

# Agenda

## Planning and Regulatory Committee

Date: **Friday 4 July 2025**

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Time: **10.00 am**

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

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

For any further information please contact:

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

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

## **Membership**

<b>Chairperson</b>	<b>Councillor Terry James</b>
<b>Vice-chairperson</b>	<b>Councillor Clare Davies</b>

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Justine Peberdy**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Charlotte Taylor**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

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<b>NOLAN PRINCIPLES</b>	
<b>SCHEDULE OF UPDATES</b>	
<b>PUBLIC SPEAKERS</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 34
To approve the minutes of the meeting held on 4 June 2025.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 240468 - LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE</b>	35 - 100
Proposed residential development of 8 no. dwellings with associated access, parking and landscaping.	
<b>7. 241510 - LAND AT STOKE EDITH, HEREFORD, HEREFORDSHIRE</b>	101 - 144
Proposed installation and operation of a renewable energy generation station comprising ground-mounted photovoltaic, inverter/transformer units, control room, substations, onsite grid connection equipment, site access, access gates, internal access tracks, security measures and other ancillary infrastructure.	
<b>8. 243045 - LAND OFF CLUBTAIL DRIVE, HOLMER, HEREFORD</b>	145 - 206
Proposed erection of 31 no. key worker dwellings, including access from Clubtail Drive with associated infrastructure and landscaping.	
<b>9. 242911 - HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT</b>	207 - 248
Proposed extensions to the existing primary school to provide 2 additional classrooms and associated learning resource and support spaces, extension of the existing car park area, relocation of 2 no. storage sheds, and associated hard and soft landscaping and biodiversity improvements.	

**10. DATE OF NEXT MEETING**

Date of next site inspection – 29 July 2025

Date of next meeting – 30 July 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 Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 4 June 2025 at 10.00 am**

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

**Councillors:** Polly Andrews, Bruce Baker, Dave Boulter, Jacqui Carwardine, Simeon Cole, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone, Charlotte Taylor and Richard Thomas

**In attendance:** Councillors Dave Davies (virtual attendee), Durkin and Highfield

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

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Matthew Engel and Mark Woodall.

### **2. NAMED SUBSTITUTES (IF ANY)**

Councillor Dave Boulter acted as a substitute for Councillor Engel.

### **3. DECLARATIONS OF INTEREST**

Councillor Boulter declared a personal interest in agenda item no, 6, application 231806, the applicant's agent was a known associate.

### **4. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 7 May 2025 be approved.

### **5. 231806 - HILLCREST, FOY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6RD (PAGES 17 - 18)**

The senior 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 Thomas, 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 was at committee due to the number of significant local objections. Previously the site had been an outdoor activity centre as part of the PGL estate which provided breaks for young people. The activity centre had been open until 2019 and had been considered noisy and was accessed by larger vehicles such as coaches. There had been an expectation that the current application would generate similar levels of noise and traffic movements. However, it was likely that there would be a significant reduction in the level of noise and much smaller vehicles would be accessing the site. The proposed removal of the tower on the

existing site would have a positive impact upon the landscape. It was considered that the proposal would have a neutral impact up on the landscape and it was noted that assessments of the application had determined that the requirements of the CROW act had been met. The site would include a number of environmentally sustainable measures and the proposed improvements to the access would benefit local highways. The addition of a condition requiring a noise management plan was supported. It was felt that the application complied with core strategy policies SS6 and SD1 and the local ward member was in agreement with the recommendation for approval.

The committee debated the application. There was division among the members of the committee regarding the acceptability of the application.

It was the contention of some members that the site would have an unacceptable impact upon the local landscape and it was noted that part of the screening at the site was deciduous which would only be effective when trees were in leaf. The proposal for 12 chalets on the site was an intensification of development and the scale and quantity on site was felt to be excessive. The application did not enhance or protect the national landscape and was felt to be contrary to national planning policy framework (NPPF) paragraph 89. A reduction in the number of chalets was encouraged to improve the impact of the site on the locality. The design of the chalets was not sympathetic to the surrounding area and was felt to be contrary to policy BAF4 of the Brampton Abbotts and Foy neighbourhood development plan (NDP). Due to the impact on the landscape the application was contrary to core strategy policy LD1 and it was not felt that the applicant had adequately addressed the issue of connectivity in order to satisfy core strategy policy E1.

It was the contention of other members that the application would encourage tourism into the county. It was felt that the new use of the site would have less of an impact on the local area in terms of noise and disturbance than its previous use as an outdoor activity centre. The application did not pose an unacceptable impact on the landscape and it was noted that areas of the site were screened by conifers which mitigated the impact of the site on the local landscape.

The local ward member was given the opportunity to close the debate. In summary, he explained that the impact of traffic accessing the site would be reduced with smaller vehicles arriving at staggered times. There would be a reduction in the noise generated by the site and the development would help promote tourism in the county.

Councillor Richard Thomas proposed and Councillor Simeon Cole seconded a motion that the application was 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 planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

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

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

- 2. The development hereby approved shall be carried out strictly in accordance with the approved plans [drawing nos.821-PL01 Rev D; 821-**

**PL06] and the schedule of materials indicated thereon.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BAF2 AND BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan and the National Planning Policy Framework.**

***Pre-Commencement Conditions***

- 3 Prior to first commencement of the use hereby permitted, a Noise Management Plan (NMP) shall be submitted to, and approved in writing by the Local Planning Authority.**

**The Noise Management Plan should address the following headings:**

- **Statement of intent**
- **Brief summary of the premises / site / activities**
- **Location / site plan**
- **Inventory of potential noise sources**
- **Details of noise controls and limits (e.g. site rules)**
- **Site noise monitoring and / or evaluation**
- **Responding to complaints (including actions to be undertaken and recorded)**
- **Management command, communication, and contact details**
- **Periodic NMP review**

**The site shall be managed in accordance with the Noise Management Plan from first occupation of the development hereby permitted.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

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

- **A method for ensuring mud is not deposited onto the Public Highway**
- **Construction traffic access location**
- **Parking for site operatives**
- **Construction Traffic Management Plan**
- **Site compound / site welfare facilities location**
- **Security or other lighting**
- **Waste Management Plan - Removal of redundant equipment and apparatus from the site**

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

- 5 Prior to the commencement of development, details (siting / location / specification) of the following shall be submitted to and approved in writing by the Local Planning Authority**

- a) PV Panels**

**b) Air Source Heat Pumps**

Installation shall be undertaken in accordance with the approved details prior to the first occupation of the lodge to which it relates.

**Reason:** To safeguard the landscape character of the area (National Landscape); in the interests of residential amenity in order to conform with policies SS6, SD1, SD3, SD4, LD2 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework

- 6** Prior to the commencement of development and an updated hard and soft landscaping plan that reflects the layout of as shown 821-PL01 Revision D and recommendations of Landscape and Visual Assessment Report. Peter Quinn, 22 January 2024 shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment
- e) Vehicle /Cycle /Pedestrian access and circulation areas.
- f) Vehicle parking layouts
- g) A plan showing existing and proposed finished levels or contours

The approved scheme shall be carried out concurrently with the development and shall be completed in the first planting season following the first occupation of the lodges hereby approved 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 10 years of planting will be replaced in accordance with the approved plans.

**Reason:** To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and Policy BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework

***Prior to occupation conditions***

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

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

- 8** Prior to the first occupation of the holiday lodges hereby approved the following shall be laid out, properly consolidated, surfaced and drained in accordance with details shown on drawing number 8.21.PL01 Rev D:

- an the area shall be laid out within the curtilage of the lodges for parking of one car per lodge.
- The internal access road will be a minimum of 4.1m in width

The parking 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.

- 9** Prior to the first occupation of the lodges hereby permitted details of the future management / maintenance arrangements in relation to:

- a) Road and drainage infrastructure
- b) All open spaces and landscape areas (including boundaries)
- c) Shared cycle store / parking facilities
- d) EV charging points
- e) Arrival and departure information

Shall be submitted to and approved in writing by the local planning authority.

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

**Reason:** To ensure that shared facilities and adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

### ***Compliance Conditions***

- 11** No hot tubs or other ancillary structures shall be installed on the application site.

**Reason:** To safeguard the landscape character of the area (National Landscape); in the interests of residential amenity and to maintain control over potential discharges in order to conform with policies SS6, SD1, SD3, SD4, LD2 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy

**BAF4 of the Brampton Abbots and Foy Neighbourhood Development Plan, and the National Planning Policy Framework.**

- 12 The unit/s hereby approved shall not be occupied other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and Country Planning(Use Classes) Order 1987 (as amended).**

**The unit shall not be occupied for more than 28 consecutive days and shall not be re-occupied by the same occupier following the 28 days consecutive days stay.**

**Details of the name, permanent home address, vehicle registration shall be kept in a register a copy of which shall be made available to the Local Planning Authority for inspection at any time.**

**Reason: It would be contrary to Policies SS1, SS6, RA1, RA2 and RA3 of the Herefordshire Local Plan – Core Strategy, and Paragraph 84 of the National Planning Policy Framework to grant planning permission for dwellings in this location**

- 13 All foul water flows created by the approved development shall be managed through connection to the existing shared private foul water system; and all surface water managed by on-site Sustainable Drainage Systems; as detailed in the drainage report by Ekoflow Limited 18 May 2023.**

**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.**

- 14 The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement, any required European Protected Species Licence, and the mitigations mentioned in the PEA by Wilder Ecology dated 8 March 2023 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to the protected species licence.**

**Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3**

- 15 With the exception of downlighters on the entrances to the lodges at no time shall any external lighting be installed on the site without the written approval of this local planning authority.**

**No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.**

**No external lighting should illuminate any enhancement or boundary feature.**

**Reason:** To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 16 There shall be no more than 12 lodges (caravans) sited within the application site at any one time.

**Reason:** To define the terms of this permission having regard to the Landscape Character of the area, Residential amenity, highway safety and Nutrient Neutrality and to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD1, LD1, LD2, SD3 and SD4.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) 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. Herefordshire Council would remind the operators of the units that they will need to make provision for commercial waste arrangements and should not dispose of any waste associated with the use of the holiday units the by using the service provided for households. Further advice can be sought from Herefordshire Council.  
<https://www.herefordshire.gov.uk/rubbish-recycling/business1waste>

*There was an adjournment at 10:41 a.m.; the meeting reconvened at 10:54 a.m.*

**6. 240349 - LAND AT RAMBLERS WAY, WINFORTON, HEREFORD, HR3 6EP (PAGES 19 - 22)**

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 Colonel Forrest spoke on behalf of Eardisley Group Parish Council, Mr. Roberts, local resident, spoke in objection to the application and Mr. Price, the applicant's agent, spoke in support,

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the site was located within a scenic and sensitive location in Herefordshire. The planning history associated with the site was lengthy and reference was made to the application of April 2022 that was refused and dismissed on appeal. It was commented that very little had changed, in terms of the policy context and circumstances in Winforton, since that previous refusal except an increase in the density of housing proposed in the current application. There was a requirement for extra housing in the county but this should not be located in a village such as Winforton with no infrastructure to support new development. The density of housing proposed in the application was considered excessive and was not felt to be comparable to The Vineyards residential area, proximate to the application site. There was some support in the village for the provision of affordable housing however, the density of development on the proposed site was not acceptable. It was recognised that the site was suitable for development but not at the proposed density of housing.

The committee debated the application. There was frustration among members of the committee that house building targets imposed upon the county had undermined the core strategy and the council's 5 year land housing supply. Without the required land housing supply in place the council was obligated to adopt a presumption in favour of such developments.

There was concern on the committee that the house proposed for construction on plot one was too close to the access road which undermined residential amenity. A distance of 3 metres, as a minimum, was required to protect residential amenity and a delegation to officers to agree a change to the plans was proposed.

The timing of the implementation of the landscaping scheme and the planting of hedgerow was raised by the committee. In order to mitigate the visual impact of the site on the landscape it was required that the landscaping scheme was undertaken at an earlier stage during construction and occupation of the site. Following clarification from the officers it was required that the landscaping scheme and planting of hedgerow was undertaken following occupation of the first unit on the development site.

The local ward member was given the opportunity to close the debate. In summary, he explained that there was not opposition from the local community to any development on the site but objections related to the density of the development proposed. The updated NPPF in December 2024 did not result in any changes to guidelines that affected the previous grounds for refusal of the April 2022 application. The application did not promote sustainable transport; it was likely there would be 18 more vehicles in the village which had no bus service. New developments had already been located in the village and it was unreasonable to expect a community with limited services to take more housing in an attempt to meet housebuilding targets for the county.

Councillor Bruce Baker proposed and Councillor Richard Thomas seconded a motion that the application was approved subject to:



- A delegation to officers to agree a change to the plans to ensure a distance of 3 metres between the house in plot one and the access road; and
- the implementation of the landscape scheme and planting of hedgerow from the occupation of the first unit on the development site.

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 and the imposition of the conditions detailed below; a delegation to officers to agree a change to the plans to ensure a distance of 3 metres between the house in plot one and the access road; the implementation of the landscape scheme and planting of hedgerow from the occupation of the first unit on the development site; and any other further conditions considered necessary by officers named in the scheme of delegation to officers that Outline Planning Permission be granted:**

### **Standard Outline Planning Permission Conditions**

#### **1 Timescale for Submission of Reserved Matters**

**Application for approval of reserved matters (appearance and scale) shall be made to the local planning authority before the expiration of three years from the date of this permission.**

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

#### **2 Timescale for Implementation**

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

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

#### **3 Reserved Matters to be Approved**

**Approval of the details of the scale and appearance of the development (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. The development shall subsequently be carried out in accordance with the approved details.**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policies RA2, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies SD1, H2, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.**

#### **4 Development in accordance with Approved Plans**

**With regards to the matters of access, layout and landscaping, the development hereby approved shall be carried out strictly in accordance with the approved 'Proposed Site Plan PPA-W-03-D' except where otherwise stipulated by conditions attached to this permission.**

**Reason. To ensure adherence to the approved plans in the interests of delivering a satisfactory form of access and layout which complies with policies RA2, LD1 and MT1 of the Herefordshire Local Plan Core Strategy, policies SD1, T2, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.**

#### **Pre- Commencement Conditions**

##### **5 Construction Environmental Management Plan**

**No development shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.**

**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.**

##### **6 Protection Measures for Retained Trees and Hedgerows**

**Prior to the commencement of the development, a protection plan for retained trees and hedgerows in accordance with BS5837:2012 'Trees in relation to design, demolition and construction' shall be submitted and approved in writing by the local planning authority. The approved protection measures shall subsequently be implemented prior to any development taking place on site and those measures shall remain in place for the duration of the construction phase.**

**Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies SD1, H7 and E4 of the Eardisley Group Neighbourhood Development Plan and the National Planning Policy Framework.**

##### **7 Construction Management Plan (Highways)**

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

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

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

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of policy MT1 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework

**Conditions to be addressed at Reserved Matters stage and/or discharged separately**

#### **8 Details of Footway Link**

With the exception of site clearance and groundworks, no development shall take place until details of the proposed footway connection between the site and U90632 The Vineyards have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the footway link has been constructed in accordance with the approved details and is available for use.

**Reason:** To ensure the safe and free flow of traffic on the highway and to conform to the requirements of policies SS4 and MT1 of Herefordshire Local Plan Core Strategy Plan, policy T1 and T3 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework

#### **9 Housing Mix**

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

**Reason:** To ensure the scheme provides a range of open market and affordable housing sizes which reflects local demand and contributes to the creation of balanced communities in accordance with the Council's Housing Market Needs Assessment, policies RA2 and H3 of the Herefordshire Local Plan Core Strategy, SD1 and H5 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **10 Approval of Driveway Specification**

Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with a specification which has first been submitted to and approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of policy MT1 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **11 Approval of On-site Roads**

Development shall not begin in relation to the provision of on-site roads and highways drainage infrastructure until the following details are submitted to and approved in writing to the local planning authority:

- Construction Specification and Surface finishes
- Drainage details
- Future maintenance arrangements

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

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of policy MT1 and SS4 of Herefordshire Local Plan Core Strategy, policies H5 and T2 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **12 Approval of outstanding Landscaping**

Prior to the first occupation of any dwelling hereby approved, the following details shall be submitted to the Local Planning Authority for written approval:

- A detailed planting specification for all new boundary hedgerows
- Details of all new hard boundary features (fences or walls)

The details shall be based on the indicative locations shown on plan PPA-W-03-D.

**Reason:** In the absence of sufficient or adequate detail on the supplied plans, further information is required in relation to the proposed boundary treatments to ensure these are appropriate to the context and assist the development in assimilating with the surrounding area, as required by policies LD1, LD2 and LD3 of the Herefordshire Local Plan Core Strategy, policies SD1, H7 and E4 of the Eardisley Group Neighborhood Development Plan and the National Planning Policy Framework.

#### **13 Landscape Maintenance**

Prior to the first occupation of any dwelling hereby approved, a detailed schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The maintenance shall subsequently be carried out in accordance with this approved schedule.

**Reason:** To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies SD1, H7 and E4 of the Eardisley Group

**Neighborhood Development Plan and the National Planning Policy Framework.**

**14 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, policy T3 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**15 Approval of Foul and Surface Water Drainage**

Prior to the first occupation of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the dwellings hereby permitted and thereafter maintained in perpetuity.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, policy SD1 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**Compliance and Monitoring Conditions**

**16 Implementation of Landscaping**

The scheme of landscaping shall carried out in accordance with the details shown on approved plan PPA-W-03-D, except where stipulated otherwise by conditions attached to this permission. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the first occupation of any dwelling or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans. The hard landscaping measures shall be carried out concurrently with the development and completed prior to first occupation.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy; policies SD1, H5 and H7 of the Eardisley Neighbourhood Development Plan and the National Planning Policy Framework.

**17 Implementation of Biodiversity Enhancement**

The scheme of ecological enhancement measures shown on approved plan PPA-W-03-D shall be implemented in full prior to first occupation of any dwelling and thereafter shall be maintained in perpetuity, unless otherwise agreed in writing by the local planning authority.

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

#### **18 External Lighting Restrictions**

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

#### **19 Hours of Working**

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 7.00am - 6.00pm, Saturday 8.00am -1.00pm 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 the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
5. 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.

6. 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'.

The meeting ended at 11.39 am

Chairperson





**231806 - PROPOSED SITING OF 12 NO. HOLIDAY LODGES FOR USE AS TOURIST ACCOMMODATION ON LAND WITHIN THE ESTABLISHED PLANNING UNIT. AT HILLCREST, FOY, ROSS-ON-WYE, HR9 6RD**

**For: Mr Sutton per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG**

### **ADDITIONAL REPRESENTATIONS**

None received

### **OFFICER COMMENTS / UPDATES**

The application site is located within the Wye Valley National Landscape (formerly designated as the Wye Valley Area of Outstanding Natural Beauty). As such, the Wye Valley AONB Management Plan 2021–2026 is a material consideration in the assessment of the proposal.

This document can be viewed here:

<https://www.wyevalley-nl.org.uk/wp-content/uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf>

Objective WV-S1 of the Management Plan seeks to encourage and promote the Wye Valley as a sustainable tourism destination. It supports forms of tourism and associated development that are grounded in the conservation, enhancement, and enjoyment of the area's recognised Special Qualities and distinctive landscape features. However, such support is conditional upon compliance with the Habitats Regulations, requiring appropriate assessment at either the plan or project level to ensure that environmental protections are upheld.

Within this context, the proposed development is considered to result in a degree of harm to the visual and landscape character of the Wye Valley National Landscape. This harm derives principally from the uniformity in the design and the formal layout of the proposed holiday lodges. The proposal also presents a number of public benefits which must be weighed in the planning balance. In particular, the development supports the growth of rural tourism, which is a key objective of both national and local policy.

#### Amendments to Conditions

Following comment and queries raised during the site visit, we would recommend amendments to the following conditions.

In order to address the concerns raised around waste management associated with the removal of the structures on site we would recommend a further element to this condition (in bold).

Condition 4 Shall read:

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

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan
- Site compound / site welfare facilities location
- Security or other lighting
- **Waste Management Plan - Removal of redundant equipment and apparatus from the site**

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

Reason: In the interests of amenity, highway safety and landscape impact and character to conform to the requirements of Policies Sd1, LD1, LD2 and MT1 of Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework.

In order to address the concerns raised around conflict of traffic movements in respect of arrival and departures from visitors we would recommend a further element to condition 9 (in bold).

Condition 9 shall read:

Prior to the first occupation of the lodges hereby permitted details of the future management / maintenance arrangements in relation to:

- A. Road and drainage infrastructure
- B. All open spaces and landscape areas (including boundaries)
- C. Shared cycle store / parking facilities
- D. EV charging points Shall be submitted to and approved in writing by the local planning authority.
- E. Arrival and departure information**

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

Reason: To ensure that shared facilities an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

## **CHANGE TO RECOMMENDATION**

To amend the conditions as detailed above.

## **APPENDICES**

Appendix 2 – Ramblers Way Official Copy (Title Plan) HE52456 (1)

**240349 - PROPOSED DEVELOPMENT OF 9 DWELLINGS (6 X OPEN MARKET AND 3 X AFFORDABLE) AT LAND AT RAMBLERS WAY, WINFORTON, HEREFORD, HR3 6EP**

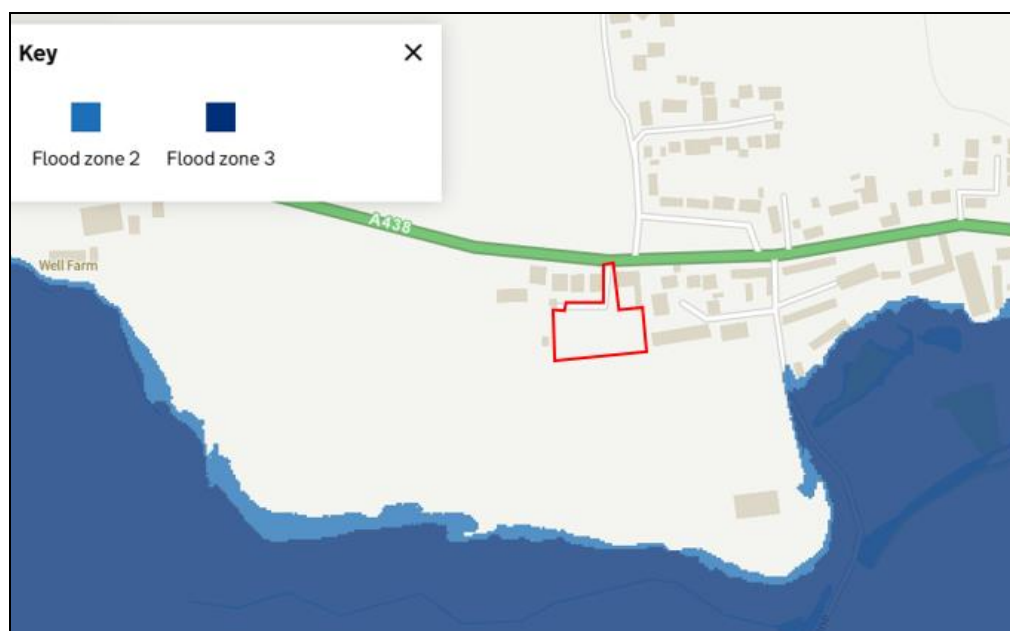
**For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL**

**ADDITIONAL REPRESENTATIONS**

None received.

**OFFICER COMMENTS**

A question was raised during the Site Inspection regarding the proximity of the site to the area of flood risk associated with the River Wye, the main channel of which is located around 600m to the south. The matter of flood risk is addressed at Section 6.55 of the Officer Report, where it is noted that the site is located with the Environment Agency (EA) defined 'low risk' Flood Zone 1. For the avoidance of doubt however, an extract of the EA Flood Map for Planning is provided below showing the location of the site relative to Flood Zones 2 (medium probability) and Flood Zone 3 (high probability).



