained within the NDP does not automatically amount to harm that should significantly and demonstrably outweigh the benefits of a proposal. The aforementioned planning balance at Paragraph 11d of the NPPF still applies in earnest.

- 6.9 The appraisal nevertheless makes a detailed assessment of the application against the policies of the adopted development plan, though any decision-taking will need to be considered in accordance with Paragraph 11d of the NPPF.

Principle of development including consideration of matters pertaining design, character and appearance of area/streetscene, landscape character and visual amenity, residential amenity, ecology and heritage

- 6.10 Policy SS1 of the CS states that planning applications that accord with the policies in the CS will be approved unless material considerations indicate otherwise. In terms of considering new residential development, Policy SS2 of the CS states that Hereford is the main focus for new housing in supporting its role as the main centre in the county, then the five market towns thereafter. Beyond this, in the rural areas across Herefordshire, new housing development will be principally accepted where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities, and is responsive to the needs of its community as set out under Policies RA1 and RA2. In the wider rural areas beyond such identified settlements, new housing will be carefully controlled, recognising the intrinsic character and beauty of open countryside, and need to be assessed in accordance with CS Policy RA3, which is consistent with Paragraphs 82-84 inclusive of the NPPF. The broad distribution of new residential development across the rural settlements over the current plan period of the CS is expected to deliver a minimum of 5,300 new dwellings, although this is not a ceiling and any decision-maker will be acutely aware of the recent revisions to the NPPF.
- 6.11 Policy RA1 of the CS explains that a minimum of 5,300 new dwellings will be distributed across the seven different Housing Market Areas (HMAs). This recognises that different parts of Herefordshire have differing housing needs and requirements. The policy explains that the indicative target is also to be used as a basis for the production of NDPs and thus growth target figures are set for the HMA as a whole rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will also determine appropriate scales of development. The CS leaves flexibility for NDPs to identify suitable housing sites through policies and/or allocations though amendments to the NPPF has now altered the standard method of calculating housing requirements. Subsequently, the residual growth figures have now gone up.
- 6.12 Dorstone is identified as a settlement which is a main focus for proportionate housing development under Policy RA2 (refer to associated Figure 4.14), with proportionate housing growth identified for the Golden Valley HMA of 12% under Policy RA1 of the CS. As stated above, NDPs are the mechanism for setting growth as they allocate land for new residential development or otherwise demonstrate delivery, to provide the levels of housing to meet various targets, indicating levels of suitable and available capacity.
- 6.13 The adoption of the Dorstone NDP has also helped to clearly identify a settlement boundary. The site is however clearly located outside of the settlement boundary by approximately 0.3 miles via the B4348 and lead to tension with policy DNP H1. For the avoidance of doubt, the settlement boundary for Dorstone is inserted below with the application site denoted by the red circle to show the sites' relationship:

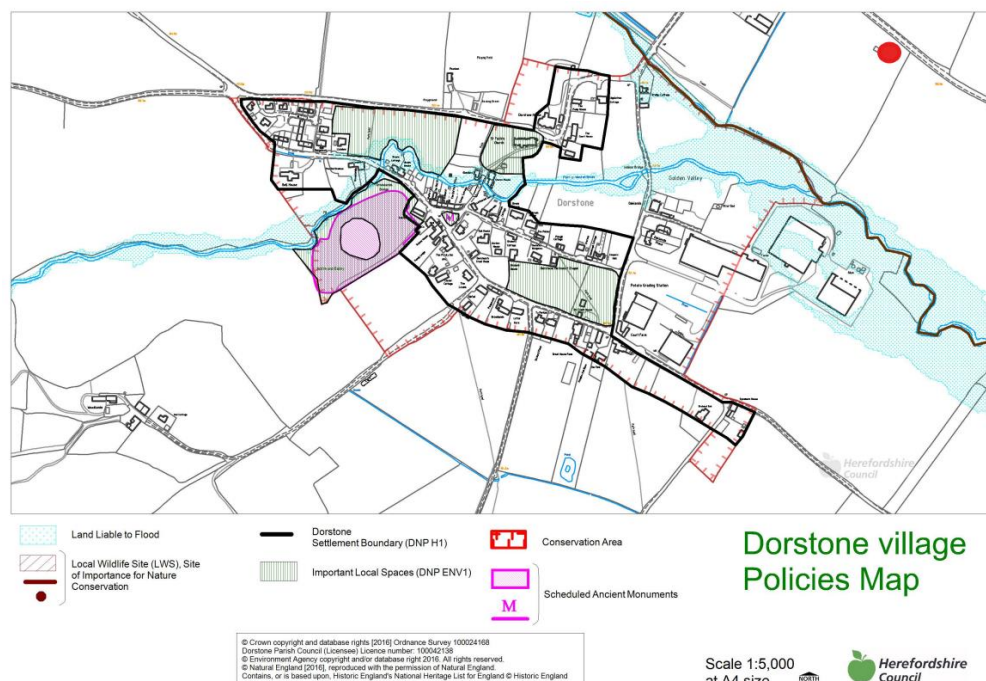


Figure 13: Extract from Dorstone village policies map, taken from made Dorstone NDP. For context, the application site is denoted by the red circle

- 6.14 In the view of officers, given the lack of the Council's five-year housing land supply, some degree of assessment in terms of the pre-existing connectivity of the site is needed. In this instance, whilst there is a bus stop at Crossway Corner which serves buses to Hereford, Hay-on-Wye and Brecon, a combination of the degree of separation between the site and the settlement boundary, the lack of pedestrian connectivity (footway) to achieve safe and reasonable access to the bus stop and clear transition of leaving the main built form and adjacent development and transitioning into general open countryside would mean needing to apply Policy RA3 of the CS, which reflects Policy DNP H1 of the Dorstone NDP.
- 6.15 Policy RA3 of the CS recognises that in such locations outside of defined settlements under Policy RA2, development should be restricted to avoid unsustainable patterns of development and development will be limited to seven scenarios/criteria. One of these, which the application is being promoted for consideration against, is where a proposal, *"would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting"*.
- 6.16 The Cote already has the benefit of planning permission for its conversion into residential use as a one-bedroomed dwellinghouse, as approved under P180101/F. At the time of that decision officers had considered very carefully, with particular regard to the requirements of CS policy RA5, the structural integrity of the building. Whilst visually at the time it showed signs of deterioration on the south-eastern corner, the Structural Report (which has been resubmitted with this current application) concluded that whilst two of the existing walls of the barn had collapsed, two walls (the north flank and west gable) were reasonably stable and were capable of being re-used. Whilst officers expressed some reservations about the extent of new construction required, the proposal was considered to be regarded as a conversion within the scope of CS policy RA5 subject to close adherence to the recommendations of the Structural Appraisal.
- 6.17 Further to correspondence with the agent on this current application, officers are advised that the works to The Cote to date have been undertaken in accordance with the approved plans under P180101/F to ensure that the conversion remains within the footprint of the existing barn with modest alterations, in line with the structural report. Nevertheless, it would be prudent to visually

show how the building has evolved in the photographs below (Figures 14-17 inclusive) for context and to enable the decision-maker to make a clear, informed assessment:



Figure 14 – The Cote in April 2009 (C/O Google Streetview)



Figure 15 – The Cote in September 2023 (C/O Google Streetview)



Figure 16 – The Cote in April 2024 (C/O Google Streetview)



Figure 17 – The Cote in August 2025 (C/O Case Officer)

- 6.18 When considering this current application, one needs to appreciate that Policy RA5 has a clear five-fold test:

Policy RA5 – Re-use of rural buildings

The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to residential development, or is essential to the social well-being of the countryside, 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.

Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.