Source: <https://flood-map-for-planning.service.gov.uk/map?cz=329355.4,246919.9,16.563214>

A question was also raised on site regarding the feasibility of delivering a footpath link to the Vineyards in terms of land ownership. This is addressed at Section 6.39 and Figure 5 of the Officer Report. Following the site visit however, the Applicant has also provided a copy of Land Registry Titles confirming that the land in question is within their ownership. A copy of the Tile Plan is included at Appendix 1.

**CHANGE TO RECOMMENDATION**

No change to recommendation.



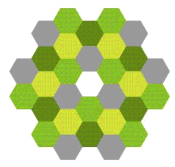
**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 10 March 2025 shows the state of this title plan on 10 March 2025 at 13:04:36. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Telford Office .



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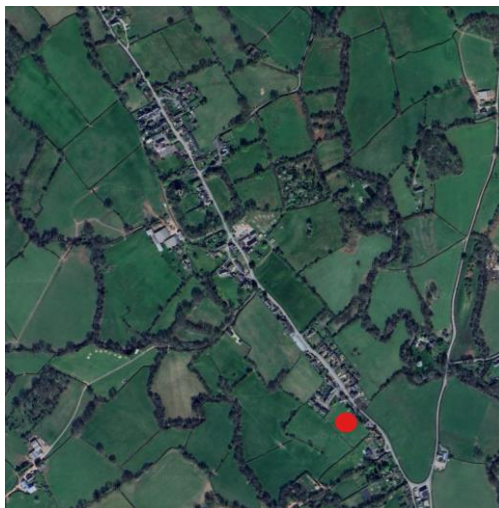
<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 JULY 2025</b>
<b>TITLE OF REPORT:</b>	<b>240468 - PROPOSED RESIDENTIAL DEVELOPMENT OF 8 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE.</b>  <b>For: Ms Price per Mr Geraint John, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240468">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240468</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 19 February 2024****Ward: Golden Valley  
South****Grid Ref: 332449,228640****Expiry Date: 5 July 2024****Local Member: Cllr Matthew Engel****1. Site Description and Proposal**

- 1.1 The application site comprises an area of Grade 3 (Good to Moderate) agricultural grassland measuring approximately 0.57 hectares. It is located immediately south-east of an existing residential development known as Greyhound Close and comprises an irregularly shaped land parcel with topography sloping gently from north to south and east to west. Boundary treatments comprise hedgerows to all sides with the occasional gap and there are a small number of younger trees positioned in the north-eastern extent of the site.
- 1.2 Both vehicular and pedestrian access is taken from an existing field gate off the U74437 (Greyhound Close). Greyhound Close itself is accessed directly off the C1203, the main thoroughfare through Longtown.
- 1.3 With regards to adjoining land uses, the site backs onto residential curtilages to the north-west, north, north-east and south-east and borders open countryside grassland and farmland in all other directions. The wider area surrounding the application site to the south and west is of varying topography. The Olchon Brook runs parallel to the application site approximately 220 metres to the south-west although the site is wholly within Flood Zone 1 (Low Risk).
- 1.4 Longtown is approximately 5 miles west of Ewyas Harold, 10 miles north-east of Abergavenny, 12 miles south-east of Hay-on-Wye and 18 miles south-west of Hereford. Despite its inherent rural location, it benefits from a good range of services and amenities including a village shop, primary school, public house, place of worship and village hall. There is a bus service to Hereford and to Abergavenny, albeit both services operate as one 'market day' weekly service there and back on Wednesdays and Tuesdays, respectively. The application site, relative to the built form of Longtown, is indicated by the red circle on the annotated aerial image below:

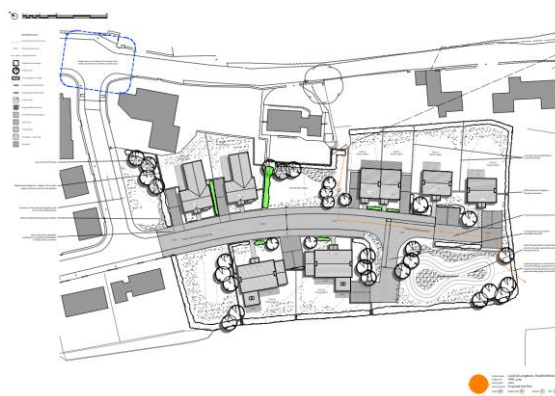
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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



*Figure 1: Site Location (denoted by red circle) relative to Longtown*

- 1.5 There are no public rights of way (PRoW) which run through the site, although there are several short, medium and long-distance PRoWs surrounding, many of which have varying degrees of intervisibility with the site. The rounded peak of Hatterrall Hill lies approximately 1.3 miles west (as the crow flies), forming an eastern boundary to Bannau Brycheiniog (formerly the Beacon Beacons) National Park, as well as a county border with Monmouthshire. Offa's Dyke Path passes along this peak with its outlook offering excellent views down into the valley of Longtown and across the wider area. The site is not within a National Landscape, Conservation Area or designated historic landscape. The site also does not contain any heritage assets but is located in close proximity to a scheduled monument, this being Longtown Castle and Town, and two Grade II listed buildings which are 'The Old Greyhound' and 'Milestone on West Side of approximately 15 metres West of the Old Greyhound'.
- 1.6 Characterised as a linear village consisting of clustered groups of dwellings of random spacing which largely address the lowland C1203 road directly, there are notable pockets of more modern cul-de-sac development as the village has grown. There is also a wide array of architectural styles from modern properties to listed buildings and dwellings of a rural character, but it retains a village layout which notably dates back to its medieval form.
- 1.7 This application seeks full planning permission for the erection of 8 dwellings and associated development. The proposed site layout shows that a new internal access road would extend south-east of Greyhound Close, where vehicular and pedestrian access would continue to be taken from. The road would be built to adoptable standards (4.5 metres wide) with footways either side (2.0 metres wide). They would link with the existing road and footway at Greyhound Close. The dwellinghouses would broadly be arranged in two linear rows with associated parking and amenity space, as shown in Figure 2 (Proposed Site Plan) below:



*Figure 2 – Proposed Site Plan*



1.8 The proposal consists of 4 different house types. Their elevations are shown in Figures 3-6 inclusive below. A short description of their respective scale, as provided as follows:

- Plots 1 and 2 (House Type D on the proposed plans) are proposed as 3-bedroomed detached bungalows (Internal floor area of 88 square metres).
- Plots 3 and 4 (House Type C on the proposed plans) are proposed as 2-bedroomed semi-detached two-storey dwellinghouses (Internal floor area of 91.9 square metres).
- Plots 5 and 6 (House Type B on the proposed plans) are proposed as 3-bedroomed detached two-storey dwellinghouses (Internal floor area of 107 square metres).
- Plots 7 and 8 (House Type A on the proposed plans) are proposed as 4-bedroomed detached two-storey dwellinghouses (Internal floor area of 194 square metres).



Figures 3, 4, 5 and 6 – Proposed Elevations of House Types D, C, B and A

1.9 The application also incorporates proposals for additional landscaping including:

- A proposed SuDs drainage feature;
- Proposed shared open space;
- Proposed new 'orchard' planting;
- Retention or replacement of, where appropriate, native species semi-mature hedgerow; and
- Proposed native meadow flower/grasses swathes.

1.10 Highway improvement works are also proposed, including dropped kerbs to be provided along the C1203 on both sides of the junction with Greyhound Close, enabling enhanced pedestrian safety/accessibility links to local facilities for both current and future occupiers.

1.11 Foul water drainage is proposed to be managed by a connection to the existing mains sewer. Surface water is proposed to be managed by permeable paving in car parking areas and shared driveways; raingardens proposed in front and rear gardens, where considered appropriate, and a detention basin proposed in the southern corner of the site which will provide surface water attenuation storage to intercept roof runoff.

1.12 The following supporting documentation has been supplied alongside the application:

- A covering letter from the agent;
- Planning, Design & Access statement;
- Transport statement;
- Landscape character and visual impact assessment;
- Ecological Report, which serves as an update to a previously submitted Preliminary Ecological Appraisal;
- Heritage Impact Assessment;
- Proposed Foul and Surface Water Drainage Strategy;
- Written Scheme of Investigation for an Archaeological Field Evaluation;
- Archaeological Trenched Evaluation; and
- Completion of the Council's Climate Change Measures compliance checklist

1.13 For context, this application is submitted following a previously refused application in 2022 (LPA Reference: P211678/F) for 6 detached dwellinghouses and garages. That application was also considered by the Planning Committee, which resolved to refuse planning permission with the following sole reason for refusal:

*“The proposed development would not result in a scheme that delivers the size, type and range of housing that is required in the settlement to reflect local demand. As such the proposal is contrary to the aims of policy RA2 of the Herefordshire Local Plan – Core Strategy and Policy LGPC2 (d) of the Longtown Group Parish Neighbourhood Plan.”*

1.14 The application was subsequently dismissed on appeal by the Planning Inspectorate. A copy of the appeal decision (APP/W1850/W/22/3304126) is attached as Appendix 1 to this report.

## 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
- 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
- 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](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

## 2.2 Longtown Group Neighbourhood Development Plan – made on 6 March 2020 (NDP)

LGPC1 – Housing within Longtown village  
 LGPC2 – Land south-east of Greyhound Close  
 LGPC8 – Highway design requirements  
 LGPC10 – Protecting and enhancing the landscape and its features  
 LGPC13 – Protecting heritage assets  
 LGPC14 – Foul and storm water drainage  
 LGPC15 – Proposals for renewable energy

The Longtown Group 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/3081/longtown-group-neighbourhood-development-plan>

## 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 12 December 2024

*(Please note that the NPPF was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the NPPF as published on 12 December 2024):*

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 both plan-making and decision-making. The revised 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 associated 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

The following planning applications are considered to be relevant to the current proposal. This also includes planning permission for the seven existing dwellings off the C1203 known as Greyhound Close (planning permission granted back in 2001):

- 3.1 P211678/F – Proposed residential development of 6 no. dwellings with associated access, parking and landscaping – Refused following Planning Committee resolution, with decision notice issued on 1<sup>st</sup> July 2022. An appeal made by the applicant was subsequently dismissed by the Planning Inspectorate on 9<sup>th</sup> May 2023. The previous application and committee minutes can be accessed through the following weblinks, respectively:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=211678](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=211678)  
<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8547&Ver=4>
- 3.2 SW2002/3732/F – Removal of condition 4 of planning permission SW2000/2640/F (no development shall take place until a programme of archaeological work has been secured) – Approved 31<sup>st</sup> January 2003:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=023873](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=023873)
- 3.3 SW2002/2744/F – Proposed alterations to approved dwellings on plots 5 and 7 – refused on 21<sup>st</sup> October 2002  
[http://herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=022762](http://herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=022762)
- 3.4 SW2000/2640/F – Demolition of former agricultural buildings and construction of seven dwellings and associated infrastructure. (AMENDED PLANS) – Approved with conditions on 19<sup>th</sup> December 2001  
[http://herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=002036](http://herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=002036)

### 4. Consultation Summary

Statutory Consultations

#### 4.1 **Dwr Cymru Welsh Water – No objections; conditions recommended** **1<sup>st</sup> consultation 20 March 2024 (Superseded Plans)**

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

#### **SEWERAGE**

*We can advise that Longtown WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority. Notwithstanding this we can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land*

*Drainage Authority, Natural England and/or the Environment Agency. Discharge of surface water to the public sewer is only to be made as a last resort.*

## **POTABLE WATER SUPPLY**

*Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.*

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

### **Condition**

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

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

### **Advisory Notes**

*The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.*

*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](mailto:developer.services@dwrcymru.com). Please quote our reference number in all communications and correspondence."*

2<sup>nd</sup> consultation 30 April 2025 (Amended Plans)



*"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Having reviewed drainage strategy reference 18484-DSR and foul drainage connection plan reference 18484\_501 which shows foul water to be connection to the public sewerage system and surface water to discharge into a water course, we offer no objection to the proposals in principle and refer to our previous response dated 20/03/2024 reference PLA0078726 and recommended condition and advisory notes within. 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](mailto:developer.services@dwrcymru.com) Please quote our reference number in all communications and correspondence."*

#### 4.2 **Historic England – Qualified comments**

##### 1<sup>st</sup> consultation 14 March 2024 (Superseded Plans)

*"Thank you for your letter of 1 March 2024 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.*

##### *Summary*

*Historic England has concerns on heritage grounds regarding this proposal. Longtown has exceptional historic value, retaining much of its medieval character which contributes to the significance of the scheduled monument. The proposal site makes a positive contribution to the significance of the scheduled monument by preserving the open space that was occupied by the gardens of the medieval properties that fronted the main street. The proposal represents a medium level of less than substantial harm to the significance of the scheduled monument and is not in accordance with national or local policies. We recognise the site is allocated in the neighbourhood plan and that there is scope for some development on the site. We would welcome further discussion with the local authority and the applicant to arrive at a scheme that minimises harm to the significance of the scheduled monument.*

##### *Historic England Advice*

*The proposal is for a residential development of 9 dwellings with associated access, parking and landscaping on land south east of Greyhound Close, Longtown.*

##### *Significance of designated heritage assets*

*Longtown is a settlement with exceptional historic character, having a very evident and legible medieval form. The settlement is dominated by Longtown Castle, a substantial medieval castle site occupying the high point in the settlement sited on a northwest-southeast ridge. The medieval town was principally located below this to the southeast along the ridge. Immediately below the castle was an enclosed part of the town that incorporated the church and market place. The medieval town, including the proposal site, then extends a further 500m southeast as a series of laid out medieval house plots fronting onto the spinal road of the settlement with their gardens and field closes behind.*

*The castle, core of the medieval town and some of the areas of medieval house plots that survive as earthwork features have been included in the scheduled monument of 'Longtown Castle and town' (National Heritage List for England 1021347). Other medieval house plots are occupied by current dwellings or are present within the gardens of properties. The form of the medieval house plots is well preserved in the current settlement form with properties or archaeological earthworks of medieval houses still being of single depth and fronting the road. The former garden areas and field closes of the medieval house plots, which extended to the full width of the ridge top, are well preserved on both sides of the road as open, permanent pasture fields between the spinal road and the break of slope of the ridge. These open areas are part of the setting of the scheduled*

*monument and make a strong positive contribution to the historic form of the settlement and to the significance of the scheduled monument.*

*Loss of these open areas is limited to the housing on Greyhound Close, which were built on the site of agricultural buildings. The proposal site makes a positive contribution to the significance of the scheduled monument in the following ways:*

- Its open, permanent pasture character preserves the medieval form of the settlement with a single depth of houses fronting the road through the village and open gardens and small fields behind.*
- Two NE-SW orientated ridges are present in the field are likely to represent the former subdivisions of property ownerships and therefore contribute to an understanding of the medieval property divisions and the planned, laying out of the settlement.*
- Views into and across the site allow the settlements ridge location and character to be experienced with good views over the gently sloping land of the medieval gardens and small fields to the break of slope and the wider landscape of the valleys beyond.*

#### *Impact on designated heritage assets*

*The proposal is for 9 houses filling the site between the current houses that front the main street of the settlement and the edge of the ridge. The proposal therefore fills the area that would have been occupied by the medieval house gardens and their small fields causing harm to its contribution to the significance of the scheduled monument.*

*In addition, the proposed layout of plot form, access road, green space and house design causes harm to the identified factors of the site that contribute to the significance of the scheduled monument. The NW-SE orientated ridges have not been respected by the design and the central one to the development site is removed by plot 8A causing the loss of legibility of these former subdivisions. The height and positioning of the proposed houses block the views across the site, particularly from the road removing the legibility of the settlements historic ridge location and form. All these matters add to the harm of infilling this important open space.*

*The construction of a sustainable drainage system on the slope below the proposed development would also create a feature discordant with the historic character of the area and cause further harm. We consider that the overall impact of these proposals is that they would result in medium level of less than substantial harm to the significance of the scheduled monument.*

#### *Policy*

*The National Planning Policy Framework (NPPF) sets out that great weight should be given to conserving the significance of designated heritage assets (NPPF 205) and that through appropriate assessment any conflict between the asset's conservation and any aspect of the proposal should be avoided or minimised (NPPF 200 and 201). Proposal should seek to sustain and enhance the significance of heritage assets (NPPF 203a) and any harm should be clearly and convincingly justified (NPPF 206) before being weighed against public benefit.*

*It is our view that the current proposal does not meet these NPPF requirements.*

*Historic England has previously expressed its concern regarding the site as part of the development of the Longtown Group Neighbourhood Plan stating that it could not support its allocation in our response to the regulation 16 consultation. Our response indicated that with further discussion it may be possible for a sensitive design to be arrived at for a small number of houses on this site dependent on layout and design. Unfortunately no further discussion has been undertaken. The neighbourhood plan examiner's report noted our comments and made amendments to the policies for this allocation (LGPC 2).*

*The neighbourhood plan has been adopted and policies LGPC 1 and 2 are relevant to this development. It is Historic England's view that the proposal is over development of the site and does not meet the neighbourhood plan policies as follows:*

*LGPC 1a - The proposal causes adverse effect to the contribution made to the setting of Longtown Castle and its associated medieval settlement, a scheduled monument.*

*LGPC 1c - The proposal results in the loss of green space that contributes to the historic character of the village.*

*LGPC 2a - The scale and nature of the development harms the highly sensitive landscape of this area and its historic form.*

*LGPC 2b - The proposed tree planting and structural landscaping does not protect the setting of the settlement and Longtown Castle.*

*LGPC 2d - The design of the buildings does not reflect the historic character of the village and creates an urban appearance.*

### *Position*

*Historic England has concerns on heritage grounds regarding the proposed development. Longtown has exceptional historic value, retaining much of its medieval character which contributes to the significance of the scheduled monument. The site makes an important contribution to the significance of the scheduled monument through the preservation of the open space between the road and break of slope of the ridge that would have formed the garden areas of medieval dwellings. It is our position that proposed development would result in infill this open space and introduce a design and layout that challenges the historic character of the settlement. We assess the proposal as causing a medium level of less than substantial harm to the significance of the scheduled monument.*

*We recognise that the site has been allocated as part of the neighbourhood plan and we have previously indicated that with further detailed discussion it may be possible for a sensitive design to be arrived at for a small number of houses dependent on layout and design. Such a sensitive design would seek to maintain the contributions that the site makes to the significance of the scheduled monument including the following:*

- Maintaining a high proportion of open space within the site through a reduction in the number of units and positioning them in proximity to Greyhound Close.*
- Preserving the NE-SW aligned ridges to preserve the evidence of former property ownerships associated with the setting out of the medieval settlement.*
- Preserving views across the site to maintain the legibility of the medieval form of the settlement.*

*We would welcome further discussion with the local authority and the applicant to arrive at a scheme that minimises harm to the significance of the scheduled monument.*

### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 200, 201, 203a, 205 and 206 of the NPPF and local planning policies. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us."*

### 2<sup>nd</sup> consultation 25<sup>th</sup> April 2025 (Amended Plans)

*"Thank you for your letter of 9 April 2025 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.*



## Summary

*Historic England retains its concerns on heritage grounds regarding this proposal and consider that the proposal does not meet the requirements of neighbourhood, local and national planning policy. Longtown has exceptional historic value, retaining much of its medieval settlement form which contributes to the significance of the scheduled monument. The proposal site makes an important contribution to this significance as set out in our advice below. It is our position that the proposed development would cause a medium level of less than substantial harm to the significance of the scheduled monument. We would welcome discussion with the local authority and the applicant to explore options for amendment to the scheme, as set out in our position below, to reduce the level of harm to the significance of the scheduled monument.*

## Historic England Advice

*The further information is an amended drainage strategy and details. Historic England retains its concerns on heritage grounds as set out in our previous advice letter of the 14 March 2024. The further information does not address these concerns. We refer you to our previous advice letter for our detailed response and provide a short resume below for your information. The proposal is for 8 houses that, with their associated access, parking and landscaping, fill the proposal site.*

## Significance

*Longtown is a settlement of exceptional historic character, having a very evident and legible medieval form. The settlement, which has developed on a northwest-southeast ridge, is dominated by Longtown Castle at its highest point to the northwest. Immediately below the castle is an enclosed part of the town that incorporated the church and market place. The medieval town, then continues a further 500m to the southeast as a series of planned house plots fronting the road and their gardens and small field closes behind extending across the ridge top. Part of this medieval settlement is included in the scheduled monument of 'Longtown Castle and town' (National Heritage List for England 1021347). Other, non-designated, parts of the medieval settlement make a positive contribution to the significance of the scheduled monument by preserving archaeological evidence and the legibility of the medieval form.*

*This includes the proposal site, which makes a positive contribution to the significance of the scheduled monument in the following ways:*

- Its open, permanent pasture character preserves the medieval form of the settlement with a single depth of houses fronting the road through the village and open gardens and small fields behind.*
- Two NE-SW orientated ridges, present in the proposal site, represent the former subdivisions of property ownership and therefore contribute to the understanding of the medieval property divisions and the planned, laying out of the settlement.*
- Views into and across the site allow the settlements ridge location and character to be experienced with good views over the gently sloping land of the medieval gardens and small fields to the break of slope and the wider landscape beyond.*

## Impact

*The proposal will cause a medium level of less than substantial harm to the significance of the scheduled monument. The harm caused will be the result of the following:*

- The proposal infills the entirety of the area of the proposal site resulting in the loss of the open, permanent pasture character that preserves the medieval form of the settlement.*
- The proposal will cause the loss of one of the two NE-SW orientated ridges in the proposal site that represents a former medieval property ownership division therefore reducing the legibility and ability to understand the planned form of the medieval settlement.*

- *The proposal will block views across the site reducing the legibility and ability to experience the historic settlements ridge location and form.*
- *The creation of the sustainable drainage system as an open basin is discordant with the historic character of the historic settlement.*

### *Policy*

*Neighbourhood, Local and National planning policies apply to this proposal and should be taken into account in your determination. Policies LGPC1 and 2 of the Longtown Group Parish Neighbourhood Plan apply to this application. In particular, we note LGPC1a which states that development shall not adversely affect the site of setting of Longtown Castle and LGPC2a which highlights that the development shall respect the highly sensitive landscape including the historic form of the settlement. Policy LD4 applies to the application. In particular that development proposals should protect, conserve and where possible enhance heritage assets and their settings. Paragraphs 208, 210a, 212 and 213 of the National Planning Policy Framework (NPPF) apply to this application and it should be determined in accordance with paragraph 215.*

### *Position*

*Historic England retains its concerns on heritage grounds and consider that the proposal does not meet neighbourhood, local and national planning policy. Longtown has exceptional historic value, retaining much of its medieval settlement form which contributes to the significance of the scheduled monument. The proposal site makes an important contribution to this significance as set out in our advice above. It is our position that the proposed development would cause a medium level of less than substantial harm to the significance of the scheduled monument.*

*We recognise that the site has been allocated as part of the neighbourhood plan. We have previously indicated that with further detailed discussion it may be possible for a sensitive design to be arrived at for a small number of houses dependent on layout and design. This was recognised during the examination stage of the neighbourhood plan with the removal of the indicated number for housing units (8-12). Such as sensitive design would seek to maintain the contributions the site makes to the significance of the scheduled monument and minimise harm.*

*This may include the following:*

- *Maintaining a high proportion of open space within the site through a reduction in the number of units and positioning them in proximity to Greyhound Close.*
- *Preserving the NE-SW aligned ridges to preserve the evidence of former property ownerships associated with the planning of the medieval settlement.*
- *Preserving views across the site to maintain the legibility of the medieval form of the settlement.*

*We would welcome discussion with the local authority and the applicant to explore options for amendment to the scheme to reduce the level of harm to the significance of the scheduled monument.*

### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of policy LGPC1 and 2 of the Longtown Group Parish Neighbourhood Plan, policy LD4 of the Herefordshire Core Strategy, and paragraphs 208, 210a, 212, 213 and 215 of the NPPF. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us."*

**4.3 Natural England – No response received; please refer to comments received from the Council’s Ecologist**

Internal Council Consultations

**4.4 Principal Building Conservation Officer – No objections; conditions recommended**  
1<sup>st</sup> consultation 22 March 2024 (Superseded Plans)

*“Policy and Documents*

*The Planning (Listed Buildings and Conservation Areas) Act 1990*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.*

*National Planning Policy Framework*

*Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4*

*I duly note the recent application 211678 and the subsequent appeal and have read the grounds for dismissal, which was not on the grounds of the principle of development on this site where new residential development is acceptable but was not considered to outweigh the harm identified with regards to the mix of units proposed.*

*Longtown is rich in heritage assets, and in terms of the setting of the scheduled monument, I note the comments from Historic England, and would offer no comments in this regard. In terms of the listed buildings; The Old Greyhound UID 1078156 and milestone UID 1078155, I would concur with the Inspectors comments in regard to their setting and would offer no objection in built heritage terms in regard of the setting.*

*Whilst not objecting to the principle of the development on the site, and duly acknowledging the differences between the current application and the recently refused application, it is considered that the prime difference appears to be that in place of a single house no plot 1 there is a pair of semi-detached houses and in place of plot 4 there is a terrace of three houses.*

*However this does not address the concerns raised previously by the built heritage team;*

*In the response dated 14 June 2021 the relevant comments from the built heritage officer could be summarised as follows;*

- 1. The development of this site should be of an exemplary standard respecting the scale, massing, materials and green space of Longtown.*
- 2. Given the visually exposed site edge of settlement the predominant material should be facing stonework and not render which draws the eye.*
- 3. Front garden to have boundary walls as the earlier development of Greyhound Close.*

*Amended plans were received and the concerns repeated on 27/01/2022 in terms of the layout and application of materials.*

*Previously concerns were raised with the proposal to have a front elevation only being stone and the remainder being render. Whilst acknowledging the vernacular tradition on stone and limewash, with some stone properties only part being limewashed, the elevation treatment as proposed is particularly modern and not considered appropriate in this setting where it is not only the front elevation that is visible. I would repeat the concerns raised previously and request that stone be used on all four elevations, if not on all properties at least one some of them, which would give a mix of stone and render to the estate and not stone to the front elevation only. I note the neighbouring development has houses completely of stone and others completely of render and as such the change in material application is not readily understood.*

*I note that the same approach has been suggested for this application with;*  
*house type A ( 2 number) having a stone front and rendered walls apart from the stone bootroom*  
*House type B ( 2 number) having a stone front elevation and rendered 3 walls*  
*House type C ( 1 block of 3) having a stone front elevation and rendered 3 walls*  
*House type D ( pair semi-s) having a stone front elevation and rendered 3 walls*

*In addition I note that the boundary treatment is hedging and not a wall as the other development of Greyhound Close. It is considered that as this development will inevitably be seen as a continuation of that development, albeit in a more sensitive location being now the edge of the village, that consideration be given to boundary treatments firstly to produce a cohesion with the neighbouring development and secondly to mitigate against future devaluation of the design by individual boundary treatments being implemented by individual properties rather than a considered design for the whole scheme.*

*I note the Longtown Group Parish Neighbourhood Plan, and in particular reference to question 3 of the Detailed Site Assessment, that the adjacent site whilst improving the environment by the removal of unsympathetic buildings, the development of this site would exacerbate the uncharacteristic form of development. However the proposal as submitted would appear to be continuing this form of development with individual houses on individual plots reflecting of a suburban character and not such a sensitive site. I also note the criteria of Policy LGPC2 of the Longtown Group Parish Neighbourhood Plan in respect of the design to reflect local distinctiveness and village character and avoid an urban appearance.*

*I would also reference SC policies LD1 and Ld4 which seek to demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection and where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment.*

*As such I would repeat previous concerns for some elements of the development and request that the following amendments be given consideration.*

- 1. The boundary treatments to the estate road to plots 8,9 and the side garden boundary to plot 1 and around the car parking area be stone.*
- 2. Plots 8 and 9 to have stone frontage and gables.*
- 3. Plots 1 and 2 to have stone on 4 elevations*
- 4. Plots 3,4,5,6,7 to be render only.*

*Whilst acknowledging that some of the older properties in Longtown have rendered/painted their gables presumably due to weatherproofing rather than a design choice, I trust that consideration will be given to this request for change in materials.*

*I would also ask for some consideration to the use of self coloured render for some of the rendered properties especially the terrace of 3 ( plots 3,4,5) , that could replicate a stone colour to be less harsh than a white paint, and would also avoid the need for painting in the future, and would avoid piecemeal re-painting of the terrace in different colours.*

*I confirm that I have no objections to the principle, nonetheless I look forward to receiving amended details in respect of materials in due course."*

## 2<sup>nd</sup> consultation 1<sup>st</sup> July 2024 (Superseded Plans)

### *"Policy and Documents*

*The Planning (Listed Buildings and Conservation Areas) Act 1990*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.*



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

*Thank you for consulting me on the amended plans, and I would refer to my previous comments*

*I note the change in materials which is welcomed, and adds interest and consistency and has addressed the concerns in terms of materials. Whilst it would be preferable for the terrace of 3 ( house type C) to be self coloured render to avoid 3 different colours of paint in the future, there would not be an objection on the use of render and white paint to this small terrace. I would suggest a materials condition, where the use of self coloured render could be considered as opposed to painted render. The only element they do not seem to have fully addressed is the boundary treatment, and the use of stone boundary wall to plot 1 is welcomed being prominently sited, however plots 8 and 9 still have hedges,. It would be preferable if the front garden boundary treatments echoed the neighbouring development at least on the western side which is the approach to this development.*

*I would therefore repeat the comments raised previously in terms of boundary treatments as it is considered that as this development will inevitably be seen as a continuation of that development, albeit in a more sensitive location being now the edge of the village, that consideration be given to boundary treatments firstly to produce a cohesion with the neighbouring development and secondly to mitigate against future devaluation of the design by individual boundary treatments being implemented by individual properties rather than a considered design for the whole scheme. I would therefore again request amendments in this regard and would again request stone walls to the front gardens of plots 8 and 9 to enable consistency between developments and would suggest the removal of PD rights for fences to avoid inappropriate fences in the future.*

*As such I would repeat previous concerns for some elements of the development and request that the following amendments be given consideration.*

- 1. The boundary treatments to the estate road to plots 8,9 be stone.*
- 2. Self-coloured render not painted render to plots 3,4 and 5. This element can be conditioned if preferred.*

*I confirm that I have no objections to the principle, nonetheless I look forward to receiving amended details in respect of boundary treatments in due course.”*

3<sup>rd</sup> consultation 26<sup>th</sup> November 2024

*“Policy and Documents*

*The Planning (Listed Buildings and Conservation Areas) Act 1990*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.*

*National Planning Policy Framework*

*Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4*

*Thank you for consulting me on the amended plans. Further to my comments of 02/08/2024, I note the amended plans;*

*Proposed Site Plan DWG No 1102 Rev J*

*Proposed House type A DWG No 1301 Rev D*

*Proposed House type B DWG No 1302 Rev B*

*Proposed House type C DWG No 1303 Rev C*

*Proposed House type D DWG No 1304 Rev B*

*I duly note the amended plans and would consider that the previous concerns raised in terms of the boundary treatments and the colour finish to house type C has been resolved.*

*I would therefore offer no objections to the amended plans on built heritage grounds.”*

4<sup>th</sup> consultation 5<sup>th</sup> June 2025 (Amended Plans)

*“Policy and Documents*

*The Planning (Listed Buildings and Conservation Areas) Act 1990*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.*

*Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.*

*National Planning Policy Framework*

*Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4*

*Thank you for consulting me on the amended plans, and I would refer to my previous comments of 22/03/2024, 01/07/2024, and 26/11/2024.*

*I can confirm that I have viewed the amended plans;*

*DWG No 1102 Rev L*

*DWG No 1103 Rev L*

*DWG No 1204 Rev A*

*DWG No 1304 Rev A*

*DWG No 1303 Rev C*

*Previous comments were in respect of materials and details and not the principle of development itself, and I note that previous concerns in that regard have been taken into consideration with the front boundary treatment of plots; 1,2 7 and 8 being low stone walls to match the neighbouring modern housing development.*

*The amendments to plots 1 and 2 to the now single storey buildings is not opposed in built heritage terms. However as this is a change in orientation from the last comments upon which built heritage consultation was sought, I would request that consideration be given to the removal of PD rights for development at the side of plots 1 and 2 if possible. I note that house type C is to be self-coloured render which would avoid the need to repaint, which is welcomed on a terraced property.*

*I can confirm that there are no objections in built heritage terms in respect of the setting of listed buildings, however would request that consideration be given to safeguarding the quality of the development by appropriate material conditions.*

*Suggested conditions*

*2. C06 in accordance with approved plans*

*3. C13 sample of external materials*

*4. C18 Stonework laid on natural bed amended*

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

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

#### 4.5 Land Drainage Engineer – No objections

##### 1<sup>st</sup> consultation 21 March 2024 (Superseded Plans)

Due to formatting issues, this representation (titled 'Drainage Engineer Comments') can be read in full on the application webpage using the following weblink:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=240468](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240468)

##### 2<sup>nd</sup> consultation 28 May 2025 (Amended Plans)

*"We have been re-consulted on the above application given the reduction in the development size from 9 dwellings to 8 dwellings. It appears that the supporting drainage information has been amended accordingly on this basis, however the proposals remain unchanged. We have amended the previous drainage comments to reflect the revised development proposals and plot references have been altered accordingly; however the majority of the comments remain unchanged. If you feel we have missed anything, please let us know.*

##### *Full Planning Applications: Flood Risk and Drainage Checklist*

*This document provides a list of the information that, in general, must be submitted to support full planning applications in relation to flood risk and drainage.*

##### *Application details*

<b>SITE:</b>	Land South East of Greyhound Close, Longtown, Hereford, Herefordshire
<b>DESCRIPTION:</b>	Proposed residential development of 8 no. dwellings with associated access, parking and landscaping.
<b>APPLICATION NO:</b>	240468
<b>GRID REFERENCE:</b>	OS 332449, 228640
<b>APPLICANT:</b>	Ms Claire Price
<b>AGENT</b>	Mr Geraint John
<b>DATE OF THIS RESPONSE:</b>	28/05/2025

*This response is in regard to flood risk and drainage aspects, with information obtained from the following sources. We previously issued a response in March 2024:*

- *AMENDED Proposed Drainage Strategy Report 4.4.25 (Issue 03);*
- *AMENDED Drainage Summary of Results 4.4.25;*
- *AMENDED Proposed Foul Connection Plan 4.4.25 (Ref: 18484\_501 Rev 02);*
- *AMENDED Proposed Drainage Strategy 4.4.25 (Ref: 18484\_500 Rev 03);*
- *AMENDED Proposed Site Plan 6.3.25 (Ref: 1102 Rev L).*

*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](https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11)

*This review focusses on the principles of the drainage strategy and flood management measures to demonstrate compliance with planning policy and does not provide a detailed review of input or output data. It is assumed that the design of the drainage strategy and flood management measures has been undertaken by a competent engineer and therefore the liability for the proposed design lies with the applicant and not Herefordshire Council.*

*Site location and extract of flood map(s)*

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2024*



#### *Development description*


*The Applicant proposes the construction of 8 dwellings. The site occupies an area of approx. 0.57ha and is currently used for agricultural purposes. An ordinary watercourse, the Olchon Brook, flows to the south west of the site. The topography of the site slopes down from approximately 150m in the north west to 144m in the south east.*

#### *Identifying the need for a Flood Risk Assessment*

*All Applicants must provide sufficient information to address the points listed below to enable an accurate assessment of flood risk and the need for a flood risk assessment to be made.*

<i>Information required</i>	<i>Reviewers comments</i>
<i>Confirmation of the site area in hectares or square metres</i>	<i>Site area confirmed as 0.57ha</i>
<i>Identification of all main rivers within 20m of the site boundary</i>	<i>There are no main rivers within 20m of the development site.</i>
<i>Identification of all ordinary watercourses and land drains within 20m of the site boundary</i>	<i>There are no ordinary watercourses or mapped drains within 20m of the site. The nearest ordinary watercourses are the Olchon Brook which flows approximately 225m to the south west of the site and the River Monnow which flows approximately 250m to the north of the site.</i>
<i>Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account</i>	<i>Review of the EA's Flood Map for Planning / submitted FRA etc confirms the location of the site in Flood Zone 1. Climate change is not likely to impact on the site.</i>



Information required	Reviewers comments
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	<p>A review of the surface water flood map indicates that the site is not at risk of surface water flooding.</p>  <p>Ordnance Survey</p> <p>Extent of flooding from surface water</p> <p>High Medium Low Very low</p>

Review of the information summarised in Section 1 indicates that an FRA is not required to support the planning application for this development.

#### Surface Water Management Strategy

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

Information required	Reviewer comments	✓ ✗
Strategy		
Summary and illustration of the proposed surface water drainage system including location of SuDS features, manholes, external pipework, attenuation features, pumping stations (if required) and discharge locations	<p>The Applicant proposes a controlled discharge to the Olchon Brook via an attenuation pond. The outflow will be limited to 3l/s up to the 100 year + 40% climate change event.</p> <p>Roof water and water from the private paving will be directed to the attenuation pond via pipes. The remaining water falling on roads and parking areas, will be directed to the attenuation pond by a series of vegetated rills and filter drains.</p> <p>The Applicant has provided an indicative drainage layout drawing, however full detailed design will need to be provided by condition.</p> <p>When completing the detailed design, the Applicant should be mindful of private drainage runs crossing through back gardens (Plots 7 &amp; 8) and should avoid being located beneath permeable paving where possible.</p>	<p>✓ (with note)</p>

<i>Information required</i>	<i>Reviewer comments</i>	<i>✓ x</i>
<i>Summary of likely ground conditions including permeability and contamination risks</i>	<i>Infiltration testing has previously been undertaken at the site, in 2020, for a superseded planning application at the site. Trial pits were dug to a depth of 1.75m, however these saw ingress of groundwater at 1.5m bgl.  Infiltration tests were not carried out due to the requirement for all infiltration features to be sited a minimum of 1m above groundwater level.  Infiltration techniques are not deemed viable for this site.</i>	<i>✓</i>
<i>Confirmation of whether the site is located in a Source Protection Zone or Principal Aquifer</i>	<i>The site is not situated within a source protection zone or principal aquifer.</i>	<i>✓</i>
<i>Demonstration that the SuDS hierarchy has been considered in accordance with NPPF and justification for the proposed method of surface water discharge</i>	<i>The Applicant has considered the SuDS hierarchy. Infiltration to ground is not a viable option for the site, so a controlled discharge to a local watercourse has been proposed as a surface water discharge to the sewer is not permitted.</i>	<i>✓</i>
<i>Demonstration that best practice SuDS have been promoted, appropriate to the size and nature of development</i>	<i>The Applicant has proposed the use of an attenuation pond to attenuate surface water for the site. Rain gardens and permeable paving are also proposed. We welcome the use of green SuDS.</i>	<i>✓</i>
<i>If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk, with supporting calculations</i>	<i>The Applicant does not propose to use pumps within the surface water management strategy.</i>	<i>✓</i>
<i>Confirmation that the system will be designed to prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event with supporting preliminary calculations</i>	<i>The Applicant has provided supporting surface water calculations to demonstrate that they are providing sufficient storage up to the 1 in 100 year +40% climate change event. Calculations to show the suitability of the whole network will be required at Discharge of Conditions stage.</i>	<i>✓ (with note )</i>
<i>Off-site discharge</i>		
<i>For discharge to a watercourse, sewer or local authority asset, confirmation of the relevant authority from which consent will be required</i>	<i>It is assumed that as there will be no change to Olchon Brook, and the works proposed will only be the construction of a new headwall. However, if any works are proposed to be carried out that will change the watercourse channel, Ordinary Watercourse Flood Defence Consent will be required.</i>	<i>✓</i>

Information required	Reviewer comments	✓✗										
For discharge to a watercourse, sewer or local authority asset, detailed calculations of greenfield and, if relevant, current runoff rates calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events	<p>The Applicant has calculated greenfield runoff rates as below:</p> <table><tr><th>Storm Event</th><th>Greenfield Site Runoff Rates (l/s)</th></tr><tr><td>QBAR Rural</td><td>3.38</td></tr><tr><td>1 in 1-year</td><td>2.97</td></tr><tr><td>1 in 30-year</td><td>6.01</td></tr><tr><td>1 in 100-year</td><td>7.36</td></tr></table> <p>These have been calculated using the FEH statistical method, which is acceptable for a site of this size.</p>	Storm Event	Greenfield Site Runoff Rates (l/s)	QBAR Rural	3.38	1 in 1-year	2.97	1 in 30-year	6.01	1 in 100-year	7.36	✓
Storm Event	Greenfield Site Runoff Rates (l/s)											
QBAR Rural	3.38											
1 in 1-year	2.97											
1 in 30-year	6.01											
1 in 100-year	7.36											
For discharge to a watercourse, sewer or local authority asset, detailed calculations of proposed discharge rates and volumes calculated using the methods outlined in The SuDS Manual 2015 for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events	<p>The applicant proposes to discharge at an acceptable rate of 3 l/s, via an 82mm orifice, which is equivalent to the calculated 1 in 1 year greenfield runoff rate.</p>	✓										
For discharge to a watercourse, sewer or local authority asset, detailed calculations of proposed attenuation volume to manage the rate and volume of runoff to greenfield or current rates and volumes, allowing for climate change effects and demonstrating sufficient space within the site	<p>The Applicant has provided calculations that demonstrate that 154m<sup>3</sup> of storage will be required to attenuate the surface water from a 100 year + 40% climate change event from the proposed 1895m<sup>2</sup> of impermeable surfaces, with an additional 10% addition for urban creep.</p>	✓										
Clarification if attenuation structures are to be provided partly or wholly above adjacent ground level (i.e. above ground storage), and assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures	<p>The Applicant does not propose any storage above adjacent ground level.</p>	✓										
Drawing to illustrate that attenuation structures are not located within an area at risk of fluvial flooding up to the 1 in 100 annual probability event and taking the effects of climate	<p>The site is located fully within Flood Zone 1 so no flood storage will be lost.</p>	✓										

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

<i>Information required</i>	<i>Reviewer comments</i>	<i>✓ x</i>
<i>change into account, unless it can be demonstrated that the capacity of the drainage system will not be reduced and that any loss of fluvial flood storage can be compensated for elsewhere without increasing risk to people, property or infrastructure</i>		
<i>For discharge to a watercourse, sewer or local authority asset, demonstration that a viable connection can be made and that the suitability and capacity of the downstream system has been explored in consultation with the relevant authority</i>	<p><i>The Applicant proposes to discharge to the Olchon Brook, which sits approximately 5m lower than the development site. The base of the attenuation pond will be set significantly above the position of Flood Zone 3 and so a viable, gravity connection is deemed achievable.</i></p> <p><i>Although the brook is outside of the red line site boundary, the Applicant has confirmed that they own the land between the development and the brook and so no third party agreements will be required to site the discharge pipework. An easement may be required once the plots have been sold.</i></p>	✓ (with note)
<i>For discharge to a watercourse, sewer or local authority asset, consideration of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves</i>	<i>As highlighted above, the development site is situated higher than the receiving watercourse and so the risk of water being unable to discharge from the site is limited.</i>	✓
<b>Pollution</b>		
<i>Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas</i>	<p><i>The Applicant proposes the use of an attenuation pond for roof and private path water. This will provide adequate treatment.</i></p> <p><i>Access road and car park drainage will be conveyed to the attenuation pond via filter drains and vegetated rills, which will provide further treatment.</i></p>	✓
<b>General</b>		
<i>If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria</i>	<i>Phased construction is not proposed.</i>	✓

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

<i>Information required</i>	<i>Reviewer comments</i>	<i>✓ x</i>
<i>Exceedance</i>		
<i>Assessment of natural surface water flow paths through the site, noting that natural flow paths should be retained as far as practicable within a development layout, and demonstration that consideration has been given to the potential for overland flow to overwhelm the capacity of the proposed drainage system</i>	<i>There is no significant risk of overland flow pathways impacting the site. The fall of the land would see any flows falling from higher ground in the north being intercepted by the highway prior to reaching the site. The topography is gently sloping so the risk is minimal.</i>	<i>✓</i>
<i>Description and drawings demonstrating the management of surface water runoff during events that may exceed the capacity of the drainage system (including temporary exceedance of inlet features) up to the 1 in 100 annual probability event with climate change (including assessment of where water is likely to emerge) and noting that surface water should be retained within the site boundary and not pose risk to the development</i>	<i>Surface water exceedance flows will follow the fall of the land towards the attenuation pond in the southeast corner of the site, via the access road.  A vegetated rill will be constructed to allow water to flow out of the turning head and conveyed towards the pond.</i>	<i>✓</i>
<i>Access, adoption and maintenance</i>		
<i>If access or works to third party land is required, details of these works and agreement in principal with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer</i>	<i>Although the Applicant has stated that they own the land between the development plot and the Olchon Brook and there will be no requirement to cross third party land, we note that this will not be the case once the plots have been sold. An easement will be required to ensure the development owners/management company can access the discharge pipe and headwall, on third party land, for future access and maintenance.</i>	<i>✓ (with note )</i>
<i>Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water drainage system</i>	<i>The Applicant has stated that the surface water management system is to remain private and will be operated and maintained by the site occupiers/their assigned management company. Therefore, we understand that the land on which the attenuation pond is located will be communally owned. The Applicant should be mindful that the orifice will need to be checked regularly for blockages.</i>	<i>✓</i>

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903




Information required	Reviewer comments	✓ x
Demonstration that appropriate access is available to maintain SuDS features (including pumping stations)	The final line of the outfall pipe to the Olchon Brook and location of the headwall should be clarified within the detailed drainage design/construction drawings.	✓ (with note)

#### Foul Water Management Strategy

A foul water management strategy should be submitted that includes the following information:

✓ Information provided is considered sufficient

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

Information required	Reviewers comments	✓ x
Description and illustration of the proposed foul water drainage system including location of manholes, external pipework, package treatment plants, drainage fields, pumping stations and discharge locations	The Applicant proposes to connect to the DCWW public foul sewer that runs to the south of the development site. A gravity connection can be established and DCWW have stated in pre-application advice that a connection could be sought between manholes SO32284501 and SO32283401. The Applicant has stated that they own the land between the development site and the proposed connection point.	✓
Identification of the public foul sewerage network within the vicinity of the development and assessment of the viability to connect to this network	 <p>Due to the fall of the land, it is not possible to design a gravity connection to the existing sewer in Greyhound Close. Instead a connection can be sought to the south east of the site, prior to entering the treatment works.</p>	✓
If pumped systems are proposed, justification for the use of these systems, summary of key design principles and assessment of residual risk, with supporting calculations	The creation of a gravity connection to the sewer to the south east of the site negates the need for pumping.	✓
Discharge to sewerage network		
Demonstration that the suitability and capacity of	A viable gravity connection has been identified and the Applicant has provided correspondence from DCWW that	✓

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

<i>Information required</i>	<i>Reviewers comments</i>	<i>✓ x</i>
<i>the public sewerage system has been explored in consultation with the relevant authority, and that a viable connection can be made</i>	<i>proposed foul flows can be accepted within the foul public sewer.</i>	
<b>General</b>		
<i>If the development is to be delivered in phases, demonstration of proposed delivery and ability to maintain key design criteria</i>	<i>Phased construction is not proposed.</i>	✓
<b>Access, adoption and maintenance</b>		
<i>If access or works to third party land is required, details of these works and agreement in principal with necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer</i>	<i>The Applicant has stated that they own the land between the development plot and the proposed foul sewer connection so no works on third party land are required.</i>	✓
<i>Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the foul water drainage system</i>	<i>It is proposed that DCWW will adopt the foul sewer system. This should be confirmed at DOC stage.</i>	✓ (with note)
<i>Demonstration that appropriate access is available to maintain drainage features (including pumping stations)</i>	<i>The applicant will need to demonstrate how access to foul drainage features will be achieved, particularly for those features not within the development boundary. This can be confirmed at DOC stage.</i>	✓ (with note)

#### Overall Comment

#### NO OBJECTION

Based on the reviewed documents stated above, provided there are no changes made to the proposed surface water and foul water drainage arrangements at any other planning stages and will be constructed in line with the design and plans under this application, in principle, we hold no objections to the proposed development. We recommend that the following information is provided within suitably worded planning conditions:

- Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;
- Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water."