Figure 18 – Policy RA5 of Herefordshire Local plan – Core Strategy 2011-2031

- 6.19 As the application has been submitted for full planning permission, the decision-maker still needs to assess the matter of the principle of development. The proposal, in the view of officers, does still align with parts 2, 3 and 4 of Policy RA5.
- 6.20 In reaching this view, it is understood that the building is no longer required for agricultural purposes and sits in the context of agricultural uses to the west and residential uses to the north-west. The structure and proportions of the pre-existing barn make it well suited to conversion to residential use. The design in terms of the barn conversion itself retains relatively simple elevations with broad symmetry to the apertures whilst the type and composition of materials generally respect the agricultural character of the barn.
- 6.21 Considering the provision for protected and priority species, Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets

wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows. When assessing P180101/F, supporting information advised that the building provided good habitat for bats and conditions were recommended requiring compliance and biodiversity enhancements. The current application has been supported by the same ecological survey that has been reviewed by the Council's Ecologist. There are no ecology related concerns raised with opportunity to provide biodiversity enhancements which can reasonably be secured by condition.

- 6.22 The site is surrounded by existing agricultural buildings and open countryside although its sufficient separation distance provides assurance that a dwellinghouse would not be impacted by any continued agricultural or other local activities that could adversely affect amenity or lead to affecting residential amenity as a result of loss of privacy, overlooking or overbearing, having regard to Policy SD1 of the CS and Paragraphs 135f and 198 of the NPPF, including cumulative effects. The comments of the Council's Environmental Health Officer (Noise and Nuisance) provides further assurance on this point and given the appearance of other third-party residential dwellings in the vicinity.
- 6.23 Whilst officers do have some reservations about the extent of new construction actually undertaken in light of evidence available in the public domain, the proposal can still reasonably be regarded as a conversion within the scope of CS policy RA5(4) subject to adherence to the recommendations of the Structural Appraisal and that this has been accepted previously.
- 6.24 The key difference with the previously approved application and this current application is the impact of the proposed extensions to the west and east elevations. Namely, whether the building is capable of accommodating the proposed new use without the need for substantial alteration or extension which individually/taken together would adversely affect the character or appearance of this building or have a detrimental impact on its surroundings and landscape setting? Furthermore, does the design proposal respect the character and significance of this redundant building?
- 6.25 Whilst accepting that the principle of conversion has previously been established, this was clearly without the need for extension. Policy RA5(5) of the CS is clear that buildings should be capable of accommodating a 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 a building or have a detrimental impact on its surroundings and landscape setting. In addition, Policy RA5(1) states that design proposals should 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.
- 6.26 The proposals here seek to alter both the scale and massing of the conversion of the barn, by the introduction of a lean-to off the west elevation to create a utility/WC and also a more significant single-storey extension to the south-east elevation to create three additional bedrooms. This clearly increases the footprint of the original barn by a significant degree effectively doubling the built form footprint, altering the previously approved conversion of a one-bedroomed dwellinghouse into a four-bedroomed dwellinghouse.
- 6.27 Supporting documentation details that the alterations are largely required to accommodate the applicant's family. Whilst officers wholeheartedly sympathise with the circumstances put forward by the applicant, this should not be to the detriment of the original barn's design, modest scale,

its significance as a non-designated heritage asset and the impacts on landscape character and visual amenity.