#### 4.6 Area Engineer – No objections; conditions recommended

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

1<sup>st</sup> consultation 19<sup>th</sup> March 2024 (Superseded Plans)

*"The Local highways authority has considered the proposed residential development of 9 dwellings with associated access, parking and landscaping and has the following comments.*

*The design layout in drawing 1102 Project reference OAD\_5155 has been used when providing the following comments and can confirm that the proposed details are acceptable.*

- 1) The turning head provided complies with Herefordshire Council design guide*
- 2) Parking provision on site for all properties is acceptable and complies with design guide*
- 3) 2m footways on either side of the adopted highway is acceptable*
- 4) 4.5 m wide adoptable road is acceptable*
- 5) Extension to the existing footway on the East of Greyhound Close is acceptable.*

*The local highway authority has no objection to the development but with the following conditions:*

**CAB- 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 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 23m metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.*

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

**CAE- Vehicular Access construction****CAJ- Parking estates****CAP- Highways improvement works – Dropped kerbs along the C1203 as indicated in drawing****CB2 – secure cycle storage****I45****I43****I11****I09****I07****I08**

*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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)*

*<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>*"

2<sup>nd</sup> consultation 11<sup>th</sup> April 2025

*"The local highways authority has considered the amended drawings submitted 1103 and makes the following comments. There has been a reduction in the number of building on site by 1 dwelling but the road network remains the same as previously agreed by the LHA. There are no objections to the application with the amended drawings and the previous highway comments are still valid and should be implemented."*

**4.7 Ecology – No objections; conditions recommended**1<sup>st</sup> consultation 23<sup>rd</sup> April 2024 (Superseded Plans)



*"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.*

*Additional guidance can be found in the FAQs available on the council's website.*

#### *Notes in respect of HRA*

*The proposal is for NINE new residential dwellings with associated new foul water and surface water flows (nutrient pathways) created*

- *There is a mains sewer connection available at this location.*
- *Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.*
- *The mains sewer network is managed by Welsh Water through their Longtown Waste Water Treatment Works.*
- *Welsh Water have confirmed that their Longtown WWTW has sufficient capacity to manage the additional foul water flows created by the proposed development.*
- *The Longtown WWTW discharges outfall into the Olchon Brook which is connected via the River Monnow to the Lower River Wye – with a confluence in Wales.*
- *This discharge is over 40km hydrologically from the confluence with the River Wye facilitating significant dilution and natural nutrient management over this large distance.*
- *The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy housing allowances that were subject to a positive HRA process at the time the CS was adopted.*
- *All surface water can be managed through appropriate onsite Sustainable Drainage Systems and local infiltration.*

*The agreed foul and surface water management systems can be secured by approved plans on any planning permission finally granted. The foul water management is considered as being 'embedded' within the project and can be secured as part of any planning permission granted. The LPA considers that there are no adverse effects on the integrity of the River Wye SAC as a result of the proposed development and the required HRA process can be considered as being 'screened out' at stage 1 of the assessment process.*

#### *Other ecology comments*

*By virtue of the development size <10 dwellings and a site area <1Ha and as the application is validated before 2<sup>nd</sup> April 2024 no statutory biodiversity net gain is applied to this application.*

*From supplied and available information the LPA doesn't identify the construction of the development as having any likely direct effects on local protected species although appropriate precautionary working methods are proposed in the ecology report. The applicant should be*

*reminded of their and their contractors' legal obligation to wildlife protection at all time through the Wildlife & Countryside Act. There are records of multiple bat species within the 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.*

#### *Suggested Conditions:*

*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*

*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. To secure these enhancements a relevant Condition is suggested:*

#### *To obtain Species (Biodiversity) Net Gain*

*Prior to first occupation of any dwelling approved under planning permission, evidence of the suitably placed installation on the approved dwellings, or on other land under the applicant's control, of a minimum of NINE bird nesting, NINE bat roosting features of mixed types and ONE hedgehog home with hedgehog highways through all impermeable boundary 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."*

2<sup>nd</sup> consultation 9<sup>th</sup> May 2025

*“Based on the amended drainage and site plans, we do not have further ecology comments. The ecology consultation undertaken on 23 April 2024 stands and we refer to the conditions within. An updated HRA screening has been done for avoidance of doubt which supersedes the HRA screening done on 23 April 2024.”*

Case Officer Note: The completed HRA for both superseded and amended plans can be accessed under the representations section of the application webpage through the following web link:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=240468](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240468)

#### 4.8 Senior Landscape Officer – Objection

##### 1<sup>st</sup> consultation 5<sup>th</sup> July 2024 (Superseded Plans)

*“The cumulative effect of the development in relation to the existing village has a negative impact on the landscape character and appearance of the village. The inherent qualities of the landscape setting associated with the designated heritage assets (i.e., the castle and surrounding historical settlement) have created the village of Longtown that we experience today. The scale and the mass of the development does not enhance the character of the village in relation to the cultural landscape and wider landscape. The buildings associated with the development would be visible from the surrounding landscape and public visual receptors (i.e., public footpaths). The nature of the topography exposes the site and is not able to be mitigated by landscape. The village streetscape and backdrop would be influenced by the increased depth of development and would harm the skyline of the village looking outwards to the landscape.*

##### *Landscape character*

*The landscape character Assessment (2023) defines the site within the Landscape Character Type (LCT7) ‘Sandstone Upland Hills and Valleys’. Key characteristics include:*

##### *Topography, geology and drainage*

- *An upland landscape, with a strong pattern of parallel ridges and deep narrow valleys running north-west to south-east.*

##### *Agricultural land use and field patterns*

- *A distinctive medieval field pattern of small, irregular, often rounded shaped fields, one of the most ancient field patterns in the county.*

##### *Settlement and road pattern*

- *The settlement pattern consists of sparsely scattered attractive hamlets and small livestock farms and wayside dwellings linked by narrow winding lanes.*

##### *Cultural heritage*

- *The landscape has a border character, providing the transition to the uplands of the Black Mountains to the west.*
- *An important area for recreation, with a strong rights of way network, popular for walking and camping.*

##### *Views and perceptual qualities*

- *One of the most undisturbed parts of England, with strong sense of tranquillity and dark night skies.*
- *Few settlements and relatively little new development or transport infrastructure result in a remote character.*
- *A small-scale enclosed character in the valleys with long views to the Black Mountains.*

*The comments raised in this report are all contributing factors that make this a highly valued landscape with a landscape character that is highly sensitive to change. A complete appraisal of the landscape characters can be found in Herefordshire Council’s Landscape Character Assessment (2023).*

*Tranquillity*

*The development will bring with it an increased vehicle activity, noise, and light pollution that will impact the tranquillity of a quiet rural environment. As stated by the landscape character assessment, Longtown is located within one of the most undisturbed parts of England, with a strong sense of tranquillity and dark night skies.*

*The harm to the landscape setting and character of Longtown due to the development is contrary to CS policies LD1 and LD4.”*

2<sup>nd</sup> consultation 25<sup>th</sup> April 2025 (Amended Plans)

*“Previous comments (29/06/2024) are still relevant – No further comment.”*

#### 4.9 **Archaeological Advisor – No objections**

1<sup>st</sup> consultation 7<sup>th</sup> March 2024 (Superseded Plans)

*“No objection”*

2<sup>nd</sup> consultation 24<sup>th</sup> April 2025 (Amended Plans)

*“No further comments”*

#### 4.10 **Public Rights of Way Development Officer – No objections**

1<sup>st</sup> consultation 4<sup>th</sup> March 2024 (Superseded Plans)

*“No objection”*

#### 4.11 **Waste Management – No objections**

1<sup>st</sup> consultation 25 April 2024 (Superseded Plans)

*“Bin storage locations for each plot to be included on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property. Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.*

*Storage space will need to be provided at each property for the following containers:*

*1x180 litre wheeled bin for general rubbish*

*1x240 litre wheeled bin for recycling paper & card*

*1x240 litre wheeled bin for recycling tins, cans, glass and plastics*

*1x23 litre food waste caddy (collected weekly)*

Collected on an  
alternate 3 weekly  
basis

*1x240 litre bin at each property with a garden. This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.*

*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.*

*With Herefordshire Council’s intention to introduce both a fortnightly garden waste and a weekly food waste collection service, there is a likelihood that two bins may need to be presented at the same time. Bin Collection Points should therefore be of sufficient size to allow at least 1.16 metres space per property in case some collections coincide.*



*In the event that any roads within the development are not adopted, please note that 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 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.”*

## **5. Representations**

### **5.1 Longtown Group Parish Council – Objection**

#### 1<sup>st</sup> consultation 21<sup>st</sup> March 2024 (Superseded Plans)

*“Longtown Group Parish Council sat on 20th March 2024 and heard from local residents objecting to the application. There was no-one in support. Council deliberated and RESOLVED to object to the application. Council noted the inclusion of terraced housing but felt that the objections to the original application were still valid.*

#### It does not reflect the NDP

- *Urban design does not match the style of the village*
- *House type not the preferred single storey building for this site recommended in Policy LGPC2 in the NDP*
- *The large number of two storey buildings will destroy the view and impact too heavily on the historic site and the visual impact of the village from the hillside.*

#### It does not match the needs of the Parish:-

- *Local housing need is for affordable houses not larger more expensive family homes*
- *Single storey dwellings are needed for elderly residents to downsize to*

#### Sewage treatment

- *The current treatment plant is at least 40 years old and is not meeting the needs of the number of houses in the village (in times of heavy rain it overflows polluting the Olchon Brook)*

#### Water supply

- *At times of peak demand there are currently water pressure issues. This problem would get worse.*

#### Destruction of archaeological evidence

- *The site is part of the medieval gardens of the historic village. The open nature of the former medieval gardens is part of the setting of the scheduled ancient monument. This development risks significant harm to a designated heritage asset.*

#### Roads

- *The access road is too small and narrow*
- *The entrance splay is problematic*
- *The current houses need to park their cars in the road narrowing it further*
- *The development proposed would be likely to increase the traffic by about 20 cars*
- *The children have no play area and play in the road*
- *Significant risk and danger would result.”*

#### 2<sup>nd</sup> consultation 21<sup>st</sup> June 2024 (Superseded Plans)

*“Longtown Group Parish Council sat on 19th June 2024 and discussed this application at length. Council RESOLVED to maintain its objection to the application and maintain that its original*

*rationale is still valid. Please refer to the initial application comments that have now dropped from the website."*

### 3<sup>rd</sup> consultation 3<sup>rd</sup> May 2025 (Amended Plans)

*"Longtown Group Parish Council sat at an extraordinary meeting on 30th April 2025 and RESOLVED to object to this application and commented:-*

*'Land at Greyhound Close - Application 240468*

*The Longtown Group Parish Council recognises that in making changes to the design of houses planned the applicant has started to consider the local needs but it does still not match the requirements of the village. LGPC objects to the current proposals for the reasons stated below.*

*The development does not provide the type of housing required by the area. The NDP consultation discovered a need for affordable housing and the site in question was proposed to provide single storey housing for older people. The single storey buildings are too large (with three bedrooms and at too great a density) The site is equivalent to an urban density of housing. The semi detached designs are suitably affordable but the remaining detached houses are in good supply locally and not needed. This is not consistent with RA2 of the Herefordshire Core Strategy. It is not in line with LGPC1 or LGPC2 of the NDP.*

*The proposed development represents overdevelopment of the site in terms of density, style and size of housing. The current proposal provides a higher number of bedrooms and an increased footprint compared with the previous plan. This is not consistent with LGPC1(b) which states that "dwellings shall be of a scale massing, building line and layout compatible with the character, size and form of the neighbouring properties.*

*The design and layout are not in keeping with a rural village like Longtown particularly considering the visibility of the site from the National Park. The Senior Landscape Officer agrees that the harm to the landscape setting and overall character of Longtown is contrary to LD1 and LD4 of the Core Strategy. LGPC2(d) says the "design and materials of buildings should be locally distinctive, reflecting the existing village character." Local housing is predominantly stone in character and not just faced with stone on one side.*

*We believe the current proposal is not exempt from Biodiversity Net Gain because of temporary small site exemption. It does not meet all three criteria. Specifically that the site should be no larger than 0.5 hectares. Any new application should comply.*

*Following Herefordshire Council's declaration of a Climate Emergency in 2019, SS7 and SS1 refer to the need for compliance with the climate change checklist. This is not evident as the application has not been updated in this respect.*

*The local sewage treatment works is 40 years old. It tries to service the needs of the village and storm water is also fed into it. In the last 6 months alone there have been four occasions when the drains have not been able to cope with the volume of water and effluent and this has resulted in manholes in the road lifting and spilling raw sewage into the road and the treatment works overflowing into the Olchon Brook. This is not an acceptable situation and will be made worse by additional houses.*

*Storm water. The proposed development includes rain gardens and a SUDS system but our local consultant civil engineer is concerned that the provision made in this plan will not accommodate so many units. We would expect Herefordshire Council to check all submissions. The village suffers from low water pressure in some months of the year. This increase in demand would adversely affect supply.*

*Archaeological damage. We have previously stated that this site is part of the medieval gardens of the historic village. The open nature of the former medieval gardens is part of the setting of the*

*scheduled ancient monument. This development risks significant harm to a designated heritage asset.*

*As previously stated we believe the access road is too narrow and the entrance splay is problematic. The existing houses in Greyhound Close need to park their cars in the road narrowing it further. The likelihood is that such a development would increase the number of cars regularly using the road by about 20 resulting in significant risk and danger”.*

5.2 At the time of this report being completed, 43 third party representations have been received from 23 interested parties. With the exception of one representation, all other representations object to the application. The key themes are summarised as follows:

- **Principle of development:**
  - Does not meet the NDP/conflicts with adopted development plan;
  - Market Housing not needed;
  - Low cost or for rent or affordable needed;
  - No first homes or bungalows for elderly; and
  - Longtown has already met housing requirements.
- **Design/Character/Appearance:**
  - Too many houses.
  - Unsuitable and inappropriate;
  - Negative impact/out of keeping;
  - Materials need to be in keeping with houses of Longtown;
  - Over development of rural landscape;
  - Lack of local distinctiveness;
  - Out of keeping and preference to use brownfield sites in existing urban areas;
  - Houses to be in keeping with Greyhound Close in regards to size and materials;
  - Not characteristic with the older style built properties;
  - Large homes – more suited to an urban or suburban estate;
  - Deep square plots – no precedent in village;
  - Not sensitive infilling;
  - Mini housing estate;
  - Poor housing mix; and
  - Lack of outbuilding obscures proposed density.
- **Environment/Landscape/Heritage:**
  - Loss of greenfield/agricultural land;
  - Blot on landscape/impact on views across Olchon Valley;
  - Development not conducive to tourism (Offa's Dyke trail);
  - Visual impact from Bannau Brycheiniog National Park and Offa's Dyke Path;
  - Light pollution;
  - Impact on heritage assets/archaeology;
  - No information given on core construction;
  - No details on Building regulations given;
  - If landscaping and public areas are not maintained then this will reduce quality;
  - Management strategy for landscaping detail;
  - Lack of design detail;
  - Historic England comments on NDP;
  - Loss of hedgerow; and
  - Lack of energy efficiency/addressing climate change in plans.
- **Ecology/Biodiversity:**
  - Detrimental effect on wildlife;
  - Loss of habitats/natural vegetation/prevent loss of rare and endangered flora and fauna;
  - Health of nearby water courses: Olchon Brook, the Monnow River/Wye SAC;
  - Phosphate record for sewage plant – outfall into Olchon Brook which flow into River Monnow and then the Wye;

- Dark Sky Area;
- No mandatory Biodiversity net gain; and
- Provision should be made for swift bricks to provide biodiversity enhancement.
- **Drainage:**
  - Provide additional capacity to water treatment plant;
  - Over flows after rainfall leading to raw sewage entering watercourses;
  - Surface water (heavy rain) overflows down the village;
  - Lack of a phosphate permit at WWTW;
  - Flow of water;
  - Proposed surface water drainage arrangements;
  - Problems with existing system forcing effluent onto land/down road; and
  - Current sewage arrangements are incapable of being achievable.
- **Water Supply:**
  - Minimal pressure of watermain at peak times;
  - Increase demand will exacerbate this; and
  - Proposal is premature
- **Highway Safety:**
  - Infrastructure can't cope. Roads can't cope with extra traffic
  - Existing entrance not wide enough.
  - Greyhound Close road not hard wearing and needs to be upgraded.
  - Parking chaos around School drop off and collection times
  - Construction Traffic is not appropriate to use Greyhound Close.
  - Parking stress locally
- **Amenity:**
  - Noise and disturbance of increased traffic and houses;
  - Noise and traffic during construction;
  - Light pollution; and
  - Loss of privacy, overlooking and light.
- **Infrastructure**
  - Shortage of school places;
  - Pressure on existing drainage, water and sewage systems;
  - Impact on phones, wi-fi, lack of doctors surgery and public services;
  - Limited employment opportunities;
  - No play area within this proposal; and
  - Poor bus service (one per week to Hereford and one to Abergavenny).
- **Procedural issues:**
  - No public engagement with local community;
  - No details on phasing of the proposals;
  - Should be decided by committee not delegated authority;
  - No Habitat Regulations Assessment undertaken;
  - Requirement for Natural England and the Environment Agency to be consulted; and
  - Mandatory 'Biodiversity Net Gain' not provided.
- **Other matters (non-material planning considerations):**
  - Loss of view;
  - Can't sell properties;
  - Damage to property;
  - Impacts during construction phase; and
  - Longtown has many houses 'for sale'.

5.3 All representations can be viewed in full on the Council's website using the following weblink:-  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=240468](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240468)

Internet access is available at the Council's Customer Service Centres:-  
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



## 6. Officer's Appraisal

### *Policy and legislative 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 Longtown Group Neighbourhood Development Plan (NDP), and the Herefordshire Minerals and Waste Local Plan (MWLP). The National Planning Policy Framework (NPPF) is 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 to 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. This position has also been crystallised 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 Central 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:*

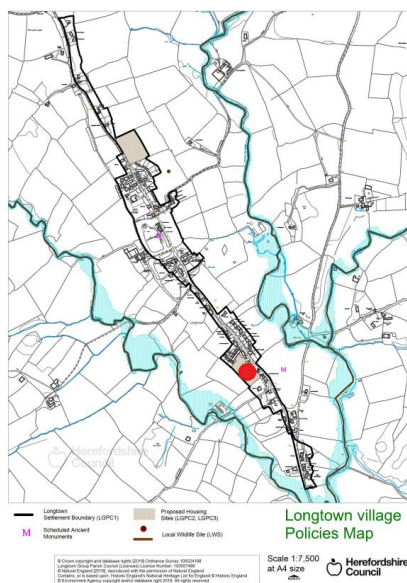
*a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*  
*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).”*

- 6.8 The Longtown Group NDP was made on 6 March 2020. At the time of decision-making, it is more than 5 years old, which contradicts Paragraph 14a of the NPPF. As such, the NDP does not benefit from the enhanced provisions of Paragraph 14 and accordingly any conflict with the 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 still applies in earnest.
- 6.9 The appraisal makes a detailed assessment of the application against the policies of the adopted development plan, though any decision will need to be considered in accordance with Paragraph 11d of the NPPF given the current housing land supply position.

### **Principle of Development**

- 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, 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 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 members will be acutely aware of the recent revisions to the NPPF.
- 6.11 Policy RA1 of the CS explains that the minimum of 5,300 new dwellings will be distributed across 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 therefore 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 Policy RA2 of the CS states that to maintain and strengthen locally sustainable communities across rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15 and the following criteria are met:
- Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built-up area.
  - Their locations make best and full use of suitable brownfield sites wherever possible;
  - They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and
  - They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand.
- 6.13 The policy aims to encourage new residential development that has the ability to bolster existing service provision, improve facilities and infrastructure and meet the needs of the communities concerned. Supporting justification recognises that NDPs will be the principal mechanism by which new rural housing will be allocated.
- 6.14 Longtown 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.
- 6.15 The Longtown Group NDP identifies a settlement boundary and has identified two proposed housing allocations. The site is located wholly within the designated settlement boundary for Longtown, identified under Policy LGPC1. The site also relates to a proposed allocated site for housing, namely 'Policy LGPC2: Land South East of Greyhound Close'.
- 6.16 The sites' allocation and siting within the defined settlement boundary is one that makes the proposal acceptable in principle from a spatial perspective. For ease of reference, the policies map that forms part of the Longtown Group NDP is inserted below with the red circle demarking the site location.



*Figure 7: Extract from Longtown Neighbourhood Plan: Longtown Village Policies Map, with application site denoted by red circle*

- 6.17 Acknowledging the ‘in principle’ acceptability, Policy LGPC2: Land South of Greyhound Close of the NDP is therefore of key relevance. This policy is replicated verbatim below:

***“Policy LGPC 2: Land South East of Greyhound Close***

*The development of 0.6 ha (1.5 acres) of land to the south east of Greyhound Close identified on the Longtown Village Policies Map is proposed for housing development subject to the following additional conditions:*

- a) The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of “The Old Greyhound” “Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, showing its historic form, from the Brecon Beacons National Park.*
- b) There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.*
- c) Landscape proposals should include measures to protect and enhance biodiversity.*
- d) The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.*
- e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterrall Hill.”*

- 6.18 Within the NDP, it makes it clear that any proposals for new residential development should meet the criteria above. Adherence to these conditions listed above (a-e) are explored within the main body of this officer report under the design, landscape and heritage and housing mix sections alongside other relevant policies of the CS and the NDP, taking into account material considerations as appropriate, including the NPPF.
- 6.19 It is acknowledged that a common theme raised in third party representations is a concern that the development would not represent proportionate growth and would thus be detrimental to the well-being of the settlement. It is recognised that the Longtown Group Neighbourhood Area has performed strongly in terms of housing delivery in the past with growth exceeding the minimum target defined by the CS, albeit this has largely been achieved through previous permissions for windfall development in open countryside locations across the surrounding group parishes of Craswall, Llanveynoe and Walterstone (e.g. barn conversions and/or ‘Class Q’ Prior Approval applications), as well as across Longtown parish itself.
- 6.20 As a result of the revisions to the NPPF, the standard method figure has had to be re-calculated. As of April 2025, covering the period of 2025 up to 2031, namely the end of the current CS period, the Neighbourhood Area (Longtown Group) is tasked with still finding a minimum of 39 dwellings. Officers acknowledge this proposed development will deliver housing on an allocated site and help boost housing supply in the locality, assisting the area in contributing towards meeting their growth targets in the immediate area as well as part of wider county requirements.
- 6.21 The effect of the new housing targets is that the Council is no longer able to demonstrate a five-year housing land supply. By extension, the housing policies of the adopted development plan must be regarded as being ‘out-of-date’ as a result. This is highlighted to members as a significantly different context to when the most recent application here was refused permission in 2022. At that point in time the Council was able to demonstrate that it had a sufficient supply of housing to meet its identified housing needs.
- 6.22 It would therefore not be considered justified to resist development based on a purely quantitative assessment of the level of growth relative to the now outdated targets within the CS. In the context of current land supply shortfall and the need to increase housing delivery, the specific details of the scheme must be assessed with regards to wider policies of the development plan to establish whether the development (and associated proportionality of growth) would give rise to clear and tangible harms that demonstrably outweigh the benefits.