- 6.28 The decision-maker must bear in mind also that the development will remain long after the circumstances advanced cease to be material and a long-term view needs to be taken. The weighting that should also be afforded to these circumstances is very limited in this regard.
- 6.29 Acknowledging the baseline which has been established under P180101/F, any extension must still seek to maintain the character and/or appearance of the building as well as reflect the character of its landscape setting. In the original conversion scheme, the barn retained the simple, modest form of the agricultural building and its visual impact within the landscape kept to an absolute minimum save for the associated domestic paraphernalia which comes with the creation of ancillary hardstanding for parking, driveway and curtilage.
- 6.30 The proposal would effectively create a new wing off the east elevation and lean-to element to the west elevation which, although both single storey, would represent a considerable addition to this very modest barn, particularly the former. Whilst appreciating the attempts to 'dig' into the ground and give the impression that visual effects would be offset, in the view of officers, this leads to conflict with Policy RA5(1) and RA5(5).
- 6.31 In considering the physical and visual impacts of the proposal, CS policies SS6, SD1 and LD1 are particularly of relevance. Broadly, these policies seek to ensure that development is appropriately designed and laid out so as to ensure they make a positive contribution to local distinctiveness and the character and appearance of the landscape. Policies H2 and ENV Policy 1 of the NDP are appropriate in this instance, all policies of which are consistent with Section 12 of the NPPF.
- 6.32 The existing and renovated field barn has a distinctive scale, appearance and character as a standalone building in open countryside. With the inevitable paraphernalia and extension that comes with development of buildings in open, rural settings, the charm of this old redundant barn in the field will be one and will accrue harm to the Border Sandstone Hills Landscape Character type. This is given development does not respect the characteristic settlement pattern, building type or local vernacular style. There is a desire to ensure development minimises the impact through careful design, in terms of siting, scale, style, layout and materials to be in keeping with the existing settlement character and landscape setting. The concerns of the Council's Senior Landscape Officer are noted.
- 6.33 The site itself is recognised to be in a prominent location overlooking the settlement of Dorstone and the additional built form would have adverse visual impact upon the character of the site and its setting. The extensions would represent a notable domestication of the site and fail to respond to the simple agrarian character of what is considered to amount to this non-designated asset and wider landscape.
- 6.34 Paragraph 216 of the NPPF advises that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.35 The proposal is considered to materially change the barn from its original form by including a relatively large single storey extension and, together with the lean-to, is therefore considered to have detrimental impact upon the appearance of the building and its character as well as the

visual implications upon the setting given the prominent location, therefore the proposal fails to comply with Policy RA5.

- 6.36 In this regard, the decision-maker should acknowledge that officers have applied a consistent approach to assessing the proposals of which little has altered in terms of circumstances which were similarly raised under the previous refusal of P233424/F aside from the third party representations now received in support of the application. The site and barn already have the benefit of planning permission for the conversion into residential use, as approved under application Ref. P180101/F which would not be jeopardised regardless of the outcome of this application, regardless of the Council's current housing land supply position.
- 6.37 In effect, the proposed extensions, by virtue of their scale, layout and siting would be out of keeping with the agrarian character of this non-designated heritage asset and detrimental to its contribution to the character of the site, failing to conserve or enhance its immediate setting and surrounding area, also leading to harm to the Border Sandstone Hills Landscape Character Type. As such, the proposal would be contrary to policies SD1, LD1, LD4, SS6 and RA5 of the Herefordshire Local Plan – Core Strategy 2011-2031, Policies DNP H2 and DNP ENV Policy 1 of the Dorstone NDP, that seek to ensure development respects the character of the area and its surroundings and the National Planning Policy Framework, that promotes and reinforces the importance of a sense of place, achieving well-designed places, and conserving and enhancing of the historic environment, with particular relevance to Chapters 12, 15 and 16.
- 6.38 It would be appropriate to state here that this does not take away the fact that extensions to barn conversion are totally unacceptable. Officers have previously suggested and provided a number of more suitable options which would more appropriately uphold the character and appearance of this building and make a more appropriate contribution to surroundings and landscape setting, including landscape character, although the applicant has decided not to for their own reasons.
- 6.39 Other relevant material planning considerations not already discussed are considered below.

Drainage/HRA/Flood Risk

- 6.40 The updated Environment Agency flood mapping of March 2025 confirms The Cote is not at risk of flooding from any source and within Flood Zone 1 although the red line is drawn so that the drainage arrangement does eventually go into the River Dore, which is in Flood Zones 2 and 3.
- 6.41 The application site lies within the Wye hydrological catchment of the River Wye SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna. 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.
- 6.42 Welsh Water sewer records confirm no public assets within close proximity to the site. Development foul drainage will be directed to an existing on-site wastewater treatment plan to provide primary and secondary treatment. This package treatment plant has been suitable sized to accept the flows from the proposed dwelling and discharges via gravity to a local watercourse (River Dore). Surface water runoff from the building will discharge to soakaways around the building as is currently the case. The proposal will result in a net reduction in impermeable area through removal of existing buildings.
- 6.43 A surface water strategy is proposed to manage and reduce the flood risk and surface water runoff from the development, with consideration to SuDS. On-site infiltration testing has confirmed that infiltration could be used as part of a wider SuDS based strategy to manage surface water

on site. The hardstanding, parking and access has been constructed with permeable materials to allow free draining into permeable strata. The proposed roof area will remain impermeable and run off shall be captured with traditional rainwater drainage systems to a below ground system and discharged to a cellular attenuation tank with a controlled discharge rate of 1.0l/s. Partial infiltration will be allowed through the base of the attenuation tank.

- 6.44 A deliverable drainage strategy exists meeting the drainage requirements of CS policies SD3 and SD4 and NDP policy F1. No objections are raised by the Council's Land Drainage Engineer and the HRA Appropriate Assessment has been completed on this basis by the Council's Ecologist who has screened out the proposal under Stage 1 insofar that there are no likely significant effects upon the SAC subject to mitigation being secured by conditions.

Highway safety

- 6.45 The existing access which was established and accepted under P180101/F will serve the dwelling and has adequate visibility in both directions commensurate with character of the road and average traffic speeds. The modest increase in traffic by virtue of the extension can also be accommodated on the local road network and will not create any severe highway capacity or safety issues, which is the policy test for determining acceptability set out in paragraph 116 of the NPPF. Within the site, adequate parking and manoeuvring space commensurate with the size of the conversion in bedroom terms is proposed. The traffic, access and parking meets the requirements of CS policy MT1 and the NPPF. The Council's Area Engineer has also reviewed the scheme raising no objection and confirmed that the parking and turning area is sufficiently sized for the dwellings to accommodate the vehicles of future residents.

Mandatory Biodiversity Net Gain

- 6.46 With this proposal now being presented as a 'self-build' dwellinghouse, under the Self-build and Custom Housebuilding Act 2015, in accordance with S1(A1) of that Act. As such, the proposal would benefit under the Biodiversity Gain Requirements (Exemptions) Regulations 2024. This does not take away however the requirement to delivery habitat enhancement on site, as has been requested by the Council's ecologist having regard to policy LD2 of the Core Strategy.

Other considerations

- 6.47 Given works have commenced to the subject building, it would be viewed that any perceived 'fall-back' under a theoretical Class Q prior approval application, which does now allow for extensions, cannot be relied upon.
- 6.48 In accordance with the adopted MWLP, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. Given the part-retrospective nature of this submission and acknowledgement that the original grant of planning permission was prior to the adoption of the MWLP, a condition which discusses waste prevention and management measures would not be reasonable in this particular instance.
- 6.49 The delivery of 1 no. self-build plot, for which a modest shortfall in authority monitoring has identified is acknowledged and is afforded due weighting in the planning balance.