## Housing Mix

- 6.23 Appreciating the previous application was solely refused on an inappropriate housing mix, it would be right to consider this policy requirement at an early stage. Policy H1 of the CS sets a clear threshold for the delivery of affordable housing where applications are for more than 10 dwellinghouses. This proposal is for 8 dwellings. Therefore, there is no requirement for affordable housing provision or obligations. Policies LGPC1 and LGPC2 do not require affordable housing to be provided and it should be stressed that it is not considered that there is any question of the number of dwellings being artificially reduced to avoid such provision.
- 6.24 The previous application presented a scheme that was not considered to deliver the size, type and range of housing required in the settlement to reflect local demand. For context, that scheme proposed 6 no. dwellinghouses with garages with a housing mix of 1 no. 5-bedroomed dwelling, 3 no. 4-bedroomed dwellings and 2 no. 3-bedroomed dwellings.
- 6.25 Policy RA2(4) seeks to ensure that schemes generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. Policy H3 builds on this, requiring residential developments to provide a range and mix of housing. In particular, larger sites, such as this will be expected to:
1. *provide a range of house types and sizes to meet the needs of all households, including younger single people;*
  2. *provide housing capable of being adapted for people in the community with additional needs; and*
  3. *provide housing capable of meeting the specific needs of the elderly population by:*
    - *providing specialist accommodation for older people in suitable locations;*
    - *ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population; ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.*
- 6.26 Policy H3 of the CS states that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The most recently published Local Housing Market Assessment for Herefordshire (2021) details the affordable and open housing market requirements for each HMAs. The market housing required within the Golden Valley HMA is provided below:

	Golden Valley	1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
HMA	Market	5%	30%	50%	15%
	Affordable home ownership	20%	35	40	5%
	Affordable rented housing	35%	35%	25%	5%

Figure 8: Housing market area requirements for Golden Valley HMA (Iceni report July 2021)

- 6.27 Policy H3 does not specifically restrict the development of 2, 3 and 4 bedroom dwellinghouses. Figure 8 evidently shows there is still an identified need for dwellinghouses of varying scales and importantly, has not identified a particular oversupply of certain housing requirements where such assessments have been done in the past.
- 6.28 The applicant, following a suggestion by officers, has also amended Plots 1 and 2 which now provide bungalows to offer an increased range and type of housing. The housing mix is proposed as follows:
- 2 no. 2-bedroomed semi-detached two-storey dwellinghouses (91.9 square metres).
  - 2 no. 3-bedroomed detached bungalows (88 square metres).
  - 2 no. 3-bedroomed detached two-storey dwellinghouses (107 square metres).

- 2 no. 4-bedroomed detached two-storey dwellinghouses (194 square metres).

- 6.29 Given the positively worded nature of these aforementioned policies, officers do not identify conflict with them. The housing mix provides some non-specialist new housing to take account of the changing needs of an ageing population; ensuring the development contains a range of house types, including bungalow accommodation. It also provides 2 no. 2-bedroomed dwellings which may enable local, younger people looking to get onto the housing market and remain in the area. It also provides three-bedroomed and four-bedroomed dwellings which would support families and enable local services to continue to remain viable.
- 6.30 It is acknowledged within NDP Policy LGPC 2 under condition e) that,
- e) If appropriate, the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterrall Hill.*
- 6.31 Officers acknowledge that 2 no. single-storey dwellinghouses have been proposed. The wording of the policy, with reference to 'could', does not forcibly require a proposal to provide all single-storey dwellings across the site and that subject to assessment of other implications of the proposal, there is no conflict with that policy.
- 6.32 Notably, in the preceding application appeal decision, the Inspector reached a similar view:
- "15. The Council allege conflict with Policy LGPC2 of the NP, which sets out that development of the site should comply with a number of criteria, including part e) which stipulates that; if appropriate the development could provide low density, single-storey housing to suit older people and to protect the view of Hatterrall Hill. Whilst the policy encourages the provision of a specific type of units, it does not prevent other forms of development from taking place on the site. Nor is there any substantive evidence that the appeal scheme would not protect the view of Hatterrall Hill. As such the proposal, for 2 storey dwellings, would not give rise to conflict with NP Policy LGPC2."* (Appeal Decision APP/W1850/W/22/3304126)
- 6.33 For the avoidance of doubt, the provision of the bungalows is regarded as a positive response and it is likely that an officer recommendation would remain positive on this point had the two units remained two-storey dwellings. However, as amended, the proposal does bring forward a further housing type that can meet changing needs and should be viewed as a benefit that weighs positively in the planning balance.

### **Design, residential amenity and impact on character and appearance of area**

- 6.34 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"*.
- 6.35 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.
- 6.36 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.

- 6.37 NDP policy LGPC2 condition d) states: *'The design of new buildings and materials used should be locally distinctive reflecting existing village character and avoiding an urban appearance.'*
- 6.38 Whilst the quantum of dwellings has been amended, the proposal consists of a mixture of two-storey and single-storey properties with communal living space and bedrooms. The form of the dwellings has been amended through consideration of the application with the design of the 8 plots reflecting a more traditional rural approach. The scheme has evolved to take into consideration the historic setting of the village through the provision of smaller units and improved landscaping. The proposed development is considered to be a stand-alone development from Greyhound Close and is designed to retain continued views from the C1203 through the site and towards Hatterrall Hill. The density of development, which is equivalent to approximately 14 dwellings per hectare, is also low and not markedly different to that found on the immediately adjoining development at Greyhound Close.
- 6.39 Retention of, and additionally proposed soft landscaping, also helps to break up the site massing and provide green infrastructure between each of the dwellinghouses. The proposed layout as submitted also provides the opportunity to allow sightlines through the site from public receptors to the surrounding countryside from various positions both within and outside its confines. The proposed landscaping scheme includes a SuDs feature within the formalised boundaries that surround the site. There is a provision of green space, including shared open space for residents, the entrance green incorporates some orchard planting alongside Greyhound Close and the layout affords views through to the countryside from the site entrance. The 'central green' which is enclosed by 4 dwellings would offer passive surveillance over this space; the southern wild garden that will incorporate the SuDs feature will be a less formal space to encourage wildflower growth and insect and bird habitat. Each of these spaces are visually linked to one another and have been designed so that there is a through-site view available from most positions from within the site.
- 6.40 It is considered that the layout is well conceived and appropriate to the local development grain and pattern of development. This has also provided more openness through the site, especially from the main road via Greyhound Close and the materiality of the houses and soft and hard landscaping will help to settle the houses into their site context. The development is also relatively well self-contained. As explained in the site description, the village has an eclectic mix of design types so there is no definitive style characterising in the area.
- 6.41 In terms of the architecture and style of the houses, revisions have secured external materials of rough coursed natural stone, painted timber cladding (mid-grey) and through colour render façades all under blue-grey roof slates creating suitable vernacular through material use. Also, changes to entrance porches, window proportions and style and the treatment additional forms attached to the houses are better proportioned and styled. The overriding concept for the design of the houses is one of traditional cottages hence the symmetrical arrangement, chimneys on gable ends, steep pitched roofs (notably on the two-storey dwellings) and smaller scale add-ons which help to break up the volumes created. The proposed materials, as detailed on the schedule of materials on each proposed house type, are in keeping with the locality. Nevertheless, it is found to be appropriate to condition more precise details and finishes of the materials on any approval, particularly as recognised by the Council's Principal Building Conservation Officer.
- 6.42 It is noted that there have been concerns raised with regards to the building designs but these have evolved over the application period at the request of officers, and this has included a reduction in a unit to loosen up the amenity space, particularly in relation to Plots 3 and 4, which was originally proposed as a terrace of 3 dwellings. Clearly, design is a subjective matter, but it



is considered that the style of the units sits comfortably in this setting and presents a design which is positively influenced by the locality. The materials are in keeping with the surroundings and the differing form respects the ad-hoc way in which the settlement of Longtown has grown.

- 6.43 When looking at amenity impacts, each dwellinghouse will benefit from its own rear garden and the amendments to the site layout do not give rise to issues of overlooking, loss of privacy, overbearing or loss of light to current and/or future occupiers. In relation to existing properties in close proximity to site, given the separation distances, the proposal will safeguard residential amenity. It is however appropriate to condition working hours during the construction phase. The proposal is considered to be an appropriate and informed response to context which safeguards residential amenity and would result in a development of architectural quality which reflects the desire for achieving well-designed places. The proposal accords with the design aims and objectives of the NPPF; Policies SS6, RA2, LD1 and SD1 of the CS and NDP policies LGPC1 b) and e), and LGPC2 d).

### **Climate Change**

- 6.44 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with Policy SD1 also seeking to support these measures. Policy LGPC15 encourages renewable energy proposal in principle subject to technical criterion. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making. A Climate Change Checklist to aid the consideration of development proposals accompanies the application.
- 6.45 Notwithstanding the sustainable location of the development, thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable modes (as defined by the NPPF). Electric vehicle charging points as well as the orientation of the plots and thermal efficiency have been considered. It is noted that under the Future Homes Standard, the vast majority of new build homes will be required to be fitted with solar power but officers concur with this approach due to the importance of maintaining a traditional aesthetic for the site. The proposed plots have been sensitively oriented where possible in order to maximise exposure to sunlight. Similarly, in line with modern construction techniques, the buildings will benefit from energy efficient heating systems and thermally efficient materials. In terms of heat recovery, this will be utilised to preclude the need for triple ventilated windows. The proposals accord with the aforementioned policies.

### **Landscape character and visual effects**

- 6.46 Policies SS6, RA2, LD1, LD3 of the CS, as detailed above are relevant policies when considering the landscape and visual impacts of the proposed development. In this context, NDP Policy LGPC2 conditions b), c) and e) as described below also addresses landscape character and appearance:
- b) There should be tree planting and structural landscaping to protect the setting of the settlement and Longtown Castle.*
  - c) Landscape proposals should include measures to protect and enhance biodiversity.*
  - e) If appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill.*
- 6.47 Further to this, Policy LGPC10, strives to ensure development contributes positively to the area's rural character, notably to:
- a) Protect the views to and from Offa's Dyke Path and the Brecon Beacons National Park.*
  - b) Where appropriate use Tree Preservation Orders to protect important trees.*

*c) Preserve the character, appearance and biodiversity of the Commons.*

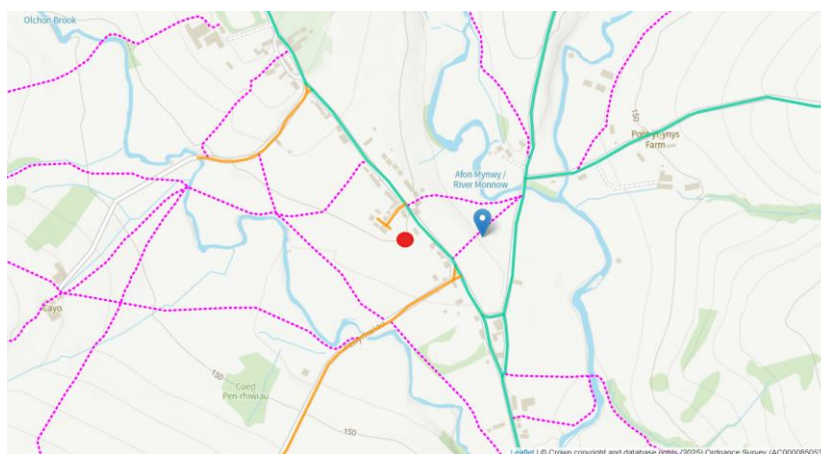
- 6.48 The application site is visible, albeit from a long-distance, from Bannau Brycheiniog (formerly the Brecon Beacons) National Park. The landscape is also an important part of the heritage assessment, and this aspect is discussed separately. The application has been supported by a landscape character and visual impact assessment, and this has influenced the revisions to the site layout and assessed views to and from site, particularly from Offa's Dyke Path.
- 6.49 The application has attracted an objection from the Council's Senior Landscape Officer who considers that the cumulative effect of the development, in relation to the existing village, has some negative impacts on both the landscape character and appearance of Longtown. They consider that the inherent qualities of the landscape setting associated with designated heritage assets (i.e., the castle and surrounding historical settlement) dating back to medieval times, has created the village of Longtown that one experiences today. The comments express concerns that the proposed scale and the mass of the development does not enhance the character of the village in relation to the cultural landscape and wider landscape.
- 6.50 The updated Herefordshire Council Landscape Character Assessment (2023) defines the site within the Landscape Character Type (LCT7) 'Sandstone Upland Hills and Valleys'. Key characteristics include:
- Topography, geology and drainage - An upland landscape, with a strong pattern of parallel ridges and deep narrow valleys running north-west to south-east.
  - Agricultural land use and field patterns - A distinctive medieval field pattern of small, irregular, often rounded shaped fields, one of the most ancient field patterns in the county.
  - Settlement and road pattern - The settlement pattern consists of sparsely scattered attractive hamlets and small livestock farms and wayside dwellings linked by narrow winding lanes.
  - Cultural heritage - The landscape has a border character, providing the transition to the uplands of the Black Mountains to the west and an important area for recreation, with a strong rights of way network, popular for walking and camping.
  - Views and perceptual qualities - One of the most undisturbed parts of England, with strong sense of tranquillity and dark night skies; Few settlements and relatively little new development or transport infrastructure result in a remote character; and a small-scale enclosed character in the valleys with long views to the Black Mountains.

The above are all contributing factors that do make this a highly valued landscape with a landscape character that is inevitably sensitive to any proposed change.

- 6.51 The site lies on the south-western fringes of Longtown. Contextually, it is enclosed by residential land uses on two sides, Greyhound Close located to the north-west and north, and several dwellings fronting the C1203 located to the north-east and east, with a single dwelling known as Lower House being located south-east/south along Penyrhwiau, which leads to the Welsh Water Treatment Plant. The south-western boundary of the site is enclosed by hedgerow, which is a continuation of the hedgerow that demarks the limits of Greyhound Close. In spatial terms, the site is clearly very well related to the existing built-up form of the village as required by the CS and NDP.
- 6.52 The combination of retention of existing vegetation where possible, built environment and proposed landscaping contains the development to a reasonable extent. However, one appreciates that residential development of the site will clearly alter the character from one which is open and inherently rural in its nature.
- 6.53 Development would extend the envelope of the village into surrounding countryside such that there would be some erosion of the site's rural character which positively contributes to the edge-of-settlement transition. The distinctive medieval and sparse settlement pattern would be impacted by increased development and would somewhat infringe on the highly valued levels of

rural tranquillity, dark skies and sense of remoteness experienced within this landscape character type. These elements, taken together, form a part of the key features of this landscape character type, as raised by the Council's Senior Landscape Officer.

- 6.54 However, the adverse impacts are considerably mitigated by the relationship of the site with surrounding housing and the confinement of development to within existing landscape boundary features. Furthermore, the concerns raised in terms of settlement pattern and perceptual qualities are such that development in Longtown of any scale is likely to incur some form of similar impact. The existing hedgerow to the south-west of the site for instance, which aligns with the rear boundary of the existing development along Greyhound Close, is to be retained such that the parcel of land is reasonably well enclosed, and any new housing here would not appear as a discordant protrusion into the countryside relative to its neighbours. Existing boundary hedgerows would be retained where possible and protected during construction, providing further mitigation. Where new hedgerow is proposed, it would be of native species, in looking to reinforce landscape character type. Notwithstanding this, there is some very slight tension with aforementioned policies in terms of landscape character given the scale.
- 6.55 Turning to visual effects, the site is visible from short, medium and long-distance public receptors including PRowS. The extent of the PRow is shown below in Figure 9:



*Figure 9 – Extent of PRow network (dashed in purple) surrounding application site and Longtown, with the application site denoted by the red circle*

- 6.56 It is evident 'on the ground' and from representations received that PRowS in Longtown are well used, providing a link for residents and visitors/tourists to experience the surrounding open countryside. The currently open nature of the site and its surroundings to the west/south-west, akin to a rough pasture, affords picturesque views of the open rugged countryside across the Olchon Brook to the west towards Hatterrall Hill. The characteristics of the site in this regard are such that it contributes positively to the rural setting of the village.
- 6.57 Many short and medium distance views are screened largely by existing housing fronting the C1203. Where visible on PRowS both north-west, east and south-east, it would be largely confined to the previous phase of development adjacent to the site. It is considered that the only perceived visual impact of new development would be from PRow LQ9 where effectively the second storey of the two detached dwellinghouses on the south-west of the site will be visible.
- 6.58 However, the topography between the application site and this specific PRow limits perceived harm to an acceptable degree. As a benefit, Plots 1 and 2, which are located at the arrival point to site, would be provided as bungalows. The lower height and massing would contribute to a greater sense of spaciousness and would limit the intrusion of built form in views through the site towards the wider landscape to the north-west, west and south-west.

- 6.59 There is considered to be negligible visual impact from long distance receptors such as Offa's Dyke Walk looking down onto Longtown from surrounding higher elevations, reading as a more natural extension to the settlement as a whole and not a disjointed or settlement in its own right. Furthermore, with the proposed colour, materials and finish of the roofs and facades, and with the covering of tree foliage overtime, any perceived adverse visual impact can be reduced to an acceptable degree. An enhanced landscape scheme will ensure the proposed dwellings do not need to totally rely on considerable additional planting to screen the development.
- 6.60 There is no denying the fact that the proposal by its very nature will alter landscape character at a local level as development will naturally bring with it increased vehicle activity, noise, and light that will impact the serenity of this quiet, rural environment. As stated within the Senior Landscape Officers' comments, Longtown is located within one of the most undisturbed parts of the county, with a strong sense of tranquillity and dark night skies. In this regard, no rooflights are proposed and a suitably conditioned lighting condition, which reflects best practice adopted in National Landscapes such as the Wye Valley and Malvern Hills, will minimise harm in terms of light pollution. Again, any development in Longtown, given its relationship and context, is likely to encounter similar impacts in terms of perceptual qualities, settlement pattern and views.
- 6.61 The above notwithstanding, the decision maker must recognise that this is an allocated site within a made NDP. There is therefore a recognition locally that the site is expected to accommodate some residential development. The wording of Policy LGPC2 acknowledges that some impacts will be inevitable and strives to ensure that mitigation put forward is appropriate and conserves and where possible, enhances landscape character, visual amenity and other relevant considerations e.g. heritage assets/biodiversity. Although this application proposes an increased quantum of development compared to the previous application for 6 no. predominately 'executive style' detached dwellinghouses, it needs to be highlighted that the Council did not consider there to be harm to the landscape character and visual amenity of the area associated with that application. That view was acknowledged by an Inspector when considering the subsequent appeal.
- 6.62 In conclusion on this section, the proposal will partly erode the rural setting of the village, by way of impacts upon both perceptual qualities as well as field and settlement pattern. There is therefore some degree of tension with Policy LD1 of the CS and Policy LGPC10c of the NDP. However, the level of harm would amount to low to medium. The view is reached by placing a 'medium-high' landscape value on the area. The magnitude of change is then towards the lower end of the low and medium bracket, recognising that development will have some impact in altering existing landscape character features.
- 6.63 The harm identified is further reduced by appreciating that with appropriate landscape mitigation and enhancement, a residential development of the scale proposed would limit the impact upon the visual amenity of the sites' surrounding environs appropriately. Despite some harm being found, it should be recognised that the harm must be weighed in the planning balance, having regard to the 'tilted balance' that is embodied by the presumption in favour of development as set out by Paragraph 11d).

### ***Heritage assets***

- 6.64 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 the



county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.

- 6.65 NDP Policy LGPC13 specifically relates to heritage assets and recognises the neighbourhood area is historically important. Many designated and non-designated heritage assets are highly valued by the community. Their sites and settings should be conserved and enhanced and proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of the development plan.
- 6.66 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.
- 6.67 There are a number of listed buildings and a scheduled monument in close proximity:
- The Old Greyhound and Milestone on West Side of approximately 15 metres West of the Old Greyhound' (both Grade II Listed); and
  - 'Longtown Castle and town' (Scheduled Monument)
- 6.68 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.
- 6.69 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".
- 6.70 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.

- 6.71 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.
- 6.72 A Heritage Statement has been submitted to support the application, in line with Paragraph 207 of the NPPF and as required by NDP policy LGPC2 condition a) which says: *“The scale and nature of development on this site should be informed by a robust Heritage Impact Assessment ensuring that any proposals would not harm the setting of “The Old Greyhound “ Grade 2 Listed Building and respect the highly sensitive landscape of this area with its views of the village, showing its historic form, from the Brecon Beacons National Park.”*
- 6.73 As raised by the Council’s Principal Building Conservation Officer and the comments of Historic England, Longtown village has historic and archaeological value, and this has been recognised by the insertion of the specific condition attached to the NDP policy for this site requiring a heritage impact assessment. Figure 10 highlights the relevant designated heritage assets:



Figure 10 – Historic England Map of designated heritage assets

- 6.74 It is evident from the map above that Greyhound Close separates the site from the listed buildings and the site’s development does not affect their setting, experience or significance. The Council’s Principal Building Conservation Officer also has not objected to the development but provides conditional support, noting that they view the development would not adversely affect the significance of the listed buildings.
- 6.75 Whilst noting the concerns raised by Historic England, the site has been identified to accommodate some form of residential development and further its revised layout and appearance are such officers do not consider the proposal will have a significant adverse effect on the setting, experience or significance of the scheduled monument. As a material planning consideration, the previous appeal decision made this point on the heritage impacts of the previous application:

*“16. The Old Greyhound, a Grade II listed building, lies close to the site as well as a Grade II listed milestone. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these, I am satisfied that the setting and significance of the listed buildings would not be adversely affected. Moreover, the Council indicate that, due to the separation distance between the appeal site and the scheduled ancient monument of ‘Longtown Castle and town’ the proposal would not have a significant adverse effect on its setting. I have no reason to disagree with the Council’s assessment in this respect.” (Appeal Ref: APP/W1850/W/22/3304126)*

- 6.76 In regard to archaeology, the application has been supported by specialist reports to assist in the assessment of the proposal upon both archaeological and heritage assets. These reports have been reviewed and following the amended reduced scheme the Archaeology Advisor has confirmed no objection to the proposal.
- 6.77 In light of the previous appeal decision and whilst noting the increased quantum of development and considering the merits of this scheme, the proposed reduced development of 8 dwellings does not cause harm to the setting, significance or experience of these aforementioned heritage assets. The proposals comply with the requirements of Policies SS6 and LD4 of the CS, NDP Policies LGPC 2 and Policy LGPC 13 and the guidance set out in the NPPF.

### ***Accessibility, highway and pedestrian safety***

- 6.78 In respect of matters pertaining to highway safety, CS Policy MT1 is applicable. This requires that proposals 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. It also requires that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide for New Development.
- 6.79 Policy LGPC8 from the NDP sets out similar requirements, requiring that there is safe access on to adjacent roads; the proposal is capable of being accommodated in the capacity of the local road network with consideration of the need for adequate passing places; proposals do not result in on-street parking; appropriate provision is made for service vehicles to turn safely; the nature of the development does not lead to pressure for street lighting; and, where possible, developments should be linked to the existing pedestrian network with, if necessary, the creation of new footpaths. Section 9 of the NPPF promotes sustainable transport and is clear at Paragraph 116 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.
- 6.80 There have been representations raising concerns regarding the highways impacts of the proposed development. The proposed development would be served via an existing turning head on Greyhound Close. The access road will be 4.5 metre in width and designed to adoptable standards, with 2.0 metre footways provided along each side, where development exists on both sides. The existing access onto the C1203 is located within the 30mph village speed limit and benefits from good levels of visibility onto the main road.
- 6.81 The Area Engineer confirms that intensification in use of the existing access associated with the proposed development does not raise any safety concern. 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. Plans also intend to provide a pedestrian crossing point over the C1203 to improve connectivity to community facilities. A condition is recommended to secure its delivery. 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 this being imposed and recognising that the Area Engineer has offered no objections to the scheme, there is no conflict with policies MT1 and LGPC8. Paragraph 116 of the NPPF is not considered to be engaged.