Planning Balance and Conclusion

- 6.50 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.51 The principle of converting a barn into residential use has previously been accepted in this location and that the Council's five-year housing land supply would not be jeopardised regardless of the decision taken. This is appreciating that P180101/F represents a clear fall-back position as that planning permission has been implemented and acts as a 'commitment'. The only differences in reality which this current is the extensions proposed and that the application is now promoted as a 'self-build'. Nevertheless, it is appreciated that the application has been presented in a manner which requires a decision-maker to engage Paragraph 11d of the NPPF.
- 6.52 When considering Paragraph 11di, the area or assets of particular importance to this application are habitats sites, noting the site lies within the Wye hydrological catchment of the River Wye SAC. Whilst application has been reviewed by the Council's Ecologist who views that the nature of the proposal would have no likely significant effects upon the Wye hydrological catchment of the River Wye SAC and officers see no reason to dispute the conclusions drawn. The Cote is considered to amount to a 'non-designated heritage asset, Footnote 7 of the NPPF is precise that assets must relate to "designated heritage assets". Paragraph 11di is not considered to be engaged.
- 6.53 Turning to 11dii, a summary of the benefits and harms of the scheme is laid out below. The proposal would lead to the following positive economic, environmental and social effects:
- A very modest contribution of 1 dwelling towards the Councils' housing land supply position;
 - Increased spending within the local economy to help boost activity and support local jobs and businesses throughout the village and surrounding hinterlands post-occupation;
 - Construction activity and jobs for possible local tradespersons during the relevant phase;
 - A proposed drainage arrangement that would not undermine the integrity of the River Wye SAC, with improved water efficiency;
 - Proposed housing types which can help diversify the housing market and increase consumer choice;
 - Housing which can support social networks, such as enabling growing families to move into larger homes or older people living in an area can downsize and accommodation that can adapt to the changing needs of life such as requiring carer accommodation;
 - Property transactions;
 - Habitat and biodiversity enhancement;
 - Improved and enhanced landscaping; and
 - Additional funding (in the form of council tax and new homes bonus) for public services/infrastructure.
- 6.54 The key consideration is that the design proposed which incorporates a particularly significant extension and the visual implication of such domestication of this site is not considered to comply with the requirements of Policy RA5 of the CS and DNP ENV Policy 1 of the NDP, failing to respect the agricultural character of this non-designated heritage asset and its setting including landscape character type. The Council has previously taken this view in refusing P233424/F and, in applying a degree consistency in its decision-making, sees no reason why a different view should be taken now, appreciating that many of the benefits identified are effectively neutral when compared to the previously approved scheme in 2019 save for the 'self-build' introduction to the proposal (particularly when the 2019 application was approved as 'open market housing') and the applicants circumstances.
- 6.55 Having particular regard to key policies for securing well-designed places, appreciating that officers have through pre-application advice and consultation responses identified more appropriate examples to locate an extension which certainly can still deliver the applicant's

aspirations, it is viewed that the identified harms significantly and demonstrably outweigh the benefits, appreciating that many of the identified benefits should be considered as neutral given the approval of P180101/F. The application is considered to engage Paragraph 11dii and accordingly the application should be refused for the reason below.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed extensions, by virtue of their appearance, scale and layout would adversely affect the agricultural character and appearance of this non-designated heritage asset, and would not conserve or enhance its immediate setting and the surrounding area. The proposal would also detrimentally impact on its surroundings and landscape setting including identified adverse harm to the Border Sandstone Hills Landscape Character Type. As such, the proposal is contrary to policies RA5, SS6, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, Policies DNP H2 and DNP ENV Policy 1 of the Dorstone Neighbourhood Development Plan, which seek to ensure development respects the character of the area and its surroundings, and the National Planning Policy Framework, which promotes and reinforces the importance of a sense of place, achieving well-designed places, and conserving and enhancing of the natural and historic environments, with particular relevance to Chapters 12, 15 and 16.**

INFORMATIVES:

- 1. IP4 – Application Refused Following Discussion – With Way Forward**
- 2. In reaching this position, the lawful implementation of P180101/F represents a ‘fall-back’ position which delivers a commitment to the Council’s housing land supply and 1 no. 1-bedroomed open market dwellinghouse.**

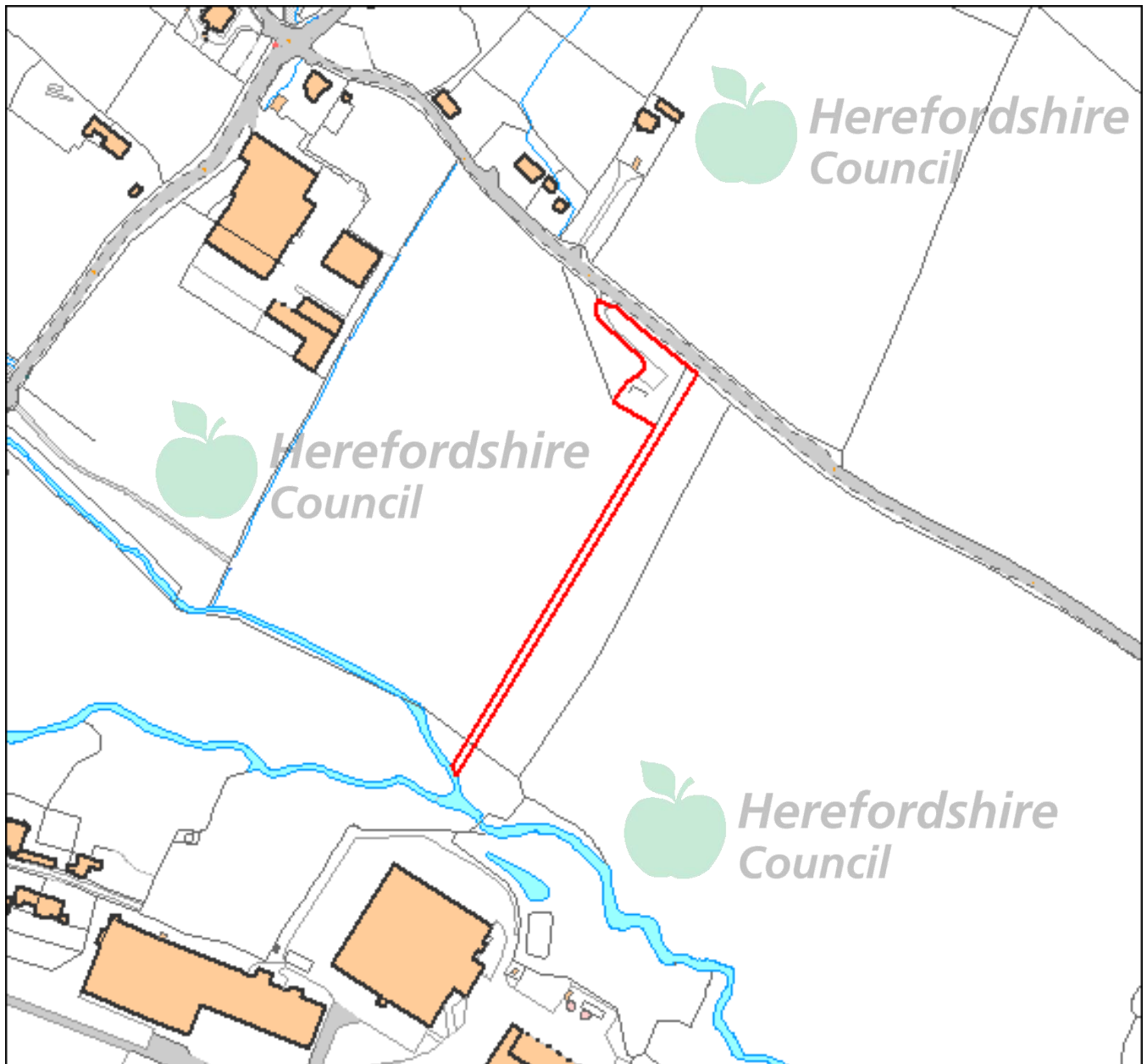
Decision:

Notes:

.....

Background Papers

None identified.



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

APPLICATION NO: 251363

SITE ADDRESS: THE COTE, LOWER CROSSWAYS FARM, DORSTONE, HEREFORDSHIRE, HR3 6AT

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