### ***Ecology and Biodiversity***

- 6.82 Policy LD2 of the CS seeks the conservation, restoration and enhancement of biodiversity and geodiversity assets. As such, development will not be permitted where it has the potential to harm



these assets or reduce the effectiveness of the ecological network of sites. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged. Policy LGPC2c identifies that proposals should include measures to protect and enhance biodiversity.

- 6.83 The application is supported by an update to a previously undertaken Preliminary Ecological Appraisal. This has been reviewed, along with details of the site and relevant ecological records by the Council's Ecologist. The Ecologist has stated there are no immediate ecology related concerns and that the update to the PEA is relevant and suitable for the proposed development. The developer will be reminded of their own legal duty of care for wildlife. Conditions can secure biodiversity net gain/habitat enhancements across the site, ensure that external lighting is strictly controlled and secure protection for the existing hedgerows on the site. The proposal would comply with the requirements of Policy LD2 and LGPC 2c).

### ***Mandatory Biodiversity Net Gain ('BNG')***

- 6.84 Some representations have raised concerns that the application should be subject to mandatory Biodiversity Net Gain ('BNG'). For the avoidance of doubt, the validation date of the application is such that it is not required to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions. Legislation came into force for small sites (i.e. non-major applications within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) on 1<sup>st</sup> April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) when the temporary exemption ceased. The application was clearly made prior to that date. Nevertheless, this does not take away the habitat and biodiversity enhancements proposed and which would be secured by condition.

### ***Drainage and Flood Risk***

- 6.85 Policy SD3 of the CS states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway). The NDP has a specific foul and storm water drainage policy (LGPC14) which states that proposals, where required, should include details of how foul and storm water drainage can be accommodated without causing pollution or flooding to other properties or land and how biodiversity should be supported. Developers should utilise Sustainable Drainage Systems and wet systems where this is practicable.
- 6.86 With regards to surface water, the runoff from the impermeable areas on the site are directed into an attenuation pond located in the south-western corner of the development, upon the lowest elevated land within the site boundary. The main purpose of the pond will be to provide sufficient attenuation for all surface water runoff generated by the development however, the use of above ground SuDS will also provide ecological and amenity benefits. It is proposed to discharge all foul effluent generated by the development to a main foul sewer run located 50 metres south-west of the site. Welsh Water records indicate the presence of a main foul sewer some 50 metres south-west of the site, flowing beneath private land adjacent to Penyrhwiau. Records indicate that this foul sewer drains into the treatment plant approximately 110 metres south-west of the site.
- 6.87 The applicant has shown on submitted plans they own land up to the sewer treatment plant. It is proposed to install a new pipe which will connect effluent from the development to the existing

foul sewer network before it enters the treatment works. Local concerns have been raised in regards to capacity of the existing treatment works, however Welsh Water have confirmed capacity exists within the public sewerage network in order to receive the domestic foul flows from the proposed development site.

- 6.88 No evidence has been provided to suggest the site has previously suffered from flooding events and this would align with the Environment Agency mapping (NFRA2 updates March 2025), which identifies the site as being within the 'low risk' Flood Zone 1 for fluvial food risk. The site is also not identified as being at risk from pluvial flooding. The site is considered suitable for development with regards to national guidance.
- 6.89 The most recent comments of the Land Drainage Engineer are noted. Given the size of the site and the supporting information, the methods are found to be policy compliant and achievable on the site to the extent that more detailed design can be secured at discharge of condition stage. As such, it is considered that the requirements of Policies SD3 and SD4 of the CS and Policy LGPC14 of the NDP would be satisfied subject to suitably worded conditions.

### ***Habitat Regulations Assessment (HRA)***

- 6.90 The site is within the Monnow catchment of the River Wye Special Area of Conservation (SAC). This proposed development triggers the legal requirement for a Habitat Regulations Assessment (HRA) process to be carried out by the LPA. Any 'appropriate assessment' completed by the LPA must be formally approved by Natural England prior to any 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 is sufficiently detailed to allow any relevant conditions to be secured. The HRA process must be completed with legal and scientific certainty, using a precautionary approach.
- 6.91 The proposal is for 8 new dwellings with associated new foul water and surface water flows (nutrient pathways) created. There is a mains sewer connection available at this location and the mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways. The mains sewer network is managed by Welsh Water through their Longtown Waste Water Treatment Works and Welsh Water have confirmed that the Longtown WWTW has sufficient capacity to manage the additional foul water flows created by the proposed development.
- 6.92 The Longtown WWTW discharges outfall into the Olchon Brook which is connected via the River Monnow to the Lower River Wye – with a confluence in Wales. This discharge is over 40 kilometres hydrologically from the confluence with the River Wye facilitating significant dilution and natural nutrient management over this large distance. The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current CS housing allowances that were subject to a positive HRA process at the time the CS was adopted. All surface water can be managed through appropriate onsite Sustainable Drainage Systems and local infiltration.
- 6.93 The agreed foul and surface water management systems can be secured by approved plans on any planning permission finally granted. The foul water management is considered as being 'embedded' within the project and can be secured as part of any planning permission granted. There are no adverse effects on the integrity of the River Wye SAC as a result of the proposed development and the required HRA process can be 'screened out' at Stage 1.

### **Water Supply**

- 6.94 Welsh Water have identified infrastructure capacity in regards to this proposed development and have advised that there are currently no improvements planned in regards to upgrading water supply. The applicant can fund the provision of essential improvements by way of water

requisition under Sections 40 - 41 of the Water Industry Act 1991. As such, a suitably worded condition can ensure that the water supply can cope with an increased load. This will be secured through a planning condition to secure funding for the provision of Welsh Water services via Sections 40-41 of the Welsh Water Act. The condition is 'pre-commencement' to ensure that a resolution to this issue before works are commenced.

### ***Other considerations***

- 6.95 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. The matter in this instance can be dealt with by way of pre-commencement condition which is proportionate to the nature of the proposal namely waste prevention and management measures to be implemented.
- 6.96 Loss of a private view, negative effects on the value and resale of properties, as well as the number of properties 'for sale' in the area, are mentioned in a number of representations but are not material considerations.

### ***Summary/Planning Balance and Conclusion***

- 6.97 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. As a material planning consideration, noting the previous decision and the subsequently dismissed appeal, this was solely on the grounds of inappropriate housing mix. Whilst this current application presents an increased quantum of development, effectively the assessment needs to consider whether the previous reason for refusal has been addressed but whether the material harm of increased development as proposed, subsequently has led to identifying harm which, when taken together, would significantly and demonstrably outweighing the benefits of the proposal.
- 6.98 Turning to Paragraph 11di, the area or assets of particular importance to this application are habitats sites, noting the site lies within the Monnow catchment of the River Wye SAC; and designated heritage assets, in terms of the effects upon the significance of these. Whilst the site may contribute to the wider 'setting' of Bannau Brycheiniog National Park, Footnote 7 of the NPPF is precise that assets must relate to land designated as a National Park, with no reference to 'setting'. The 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 Monnow catchment of the River Wye SAC. Whilst the comments of Historic England are noted, it is viewed by officers that these concerns do not amount to a strong reason for refusing the development proposed. In reaching a view, the previous appeal decision shows that the Inspector did not consider these concerns to warrant dismissing the appeal, aside from the housing mix issue. Notwithstanding the increased quantum of development, the Council's Principal Building Conservation Officer has not objected. Paragraph 11di is not engaged.
- 6.99 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 modest contribution of 8 dwellings towards the Councils' housing land supply position;
  - Development which conserves designated heritage assets both above and below ground;
  - Future occupiers having availability of active travel options to access nearby services and facilities, without total reliance on privatised transportation;

- Directing residential development to a sustainable location;
- 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 and a housing mix 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;
- Housing built sustainably using recycled and low-carbon materials and use of construction methods that reduce environmental impacts;
- Housing orientated, where possible, to benefit from passive solar gain;
- More energy efficient housing, with higher Energy Performance Certificate (EPC) ratings, new homes built in England achieve much higher sustainability credentials, as evidenced through EPC ratings;
- A pedestrian crossing/drop kerbs onto the C1203 that provides pedestrian connectivity and safety for residents/visitors;
- 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.

6.100 Weighing against the proposals is that there would be an impact on the rural character of the site at this edge-of-settlement location, leading to some harm to the 'Sandstone Upland Hills and Valleys' landscape character type, namely its perceptual qualities and field and settlement pattern. The harm identified would result in some tension with Policies SS6 and LD1 of the CS and Policy LGPC10c of the NDP. However, this harm is limited by recognition that the site has been allocated for residential development in the NDP and Policy LGPC2 by extension accepts that some impacts in landscape terms will be acceptable. It must also be noted that landscape harm was not identified as a refusal reason when the previous application for 6 detached dwellings was refused.

6.101 The harm that has been identified is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole, having regard to key policies on directing development to a sustainable location and making effective use of land. Paragraph 11dii is not engaged. As such 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:**

## CONDITIONS

### Standard Conditions

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

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

2. **The development 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:**

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

1001 REV B (Location Plan)  
 1102 REV L (Proposed Site Plan)  
 1103 REV L (Site Plan)  
 1201 REV B (House Type A – Plans)  
 1202 REV A (House Type B – Plans)  
 1203 (House Type C – Plans)  
 1204 REV A (House Type D – Plans)  
 1301 REV D (House Type A – Elevations)  
 1302 REV C (House Type B – Elevations)  
 1303 REV D (House Type C – Elevations)  
 1304 REV C (House Type D – Elevations)  
 18484\_500 REV.03 (Drainage Strategy)  
 18484\_501 REV. 02 (Foul Drainage Connection Plan)

**Reason:** To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1 and LGPC2 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. 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 and the National Planning Policy Framework.

#### **Pre-Commencement Conditions**

4. Before any works approved under this planning permission commences, works to improve and upgrade the existing public water supply system shall be completed and written confirmation of this shall be submitted to the Local Planning Authority for written approval.

**Reason:** To prevent further hydraulic overloading of the public potable water supply network, to protect the health and safety, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

5. No works, including any site clearance or materials brought onto site, shall take place until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway;
- Construction traffic access location;
- Parking for site operatives;
- Construction Traffic Management Plan;
- Siting of site office/compound/storage area;
- Tree/hedgerow protection; and
- Soil management plan

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



**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. No development, 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.

#### **Pre-Occupancy or other stage conditions**

7. With the exception of any site clearance as shown on the approved plans, no further works shall take place until visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 23m metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

**Reason:** In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2 and LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of site clearance, formation of visibility splays and groundworks, no further development shall take place until manufacturers details or samples pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:
  - Roof materials to be used externally;
  - Wall materials to be used externally;
  - Materials to be used externally on all windows and doors;
  - Details (i.e. location, design and appearance – including stain colour of any timber fencing) of all means of enclosure (i.e. gates, walls, fencing and other means of enclosure); and
  - Details of all rainwater goods (i.e. design, profile, material & colour).

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

**Reason:** To ensure a satisfactory appearance to the development and to ensure a quality development, in accordance with policies SS6, LD1 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

9. All parts of the approved development which are to be of stonework shall be of a local stone, properly coursed, laid on its natural bed in a mortar. The details of the stone, coursing details and mortar shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works to the stonework.

The works shall be carried out in accordance with the approved details and completed prior to first occupation of the relevant dwellinghouses.

**Reason:** In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

10. Notwithstanding the details which have been provided to date, with the exception of any site clearance, formation of visibility splays, and groundworks, no further development shall take place until an enhanced landscaping scheme is submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a scaled plan identifying:

- a) All proposed new planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details; and
- b) All proposed hardstanding, paving and boundary treatments.

The approved details shall subsequently be implemented as follows in accordance with the following timescales:

- All new soft landscaping boundary treatment planting and new ‘orchard’ planting shall be carried out in the first planting season following the approval of the landscaping details.
- All hard landscaping shall be completed prior to first occupation of each dwellinghouse.
- All other planting, seeding or turf laying in the approved landscaping scheme, unless otherwise specified above, shall be carried out in the first planting season following the occupation of the first dwellinghouse 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 10 years of planting will be replaced in accordance with the approved plans.

**Reason:** Having regard to the submitted details to date, an enhanced landscaping scheme is necessary to safeguard and enhance the character and amenity of the area including streetscene. Additionally, to ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

11. Prior to relevant works commencing in relation to foul and surface water drainage arrangements, details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority:
- Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;
  - Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event; and
  - Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water.



The development shall be carried out in accordance with the approved details together with the details agreed in the Drainage Strategy Report (DSR) REF: 18484-DSR Revision 3 dated 31 March 2025, and drawing numbers 18484\_500 REV.03 (Drainage Strategy) and 18484\_501 REV. 02 (Foul Drainage Connection Plan) prior to first occupation of the dwellinghouses hereby approved and thereafter maintained as such for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements, in accordance with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 2011-2031, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

12. Prior to first occupation of each dwellinghouse, the related areas for car parking shall be laid out within the curtilage of such dwellinghouse, in accordance with the approved plans pursuant to Condition 2. The car parking areas shall be properly consolidated, surfaced and drained, in accordance with further details to be submitted to and approved in writing by the Local Planning Authority and completed prior to first occupation of each dwellinghouse. Once first occupied, the car parking areas shall not, thereafter, be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

13. Prior to first occupation of the development, a scheme demonstrating measures for the efficient use of water for each dwellinghouse approved under this permission, 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. The development shall be carried out in accordance with the approved details and completed prior to first occupation of each dwellinghouse.

Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

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

- Surface finishes
- Drainage details
- Future maintenance arrangements

The development shall be carried in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted unless an alternative delivery / completion schedule is submitted to and approved in writing by the Local Planning Authority). Thereafter, these shall be maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

15. The construction of the vehicular access shall be carried out in accordance with a detailed specification to be submitted to and approved in writing by the local planning authority, prior to relevant works commencing, at a gradient not steeper than 1 in 12. The approved details shall thereafter be implemented and completed prior to first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

16. Prior to the first occupation of each dwellinghouse on the site hereby approved, the driveways and/or vehicular turning areas 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 relevant commencement of any works in relation to the driveway/vehicle turning area.

The development shall be carried in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted unless an alternative delivery / completion schedule is submitted to and approved in writing by the Local Planning Authority). Thereafter, these shall be maintained in accordance with the approved details.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

17. Construction of highway works proposed for adoption shall not begin until details of such works have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority.

No dwellinghouse shall be occupied until the approved works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

18. Prior to first occupation of the first dwellinghouse, details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwellinghouse approved under this permission shall be submitted to the Local Planning Authority for their written approval.

The covered and secure cycle parking facilities shall be provided in accordance with the approved details and made available for use upon the first occupation of each residential dwelling and thereafter maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SS4, SS7, SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1 and

**LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.**

19. No works in relation to any of the specified highways works shall begin until further details of the drop crossing point on the C1203, as shown on Drawing Number: 1102 REV L (Proposed Site Plan), have been submitted to and approved by the Local Planning Authority in writing, following the completion of the technical approval process by the Local Highway Authority. No dwellinghouse shall be occupied until the scheme has been constructed in accordance with the approved details.

**Reason:** To enhance pedestrian connectivity, improve highway and pedestrian safety, improve active travel modes and to conform to the requirements of Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

20. Prior to first occupation of any dwellinghouse approved under this permission, evidence of the suitably placed installation on the approved dwellings, or on other land under the applicant's control, of a minimum of EIGHT bird nesting, EIGHT bat roosting features of mixed types and ONE hedgehog home (per dwelling) with hedgehog highways through all impermeable boundary features shall be submitted to and approved in writing by the local planning authority; and shall be maintained hereafter as approved, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policies LGPC1, LGPC2 and LGPC10 of the Longtown Group Neighbourhood Development Plan.

#### **On-going Compliance Conditions**

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

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

22. At no time shall any external lighting, except low power (corrected colour temperature not exceeding 2700K and brightness of 500 lumens or less), 'warm-white' LED lighting on directional down-lighters only with 0 degree tilt angle and 0% upward light ratio and controlled by means of a PIR sensor with a maximum overrun time of 1 minute, that is directly required in relation to the immediate safe use of the dwelling and garage, shall be installed or operated throughout the application site, unless otherwise agreed in writing with the Local Planning Authority. No permanently illuminated external lighting shall be operated at any time within the application site, without the written approval of the local planning authority. All lighting shall be maintained thereafter in accordance with these details with all lighting installed demonstrating compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

**Reason:** To ensure that all species and local intrinsically dark landscapes 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 (2023), NERC Act (2006), Herefordshire Local Plan – Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Policy LGPC10 of the Longtown Group Neighbourhood Development Plan.

23. All foul water shall discharge through a connection to the local Mains Sewer network (Longtown Wastewater Treatment Works) and all surface water shall be managed through a Sustainable Drainage System (SuDS) within land under the applicant's control; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policies LGPC1 and LGPC14 of the Longtown Group Neighbourhood Development Plan.

24. 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, Policies LGPC1, LGPC3, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

#### INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering

water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

3. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
5. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
7. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
8. 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'.
9. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

## APPENDIX

### 1. Appeal Decision APP/W1850/W/22/3304126 – Land South East of Greyhound Close, Longtown (LPA Reference: P211678/F) dated 9 May 2023

Decision: .....

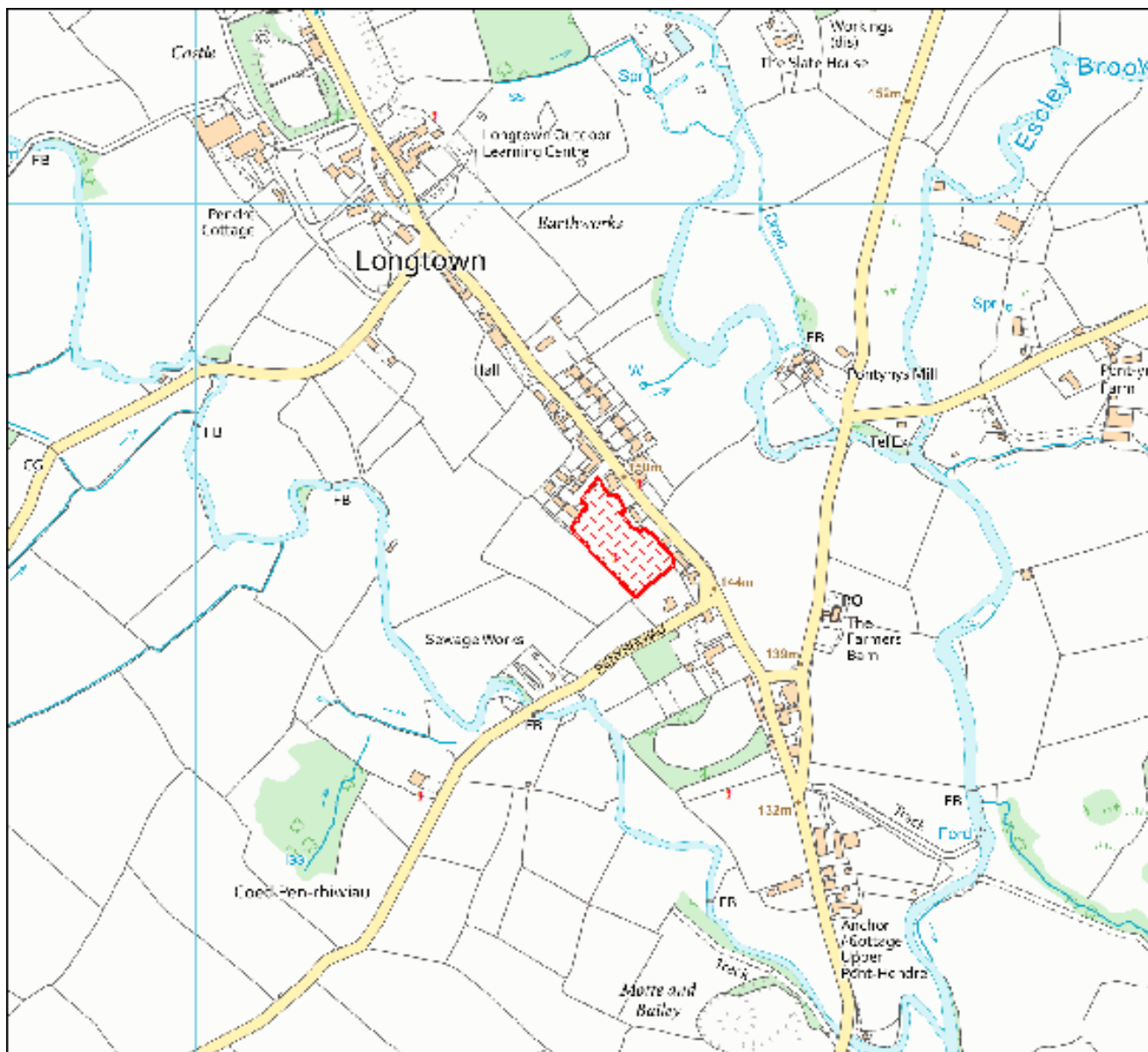
Notes: .....

.....

#### Background Papers

None identified.





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**APPLICATION NO:** 240468

**SITE ADDRESS :** LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE

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## Appeal Decision

Site visit made on 20 March 2023

**by Emma Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 May 2023**

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**Appeal Ref: APP/W1850/W/22/3304126**

**Land South East of Greyhound Close, Longtown**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Claire Price against the decision of Herefordshire Council.
  - The application Ref 211678, dated 22 April 2021, was refused by notice dated 1 July 2022.
  - The development proposed is described as 'Proposed residential development of 6 no. dwellings with associated access, parking and landscaping'.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Ms Claire Price against Herefordshire Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The description of development given above is taken from the appeal form. It reflects amendments that were made to the scheme during the application process, which included the reduction of the number of dwellings proposed from 10 to 6. The application was determined on the basis of the amended description and plans, as is the appeal.
4. The Council's refusal reason refers to Policy LGPC2 d) of the Longtown Group Parish Neighbourhood Plan (NP), however their appeal submissions indicate that the correct reference is in fact part e) of Policy LGPC2.

### Main Issue

5. The main issue is whether the proposed development would provide an appropriate housing mix within the settlement.

### Reasons

6. The appeal site comprises a parcel of grassland located to the rear of the existing residential properties which front the main road through the village. Access to the site is via a field gate to the side boundary of the site from the small cul-de-sac known as Greyhound Close. The proposal for 6 open market dwellings would include 4 different 2 storey house types of a traditional design, including one 5 bedroom unit, three 4 bedroom units and two 3 bedroom units.

7. Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (HLPCS) supports proposals for new housing in settlements outside Hereford and the market towns where they meet specific criteria, including that they result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlements, reflecting local demand. The supporting text indicates that residential development will be expected to contribute to the future housing needs of each Housing Market Area (HMA) by providing an appropriate mix of dwelling types and sizes having regard to the Local Housing Market Assessment and other relevant evidence sources.
8. The Housing Market Area Needs Assessment Final Report (Iceni Projects Limited on behalf of Herefordshire Council) July 2021 sets out a recommended market housing mix in the Golden Valley Housing Market Area of 5% one bedroom, 30% 2 bedroom, 50% 3 bedroom and 15% 4+ bedroom units. Whilst this is not for particular settlements, I have not been provided with any evidence that this would not be relevant to this particular settlement or that it would not reflect local demand.
9. The appeal proposal, which was amended during the planning application process to include the provision of a number of 3 bedroom dwellings in order to provide a greater mix of dwelling sizes, also includes a range of house types. Nevertheless, the scheme comprises entirely of units with 3 bedrooms or more, with 33% of the units having 3 bedrooms and 67% having 4 or more bedrooms. As a consequence of the over provision of larger units, specifically 4+ units, together with the lack of provision for 2 bedroom units, the proposed mix of dwelling sizes, would deviate from the recommended housing mix to meet the identified local need.
10. I note the appellants contention that the provision of 3, 4 and 5 bedroom dwellings would go towards meeting the greater demand for such units which is identified in the HMA. Nevertheless, the provision of 4+ bedroom units exceeds the need of 15% set out in the HMA and the provision of 3 bedroom units falls below the identified need of 50%. In addition, there would be no smaller 1 and 2 bedroom units, for which the HMA also identifies a need. As such the proposals fail to provide the mix of housing that is required to meet local demand.
11. Even though the proposal represents only a small part of the wider delivery of housing within the context of HLPCS Policy RA2, it has not been demonstrated that the need for an appropriate mix of dwelling sizes to reflect local demand is not an expectation of all development, regardless of the overall number of units proposed or that other relevant evidence sources indicate that the proposal is an appropriate mix.
12. My attention is drawn to Policy H3 of the HLPCS. Whilst it may be that Policy H3 does not prevent the provision of larger units, its primary purpose is to contribute to the creation of balanced and inclusive communities and in this respect, it is consistent with HLPCS Policy HA2. Nevertheless, I agree that on the whole, the criteria within Policy H3 are intended to relate to larger housing sites and given the number of houses proposed these criteria would not be relevant here. Even so, Policy RA2 relates to the rural part of the settlement and market towns and there is no indication that allocations in Neighbourhood Development Plans should not be required to meet the criteria in Policy RA2.

13. I note the appellant's suggestion that the introduction of a greater mix of dwelling sizes would inevitably lead to a larger quantum of dwellings, which the appeal submissions indicate was the subject of concern. Nonetheless, there is no substantive evidence to demonstrate that a greater number of smaller units could not be accommodated on the site without a notable increase in built form.
14. I therefore conclude the predominance of 3, 4 and 5 bedroom houses does not reflect the housing mix required in the area and would be harmful to the housing mix within the settlement. The proposal would therefore fail to accord with Policy RA2 of the HLPCS in that regard.
15. The Council allege conflict with Policy LGPC2 of the NP, which sets out that development of the site should comply with a number of criteria, including part e) which stipulates that; if appropriate the development could provide low-density, single-storey housing to suit older people and to protect the view of Hatterall Hill. Whilst the policy encourages the provision of a specific type of units, it does not prevent other forms of development from taking place on the site. Nor is there any substantive evidence that the appeal scheme would not protect the view of Hatterall Hill. As such the proposal, for 2 storey dwellings, would not give rise to conflict with NP Policy LGPC2.

### **Other Matters**

16. The Old Greyhound, a Grade II listed building, lies close to the site as well as a Grade II listed milestone. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these, I am satisfied that the setting and significance of the listed buildings would not be adversely affected. Moreover, the Council indicate that, due to the separation distance between the appeal site and the scheduled ancient monument of 'Longtown Castle and town' the proposal would not have a significant adverse effect on its setting. I have no reason to disagree with the Council's assessment in this respect.
17. The proposal for new residential development is acceptable in principle on the appeal site, which is allocated for such in the NP, it would also be of a high-quality design. However, this would not outweigh the harm I have identified with regards to the mix of units proposed. Furthermore, whilst the proposal may be policy compliant in all other respects, compliance with the development plan is a neutral factor that neither weighs for or against the proposal.
18. I have had regard to other matters raised including traffic generation; highway safety; difficulties of access for construction; absence of renewable energy technology; potential effects on wildlife; concerns regarding infrastructure such as water supply and sewage provision; and lack of play provision. However, I note that the Council did not object to the proposal on these grounds. Moreover, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.
19. I note the appellant's comments about the advice that was received from officers prior to the determination of the planning application. However, I have determined this appeal on its individual planning merits and none of the other matters outweigh or overcome my conclusion on the main issue.

## **Conclusion**

20. The proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*Emma Worley*

INSPECTOR

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 JULY 2025</b>
<b>TITLE OF REPORT:</b>	<p><b>241510 - PROPOSED INSTALLATION AND OPERATION OF A RENEWABLE ENERGY GENERATION STATION COMPRISING GROUND-MOUNTED PHOTOVOLTAIC, INVERTER/TRANSFORMER UNITS, CONTROL ROOM, SUBSTATIONS, ONSITE GRID CONNECTION EQUIPMENT, SITE ACCESS, ACCESS GATES, INTERNAL ACCESS TRACKS, SECURITY MEASURES AND OTHER ANCILLARY INFRASTRUCTURE AT LAND AT STOKE EDITH, HEREFORD, HEREFORDSHIRE,</b></p> <p><b>For: Anesco Ltd c/o agent per Mr Nick Pleasant, Fourth Floor, 2 Whitehall Quay, Leeds, LS1 4HR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&amp;search-term=241510">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&amp;search-term=241510</a>
<b>Reason Application submitted to Committee – Redirection</b>	

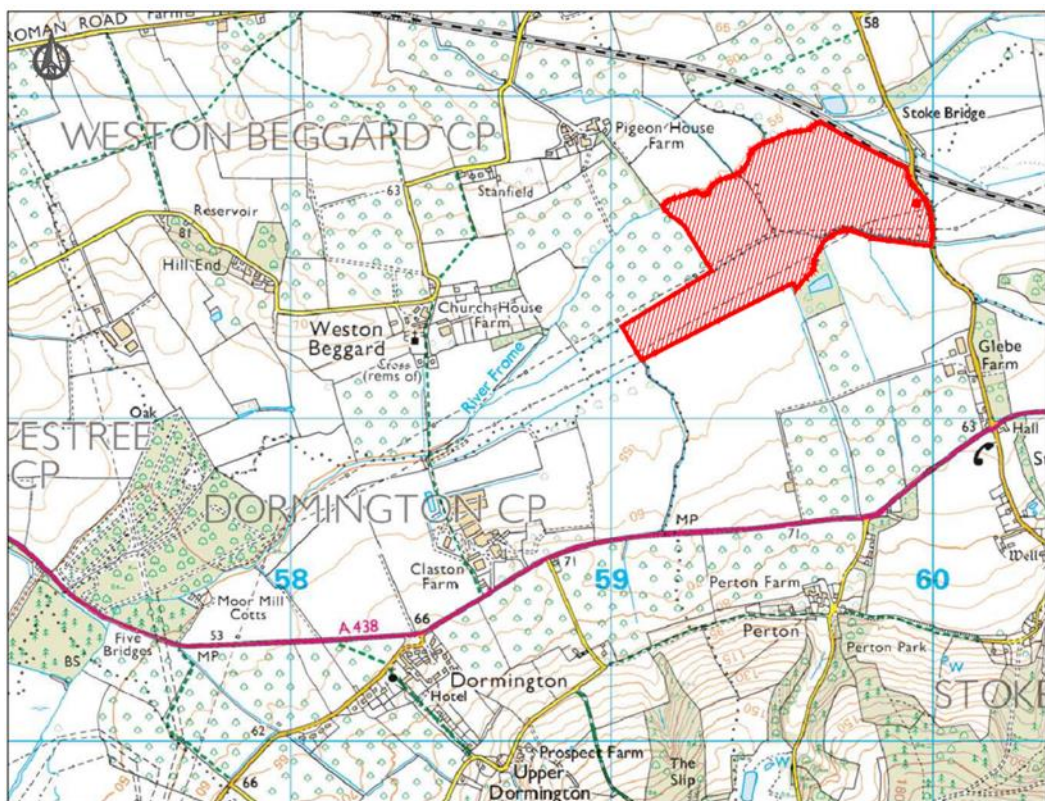
**Date Received: 13 June 2024****Ward: Three Crosses  
and Backbury****Grid Ref: 359520,241548****Expiry Date: 2 April 2025**

Local Members: Cllr Jonathan Lester, Cllr Graham Biggs and Cllr Ivan Powell

**1. SITE DESCRIPTION AND PROPOSAL****Site description**

- 1.1 The application relates to a site which sits at the junction of the 3 rural parishes of Weston Beggard, Yarkhill and Stoke Edith in east Herefordshire. The city of Hereford is located 5.9km to the west of the site, with the small settlement of Stoke Edith 950m to the south. The small settlement of Weston Beggard is located around 600m to the west of the site, with Yarkhill 1.1km to the north east.





Location Plan – C0002470 04 C

- 1.2 The site consists of 29.2ha of agricultural land split into 4 arable fields, with the boundaries comprising of hedgerows, tree belts and a block of woodland. The site sits within a broad valley with the River Frome meandering through the agricultural landscape. The River Frome is a tributary to the River Wye and passes alongside part of the north western site boundary. The site is also bound by the Hereford to Ledbury Railway Line on its north-eastern boundary which intersects with the C1149 highway that runs adjacent to the eastern site boundary. The C1149 is a short road which connects to the A438 to the south and to the A4103 to the north and provides access into the site through an agricultural field.
- 1.3 The site is predominantly flat, with an elevation of approximately 55m AOD. The settlement of Shucknall to the north of the site peaks at 165m AOD, whilst to the south Seager Hill has a landform which peaks at 270m AOD.
- 1.4 Two overhead power lines pass through the site from east to west, these consist of a 132kv line and a 66kv line. The two enter the site in parallel before crossing and leaving the site to the west.
- 1.5 The site sits within an agricultural landscape where there are a network of PRoWs which pass through the landscape. There is also the Registered Park and Garden of Stoke Edith (RPG) in close proximity to the south of the site (around 220m from the boundary), which contains a number of listed buildings. The settlements of Yarkhill and Weston Beggard also contain a number of listed buildings.





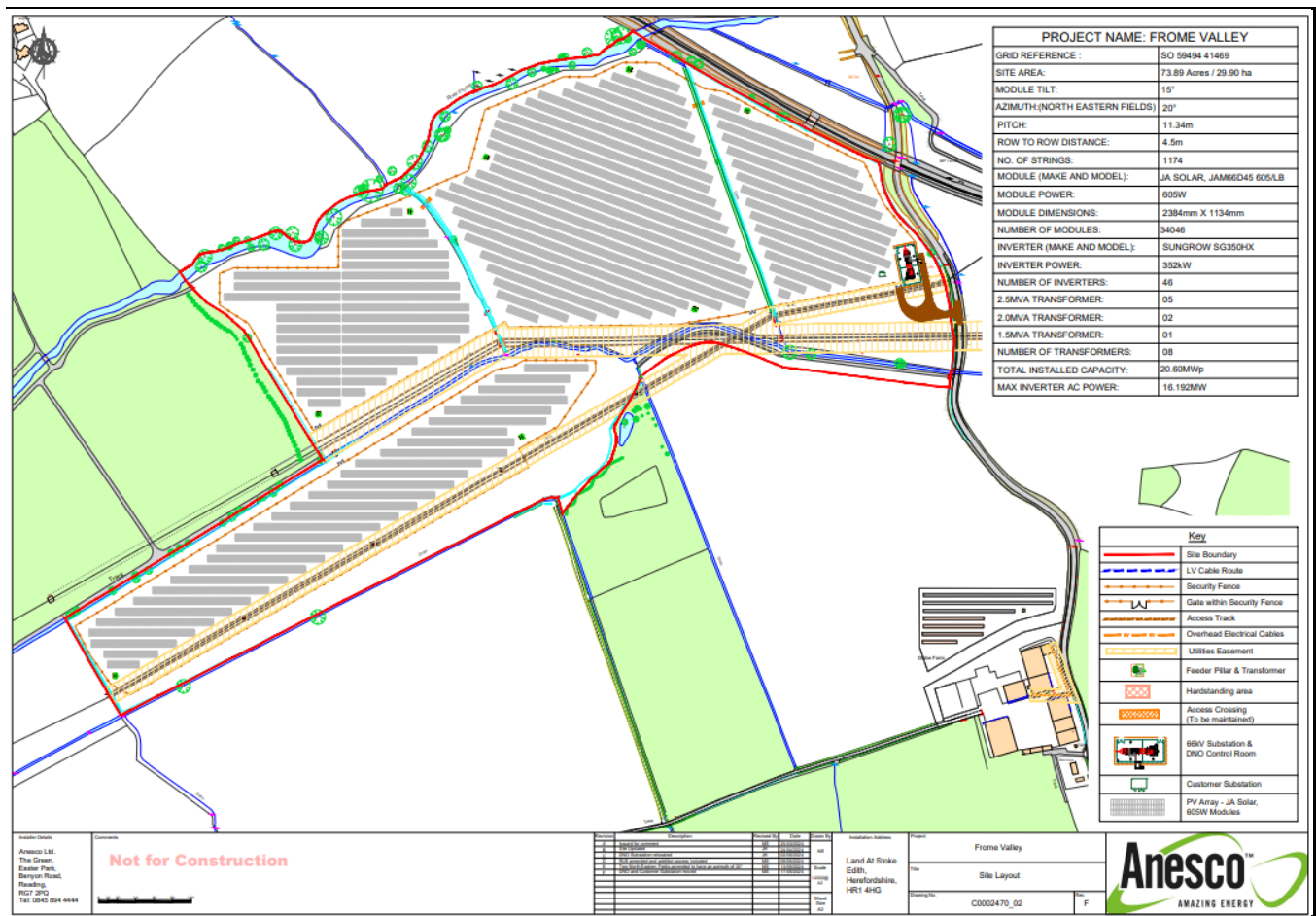
Figure 1:1 taken from the supporting Planning Statement

## **Proposal**

- 1.6 This application seeks permission for the proposed development of a ground mounted photovoltaic station with inverter/transformer units, control room, substations, onsite grid connection equipment, site access, access gates, internal access tracks, security measures and other ancillary infrastructure.
- 1.7 The project will have an export capacity of 20.56M to be generated from 34,046 individual solar panels. This is enough energy to power over 5,768 homes per annum. The solar arrays will feed into a number of transformers which will be located across the site and interconnected by a low voltage cable route which will lead to a 66kv substation and DNO control room where the energy will be transmitted into the National Grid via the existing 66kv overhead lines running through the site. From here it will feed in the substation at Dormington which the Planning Statement confirms has capacity to accommodate the additional power generated by the proposal.
- 1.8 The proposed panels are shown on the submitted layout plan spanning across 4 fields, with the existing hedgerows and tress to be protected. The solar arrays will be mounted in rows across the site in an east to west orientation to face south at 15 degrees from the horizontal to maximise efficiency. The panels are to be mounted on a galvanised steel frame. The front lowered edge of the frame will be 0.9m above the ground, with a maximum of 2.9m on the rear upper edge. The PV modules are to have a width of 6.9m, with lengths varying across the site to fit within the existing fields. A spacing of 4.5m between each module is identified. The development is to be fenced with deer fencing at a height of 2m. The site will continue to be grazed by sheep at certain times of the year.
- 1.9 A total of 46 inverters are proposed in the scheme, all positioned on the back side of the arrays within the site, measuring 2.8 x 1.5m with a height of 2.3m. The Inverters consists of an electrical converter which changes the direct current electricity captured by solar panels into alternating current, which is the standard flow of electricity required for electrical circuits.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961



Site Layout C0002470\_02 Rev F

- 1.10 The proposed substation is located in close proximity to the access into the site adjacent to the highway. The compound covers an area of 46m in length by 22m in width. The compound includes a transformer, high level disconnector and control room. The compound is to be surrounded with a 2.4 m high security fence and an additional 1.2m high stock proof fence on the outside. The infrastructure within the compound will not exceed 5.6m in height. A Customer substation/control room is located outside of the compound which will measure 6.5 x 4.2m and have a height of 3.1m
- 1.11 Access to the site is to be provided to the east via an upgraded existing field gate access from the C1149. Construction of the development is to take between 48 to 50 weeks with an identified average of 1.5 two way HGV movements delivering the infrastructure to the site per day. A banksman will be used to aid HGV deliveries arriving and leaving the site where required. The Transport Statement submitted in support of the application outlines that all deliveries into the site will approach from the south and turn left into the site. When leaving all traffic will be directed back to the south, turning right out of the site. In addition to the HGV movements there will be a small number of construction movements associated with the construction workers and sub-contractors. Once operational, maintenance visits to the site by individual technicians would occur 10-20 times per year.
- 1.12 The proposal is accompanied with a Landscape Strategy and mitigation plan which seeks to retain and reinforce the existing hedgerows and additional planting to fill gaps along the western and southern boundaries of the site, and repair and enhance the hedgerow network with a small woodland planting along the southern boundary.

1.13 The application has been supported with the following plans and documents:

- Location Plan C0002470\_04 Rev: C
- Site Layout C0002470\_02 Rev: F
- Block Plan C0002470\_05 Rev: C
- Typical Section Through Array C0002470\_06 Rev: B
- 66kV Substation Plan & Elevations C0002470\_07 Rev: A
- Customer Substation Plan & Elevations C0002470\_08 Rev: A
- LV Substation Plans & Elevations C0002470\_09 Rev: A
- Typical Fence Detail C0002470\_10 Rev: A
- Planning Statement (including SCI) 333101014/A5/PS
- Design and Access Statement 333101014/A5/DAS
- Landscape Visual Impact Assessment 333101014/A5/Reports/Landscape dated November 2024
- Glint & Glare Assessment 12660A
- Heritage Desk Based Assessment 407.064476.00001 Rev: 01
- Heritage Rebuttal dated 23 September 2024
- Flood Risk Assessment and Surface Water Drainage Strategy 402.065269.00001 Rev: v3,0 dated 27 November 2024
- Nutrient Neutrality Statement 402.065269.00001
- Ecological Impact Assessment 424.065134.00001
- Biodiversity Net Gain Metric
- Transport Statement Anhere/2308036 Motion
- Agricultural Quality report 2332/1 dated 16 May 2024
- Traffic Management Plan FO-SHE-115 Rev. 1.0
- Solar PV Materials Report dated 14 May 2024 Rev A.
- Dormouse Survey Report – 424.065134.00001 dated 20 December 2024
- Report to Inform a Habitats Regulations Assessment: Screening of Likely Significant Effects 424.065134.00001 dated 29 November 2024

#### Environmental Impact Assessment

1.14 An EIA screening request was submitted to the Council on the 26 April 2024. The Council's Screening Opinion which was issued on 26 April 2024 and confirmed that the solar farm would not be EIA development and an Environmental Statement was not required.

## **2. POLICIES**

### **2.1 Herefordshire Local Plan – Core Strategy**

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
SC1	-	Social and community facilities
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
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

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

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

It is highlighted that 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 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 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.

## 2.2 **Weston Beggard Neighbourhood Development Plan (W NDP): Made 1 December 2016**

- Policy WB1 – A Valued Environment in which to live
- Policy WB3 – Supporting a Thriving Rural Economy
- Policy WB5 – Delivery of Local Infrastructure

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

[https://www.herefordshire.gov.uk/directoryrecord/3117/weston\\_beggard\\_neighbourhood\\_development\\_plan\\_made\\_1\\_december\\_2016](https://www.herefordshire.gov.uk/directoryrecord/3117/weston_beggard_neighbourhood_development_plan_made_1_december_2016)

## 2.3 **Yarkhill Neighbourhood Development Plan (Y NDP): Made on 25 September 2018**

- Policy Y8 – Water supply and sewerage
- Policy Y9 – Reducing Flood risk and supporting sustainability
- Policy Y11 – Protecting Landscape Character
- Policy Y13 – Local Energy Schemes

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

<https://www.herefordshire.gov.uk/directory-record/3125/yarkhill-neighbourhood-development-plan>

## 2.4 **National Planning Policy Framework (NPPF) – Relevant Chapters:**

2. Achieving sustainable development
3. Plan Making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the viability of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communities



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 can be viewed in full via the link below:

[https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)

## 2.5 National Planning Practice Guidance (NPPG)

The associated 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>

## 2.6 Other Material Planning Considerations / Legislation of key relevance to the development Proposal are listed below:

- Renewable and low carbon energy - requires local planning authorities in considering proposals for green energy development to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.
- UK Government Solar Strategy 2014
  - Reaffirms that the Government recognises that solar PV is an important part of the UK's energy mix. The strategy identifies that while large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. The Strategy also recognises that when well-managed, solar farms could be beneficial for wildlife. The strategy highlights that one of the key principles of the strategy is that solar PV proposals should be appropriately sited by giving proper weight to environmental considerations.
- Climate Change Act (2008)
  - is the basis for the UK's approach to tackling and responding to climate change. It requires that emission of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements.
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

## 3. PLANNING HISTORY

- 3.1 There is no planning history on the application site.

## 4. CONSULTATION SUMMARY

As some documents have been amended and further supporting documents have been submitted during the course of the application, only the most up-to-date consultation responses received are provided in the report, unless previous consultation responses remain relevant (i.e where circumstances are not altered by the revision or where they provide context to the changes which have occurred). Where comments are particularly long an overall summary is given. All comments and representations received are accessible in full on the Herefordshire Council website via the following link; -

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=241510&search-term=241510](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&search-term=241510)

#### 4.1 **Statutory Consultations**

##### 4.1.1 **Natural England - No objection**

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

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

##### European sites – River Wye Special Area of Conservation

Natural England notes that the Habitats Regulations Assessment (HRA) Screening has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We also note that the Council intends to adopt the Shadow HRA.

Please note that Natural England are not a statutory consultee for Habitat Regulations Assessment Stage 1 screening.

When assessing the Likely Significant Effect (LSE), you must check if the proposal could have a significant effect on a Habitats (European) Site, as defined in NPPF that could affect its conservation objectives. If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment. If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

Following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

##### **Other advice**

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

##### 4.1.2 **Active Travel England Planning Comments:** No comment

In relation to the above planning consultation and on the basis of the information available, Active Travel England is content with the development proposed.

##### 4.1.3 **Historic England Comments:** No objection

Thank you for your letter of 27 June 2024 regarding the above application for planning permission.

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.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961



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

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

#### 4.1.4 **Network Rail Comments:** No objection

##### Comments received on 24 July 2024

The objection is removed but for the avoidance of doubt the applicant is to submit the proposal details as below so that a formal interface can be set up to ensure that the construction works do not impact the safe operation of the railway.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal Link to ASPRO ACE Portal ASPRO Network Rail Implementation (oraclecloud.com). From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside.

##### Comments received on the 3 July 2024

Network Rail is placing a holding objection on the proposal. The Network Rail signal sighting Engineer has confirmed that there are no signal assets in the area and clearly the proposal will not impact on Signal Engineering assets. However, Network Rail are concerned that there is a reliance on lineside foliage to screen reflective light that may be directed towards train drivers. On a periodic basis the foliage is removed as during the autumn period, foliage can have a significant impact on rail head conditions that may compromise the drivers ability to control the train speed. Under these circumstances unless an alternative non reflective or reflection is significantly reduced, Network Rail object to the present proposal

##### Comments received on the 2 July 2024

We note that the Glint & glare study states that there is no impact upon the railway infrastructure of the proposal. Only Network Rail as the railway undertaker is able to determine whether or not a proposal will impact upon the existing operational railway. The impacts of the proposal on train drivers ability to perceive railway signals for example will need to be reviewed by Network Rail and we will respond on this matter in due course.

The developer will also need to interface with the Network Rail asset protection team as this proposal will require a formal interface via an asset protection agreement – the be undertaken as below with Network Rail agreement to layout & construction works. This email is NOT confirmation of acceptance of the proposal or its layout or its construction.

#### 4.1.5 **River Lugg Internal Drainage Board:** Qualified comment

Consent is required under section 23 of LDA for the 2 new crossings over the existing drainage ditches.

Consent is required under section 66 for discharge from the new swale into existing drainage ditch and under section 23 if a new outfall into the drainage ditch is proposed.

It is not clear from the drawings whether the new security fencing and PV panels are positioned at least 9m away from all existing ordinary watercourses (both the IDB maintained watercourses and the other smaller ditches). This is to ensure access for future maintenance by the IDB / others. If obstructions are proposed closer than 9m to any of the ordinary watercourses on the site then consent will be required under section 66 of the LDA. Access gates through the security fence are required where necessary to allow future access to all watercourses.

Whilst the IDB agrees with the council in relation to the drainage of the site post development the IDB would like to see details of proposed surface water control during construction when there is likely to be considerable disturbance to the site (temporary access routes, loss of vegetation over, compaction from construction plant movements etc). The IDB would like reassurance that there will not be a risk of an increase of surface water run-off into the existing watercourses during this phase of the works (and silt and other contamination to the watercourse).

As part of the planned works are adjacent to main river the Environment Agency should also be contacted to check if any permits / exemptions are required.

#### 4.1.6 **Environment Agency:** No objection

Thank you for your re-consultation of the above application received by us on 28 May 2025. We originally objected to the proposed development due to insufficient information being submitted regarding fluvial flood risk in our response ref: SV/2024/112501/01-L01 (dated 18 July 2024).

We then reviewed the revised Flood Risk Assessment (FRA) undertaken by SLR Consulting Limited (Ref: 402.065269.00001, dated 27 November 2024) in our response ref: SV/2024/112501/02-L01 (dated 01 April 2025) and maintained our objection to the proposed development on fluvial flood risk grounds, with insufficient information submitted.

Following our previous response, we held pre-application discussions whereby we further reviewed the FRA and a Technical Memorandum produced by SLR Consulting Limited (ref: 402.065755.00001, dated 11 April 2025), requesting from this the additional information needs to be submitted in order to address our flood risk concerns.

We now note a Flood Estimation Report (ref: LIT 65087, dated 15 May 2025) and a Hydraulic Modelling Report completed by SLR Consulting Limited (ref: 402.065269.0001, dated 16 May 2025) have been submitted, accompanied by appendices detailing the modelling outputs. We have reviewed these additional documents and given the detail received we are now in position to remove our objection subject to the following conditions and comments.

#### Hydraulic Modelling

We have no concerns regarding the modelling process undertaken as part of this application appearing to be in line with industry standard methodology. We would reiterate though, as highlighted in our previous response, that we have not undertaken a full formal review of the hydrology and modelling files via our national Evidence and Risk team and would reiterate the following from our previous response: 'Disclaimer: Flood risk modelling undertaken by a third party has been used in support of this application. In this instance, these comments are made in the absence of us having reviewed/undertaken a full review of the associated flood model to verify the assessment and can accept no liability for any errors or inadequacies in the model. The onus is on the applicant/developer to ensure appropriately qualified (and indemnified) consultants undertake assessments of flood risk.'

Additional modelling of other return periods has now been submitted (3.3%, 1% and 0.1% AEP) in addition to the 1 in 100 year + 49% climate change scenario as we requested. The Hydraulic Modelling Report (Figure 3.1) confirms that the majority of the site falls within the functional floodplain (Flood Zone 3b).

The report confirms that there is some minor increase in flood levels within the site boundary (20-35mm) and also outside of the red line boundary (17mm) with the latter being on agricultural land. Whilst this is a relatively minor increase the Hydraulic Modelling Report confirms this does not alter or change the hazard class rating and may well fall below modelling tolerances. We would recommend that it may be appropriate to contact the relevant landowner to highlight these increases in flood depths to their site if the development takes place.

We recognise in Figure 3-5 and Appendix B-3 of the Hydraulic Modelling Report there appears to be an area of 50-100mm increase in flood level outside of the red line boundary in the neighbouring agricultural field to the South. After discussion with the applicant, we would raise no issues with this, confirming that the Hydraulic Modelling Report states in section 3.1.3.9 that: 'This area is a natural pond feature that is assumed to be empty in the baseline scenario and the change in water levels is related to additional volume entering and ponding in this location'.

### Flood Storage Compensation

Table 3.2 of the Hydraulic Modelling Report contains the flood storage compensation calculations in 200mm bands which are required due to the displacement of floodwater from the raised substation and a number of transformers. We generally expect level for level floodplain compensation, though we note this is not achievable in this instance as highlighted in Table 3.2. Therefore, given the scale of the site at 30 hectares and a minimal loss of flood storage (220.7m<sup>3</sup>) being proposed, we are happy to accept this loss, acknowledging that double the volume of flood storage is being provided post development (461.0m<sup>3</sup>).

If planning permission is granted, we recommend the following flood risk planning conditions are implemented:

#### CONDITION

Finished floor levels of vulnerable apparatus including the substation and transformers shall be set no lower than 600mm above the relevant adjacent modelled 1% plus climate change node flood level, in accordance with Section 7.2 of the revised Flood Risk Assessment (FRA) undertaken by SLR Consulting Limited (Ref: 402.065269.00001, dated 27 November 2024), unless otherwise agreed in writing by the LPA.

#### REASON

To protect the proposed equipment from flood risk for the lifetime of the development.

#### CONDITION

Flood storage compensation, shall be carried out prior to the commencement of the development, in accordance with the details submitted in Table 3.2 of the Hydraulic Modelling Report by SLR Consulting Limited (Ref: 402.065269.00001, dated 16 May 2025) and Figure 5 of the Technical Memorandum by SLR Consulting Limited (Ref: 402.065755.00001, dated 11 April 2025) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

#### REASON

To minimise flood risk and enhance the flooding regime of the local area.

#### CONDITION

There must be no new buildings, structures (including gates, walls and fences) organised ground levels within 8 metres of the top of any bank of Main River watercourses inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

**REASON**

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

**4.17 The Gardens Trust – Qualified comment**

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which potentially affects Stoke Edith, a registered park and garden (RPG) of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. The application site lies approximately 2 miles distant from the RPG, which lies around a country house (destroyed 1927) with varying evidence for successive schemes by George London, Humphry Repton, and William Andrews Nesfield.

We have considered the information provided in support of the application and liaised with our colleagues in the Hereford and Worcester Gardens Trust. On this basis, we confirm we do not wish to comment further on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

**4.2 Internal Council Consultations****4.2.1 Local Highways Authority – No objection**

The local highways authority has considered the application for the installation and operation of renewable energy generation station with associated control room substations site access, access gates, internal tracks and other ancillary infrastructure and makes the following comments.

The proposal is to utilise an existing agricultural field access which will be amended to accommodate the increased construction traffic to the site. The visibility splays of 2.4m x 59.6m to the North and 2.4m x 56.1 m to the South as indicated in drawing 2038036-03 of the transport statement would be acceptable and can be supported by a planning condition should planning permission be granted.

The proposed access arrangements and limitations proposed within the construction phase of development indicated in the submitted traffic management company document would be acceptable as follows

- Entrance via Left turn only
- Exit via Right turn only
- Banksman on site to ensure safe exit and entrance of the site
- Parking for site operative's onsite.
- All vehicles to enter and exit in a forward gear.

No objections with the following conditions.

**4.2.2 Landscape Officer – Qualified comment**

The additional and new visual and mitigation information provided is appreciated.

The content, photographic before and after montages clarifies more clearly views that would be less impactful due to existing landscape conditions and proposed mitigation methods (as per the LVIA suggestions). As well as highlighting views that are impactful and, despite mitigation, would cause visual harm.

Landscape mitigation (i.e., use of trees) takes time. Any opportunity to plant trees well in advance of the actual building of the solar panels would be a proactive benefit to expedite mitigation. There

is a tendency to plant trees at the absolute completion of construction works, and this can be lost time of potentially a number of years of valuable tree establishment and growth duration.

There are strategies that can be used to force height with a combination of densities to allow fast and slower growth, allowing species to have the space and needs reflective of their growth habit and character. For example, in forestry, utilising close proximity planting patterns with select thinning over time creates variable environments over a period of time.

The lifespan of the development should have a corresponding similar tree lifespan plan in accordance with their visual shielding (mitigating) role in the view. The approach should take into account the age and structure of existing trees that are used as part of the mitigation strategy. Take, for example, hedgerows. If an existing hedgerow is used as a mitigation device, it should have a management strategy in accord with the life span of the development. References such as GOV.UK, Peoples Trust for Endangered Species (PTES), and Hedge Link provide recommendations on how to sustain hedgerows over time. The PTES advises that every 40+ years, hedgerows should be rejuvenated through laying or coppicing (hedgerow management cycle).

Pending on the age and condition (height, density, species, and how it has been managed) of the existing hedgerow (if used as a mitigation device) at the time of the LVIA and anticipated time of development commencement, it may influence the actual viability of that hedge as mitigation. For example, it may have to be coppiced (reduced to the ground), thereby minimising the ability to provide visual mitigation.

As stated in the LVIA, paragraph 5.1.5, the site is comprised of mature low-lying gappy hedgerows. Therefore there is concern that the viability of the existing hedgerows as mitigation devices (from year 1) is not exactly as advised in the LVIA. In fact there is potential that the case of using existing hedgerows as mitigation is flawed. This is not to say new growth from a coppiced state, or a new hedgerow will at some stage provide a reasonably dense hedge, it would take considerable time.

The sometimes used methodology to 'grow out' hedgerows to provide a higher screen also has side effects. The acceleration to 'grow out' a hedge to provide screening can create a less dense, more transparent hedge over time, and thereby reduce the effectiveness of the screen.

Depending on the species of trees and growth rates, there is potential that the void between the ground and canopy is such that it visually exposes the solar panels (for example, 2-3 meters) through the trunks of the trees.

There are a number of permutations and considerations in the long-term effectiveness of trees as mitigation devices. Further information regarding the age and quality of existing trees (including hedgerows), together with the proposed trees (including hedgerows) over the life of the development, would give a stronger case for actual mitigation.

For example, there may be situations that warrant rejuvenation and new planting of trees over the life span of the development to address potential gaps and areas that become see-through. Or further layers needing to be added to reinforce weak points or prevent potential 'see-through' areas.

There are many parameters, such as the combinations between deciduous and non-deciduous species, seasonal variations, pests and pathogens (i.e., gaps created by the loss of trees due to ash dieback), landscape character types and the influence of changing weather patterns on the predicted viability and success of certain species (for example, beech).

Reliance on foreground and borrowed landscape trees is unpredictable, so consideration of this would need to be taken into consideration.



Further information regarding the mitigation strategy taking into consideration the above comments and suggestions is requested for the existing hedgerows, hedgerow trees, tree belts and woodlands. Together with how the existing trees and the proposed new trees evolve over the life of the development to achieve visual mitigation.

#### 4.2.3 Historic Buildings Officer – Objection

1. Thank you for allowing me the opportunity to comment on the Heritage Rebuttal Note, which I have duly read, however my concerns would remain.

2. It is maintained that the grade I listed church, grade II listed Stoke Edith House and the listed buildings in close proximity to and associated with the listed buildings are invariably linked to the Historic Park and Garden being associated with the same local family who owned the Stoke Edith estate. The RHPG listing includes reference to the house and church albeit they are not covered by the RHPG designation. As such the statement in 3.1.7 in respect of the consequential effects on the setting of the RHPG would extend to the church is not necessarily concurred with.

<https://historicengland.org.uk/listing/the-list/list-entry/1000897?section=official-list-entry>

3. Whilst acknowledging Historic England's advice in respect to church towers and spires, as repeated in full previously in paragraph 17, I would maintain that this general guidance is relied upon too heavily in this instance and would repeat my previous comments in paragraph 18 "This general rule of thumb is not disputed, but rather that in this instance the relationship between the church, the former house on the site and the parkland has not been fully assessed to justify assessing the listed building in isolation from the parkland which surrounds it. Historic England Guidance references the extent of setting in section 8 where "Extensive heritage assets, such as historic parks and gardens, landscapes and townscapes, can include many heritage assets, historic associations between them and their nested and overlapping settings, as well as having a setting of their own."

4. The statement in 3.2.2 in respect of cumulative impact is not concurred with, and notwithstanding that some polytunnels are only visible for part of the year, they are visible for a large proportion of the year. Moreover they are being replaced with structures erect for 12 months of the year, and as such would not be considered temporary, whether they are in place part the year or for 12 months. I would repeat the comments made previously in paragraph 20 and again reference the specific guidance issued by Historic England on this matter.

5. The assessment of Less than Substantial harm to the setting of the Registered Historic Park and Garden is concurred with, and would repeat the advice provided in paragraph 27 in respect of the provisions of The Levelling-up and Regeneration Act 2023, and the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the asset or its setting.

6. The submitted Heritage Impact Assessment has identified Less than Substantial Harm to the Registered Historic Park and Garden, and whilst I would consider that this harm also extends to the Church, nonetheless this identified level of harm would trigger the balancing exercise in para 215 of NPPF.

7. I note the public consultation responses received and the viewpoints they have offered, and would acknowledge their knowledge of local viewpoints. In weighing up the public benefits, I would ask that consideration be given to the Herefordshire STEAM Report 2011 shows that tourism makes an important contribution to the county's economy, ( paragraph 5.2.20 of the Herefordshire Core Strategy), and Policy E4 of the Core Strategy protects the tourism industry in Herefordshire including improvements to public rights of way, whilst having special regard for the visual amenity of such routes and trails, and for the setting of heritage assets in their vicinity.. Policy E4 recognises the contribution that tourism makes to the Herefordshire economy and



seeks to ensure that this continues and is enhanced through new developments which are of an appropriate scale, type and location (paragraph 5.2.3 of the Herefordshire Core Strategy).

8. Whilst acknowledging the additional information, my concerns would still remain. I would not be able to support the proposal in built heritage terms, as there is grave concern that the proposal as submitted by virtue of its location, size and topography would have less than substantial harm on the heritage assets identified, which are by their size and location an intrinsic part of the highly valued landscape and a requirement of CS policy E4. As such based on the evidence submitted with the application I would not consider that the proposal as submitted would satisfy Core Strategy Policies LD4, SD2 or E4, for the reasons identified above.

#### 4.2.4 **Environmental Health (Noise and Nuisance) – No objection**

This proposal is for a solar farm consisting of PV panels, transformers, substation and a distribution network operator (DNO) control room across a site of 29.90 hectares with a lifespan of 40 years.

Two solar farms in the locality have previously been granted planning permission: Dormington (213963) – 45 hectares/111 acres (2022) Westhide (214619) – 61.7 hectares/152.5 acres (2023) (original application size subsequently reduced)

Both schemes required noise mitigation measures and conditions to ensure that the amenity of local residents was not detrimentally impacted by the development.

Noise from solar farms comes predominantly from transformers and inverters (specifically cooling fans). Tonal noise also has the potential to result in complaints.

I am concerned that the applicant has not supplied a BS4142 assessment at the planning stage but do not believe that this would be a reason for refusal given what we know about these types of proposal, the distances involved and the opportunities for noise mitigation. I therefore do not object to this proposal subject to the following condition being added to any permission granted:

Prior to the commencement of development the applicant must supply a full noise assessment by a competent person of the proposal using the methodology set out in BS4142 which examines the impact on the closest residential properties. This should also include specific attention to low frequency noise and propose all forms of mitigation including the use of baffles and low noise invertors. The objective will be to ensure that residents are not impacted by low frequency noise and in the BS4142 assessment at no residential receptor the rating levels shall exceed the background noise level. The noise assessment must be approved by the local authority in writing.

Reason: In order to protect the amenity of nearby residential occupiers so as to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

#### 4.2.5 **Planning Ecologist – No objection**

##### Habitat Regulations Assessment (HRA)

I have reviewed the Shadow Habitats Regulations Assessment (sHRA) concerning the River Lugg SAC, prepared by SLR in 2024, and find it to be satisfactory overall. Following recent communications, I can recommend that the local planning authority adopts the sHRA and its findings, and Natural England should be duly informed.

As per previous comments on foul water: it is noted that no staff welfare facilities are proposed that will create any additional or new flows of 'dirty' or 'foul water' and this nutrient pathways into the River Lugg SAC catchment that is currently subject to full nutrient neutrality restrictions. This consideration should be secured by condition for the lifetime of the development to provide required certainty of 'no effects' for HRA certainty.

### Ecology and Biodiversity Net Gain (BNG)

I have reviewed the dormouse survey report prepared by SLR (2024), which confirms the presence of dormice, albeit limited to the site boundaries whereby minimal works are expected. An EPS licence from Natural England will be required for any works that may impact dormice.

No additional (direct) adverse effects on protected or priority species are anticipated, provided that a Construction Environmental Management Plan (CEMP) is implemented and adhered to throughout the construction phase. It is also crucial that mammal gates, as detailed in the EclA (SLR, 2024) are installed along the solar farm fencing to facilitate the free movement of mammals.

As per previous comments, no recreational use of the site for any purpose is proposed and this should be secured as part of any planning permission granted to ensure there are no potential future disturbance of wildlife, such as otters, for the lifetime of the development. This includes any allowance of fishing across the watercourses and river within the development boundary.

Regarding BNG, the proposal collectively delivers a net gain exceeding the mandatory 10% requirement. These BNG proposals are satisfactory and welcomed. The proposed net gain will need to be secured for implementation and management for a minimum of 30 years through the statutory BNG condition.

#### 4.2.6 **Environmental Health (Contaminated Land) – No objection**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only. Given what's proposed, I've no comments to make.

#### 4.2.7 **Archaeological Advisor – No objection**

Although in places the applicant's submission rather understates the overall archaeological potential of the site (e.g. in section 4.6.3 of their assessment) it is nevertheless the case that the comparatively shallow operations generally needed to emplace the apparatus envisaged are unlikely to impact on any buried remains here.

Available evidence indicates that such remains that might exist will for various reasons already be disturbed, or at a depth where renewed impact will not take place. Accordingly, I have no objections to what is proposed.

#### 4.2.8 **Land Drainage – No objection**

##### Flood Risk

##### Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is wholly located within either a Flood Zone 3 or 2, with some of the site area adjacent to the River Frome, likely to be within Flood Zone 3b.

In accordance with Environment Agency standing advice, the planning application has been 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
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	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*

A Sequential Test and Exception Test have been conducted for the proposed development and will be considered by the Planning Officer for this application.

Development infrastructure within this extent is proposed to be raised above such levels with adequate freeboard. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

#### Surface Water Drainage

Infiltration tests have not been undertaken, however it is thought that groundwater levels within the site area are likely to be high due to being perched within Alluvium above impermeable Mudstone bedrock. The existing surface water drainage ditches within the site boundary will remain as part of the development and continue to attenuate and convey surface water runoff. We acknowledge that whilst the solar panels will intercept precipitation and create more concentrated runoff points than the existing greenfield scenario, as there will still be vegetation beneath and around the solar panels, it is likely that the existing greenfield runoff scenario will not be adversely affected. We also acknowledge that the site is likely to be prone to flooding and any surface water infrastructure during this time would be ineffective. Surface water runoff from the proposed substation building will be attenuated (maximum volume for a 1 in 100 year plus 30% climate change event = 72m<sup>3</sup>) and conveyed by a swale and discharged at a rate of 1l/s via a 55mm hydrobrake.

#### Overall Comments

Based on the reviewed documents stated above, provided there are no changes made to the proposed flood risk mitigation measures and 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.

## **5. Representations**

### **5.1 Tarrington Parish Council -No objections**

#### Comments received on the 15 January 2025

Tarrington Parish Council considered this planning re-consultation at their ordinary meeting held on Monday the 13th January 2025 and have no objections.

### **5.2 Yarkhill Parish Council - Objection**

A site visit was held with the developer, Anesco Limited, on Tuesday 16th July. This was followed by a public meeting organised by the PC for residents and other local communities impacted by the development.

#### Comments

While there was a recognition of the advantages of solar power generation as a renewable energy source, a number of specific concerns related to this project were raised by those attending:

- Another solar farm so close to those already approved in Dormington (48ha) and Westhide (62ha) represents an over expansion of solar power generation in a concentrated and attractive area of rural Herefordshire countryside.
- The site itself is too large and its visual impact is exacerbated by its irregular shape especially the elongated field on the southern boundary. Residential housing and public land, including footpath, to the north at Shucknall will be the most significantly affected given the high elevation of 130 – 150m and the fact that the unsightly view below will be of the raised rear of the panel arrays,

approximately 2.4 metres off the ground. This was felt to represent a direct loss of visual amenity and it is difficult to see how the current screening proposal could have a positive impact from this aspect.

- The site has suffered from numerous flooding events since last September including a period of days when a good part of it was underwater. Notwithstanding the overall height of the panels and the raised level of the cabling, it was felt that it makes little sense to construct a solar farm on land that is so susceptible to flooding from a main river when water and electricity are known not to mix and when site access could sometimes be restricted. Concern was also expressed about the impact during the construction phase and the extent to which piling into potentially saturated ground has been considered.
- The landscaping plan contains insufficient detail especially in terms of achieving the level of biodiversity net gain that the application refers to. It was felt that this is essential given the site is currently agricultural land, albeit not of the highest quality, set in appealing countryside. Questions were also raised about the effectiveness of the proposed screening given the length of time that parts of this will take to establish.
- The transport plan provides some comfort in limiting construction traffic to access via the A438 only. However, vehicles from the north turning off the A4103 travel at speed over both the river and railway bridges where the latter has a restricted view due to its humped nature and the immediate double curve. Consideration needs to be given to the safety of drivers travelling from this direction suddenly being confronted with an HGV waiting to turn into the site or one that has just exited. This is particularly critical given the fact that the road is a busy cut through between the A4103 and A438 and is increasingly used by HGV's given the lack of any weight restrictions across the two bridges. On parts of the carriageway, including the section between the site and the A438, the width is narrow making it difficult for two HGV's to pass one another safely – damage to the verges is already evident from existing traffic.
- Yarkhill's made NDP, Policy Y13, contains a specific restriction on local energy schemes which is aimed at supporting only small scale projects to prevent any adverse impact on the local landscape while ensuring that appropriate mitigants are put in place. At 30ha in extent, the proposed solar farm would fall outside the relevant criteria and an approval of the application would currently represent an exception to this particular policy.

### 5.3 **Dormington and Mordiford Parish Council – Qualified comment**

As a neighbouring Parish Council, we strongly recommend that lessons learnt from the Larport Solar Farm planning application are taken into consideration.

As a neighbouring Parish Council we think the following should be taken into consideration:

The visual impact

The grade of the agricultural land and whether there is a better use for it.

The glare caused for train drivers - anti-glare panels/screening

The visual impact and screening required as the panels will need to be raised because of the flooding risk.

Also, housing for the security team needs to be taken into consideration. In Larport, on occasions, the security team have been sleeping in vans in the entrance to the solar farm. This is not acceptable. We suggest a portacabin of sorts.

We also hope that there will be benefits for locals. Larport Solar Farm has provided Mordiford School with solar panels, car charging points and helped with a new footpath. We hope this new development will benefit the locals too.

## 5.4 Weston Beggard Parish Council – Objection

The application wrongly states that it is not on land within Weston Beggard Parish. It is.

- This application violates NDP point 7.42 — which does not support the delivery of large scale commercially led renewable energy projects due to the impact of these on the local environment.
- The application violates NDP point 7.45 — which states that in terms of the provision of solar, the community seek non ground mounted panels attached to existing or proposed buildings to reduce their impact on the local environment- The application advises areas at risk of flooding should be avoided however the area is a flood plain.- Concerns about the traffic generation for 12 months of construction, especially if construction is delayed due to annual flooding.
- incomplete survey of parishioners was undertaken, those on Shucknall Hill with significant views of the site were not consulted.
- Applications comment that the glare will not affect the railway is void, as the railway has to complete this survey themselves, not the applicant.
- Contradictory points between allowing grazing on the land, and not allowing large mammals into the area.
- All points raised in the application seem to be out of context and more relevant to housing, not to solar developments.
- Application has a significant and detrimental impact on the visual amenity of large number of properties in the parish
- The application does not clearly state how the panels will be removed after the period of time/ who will be responsible.
- The energy produced is fed into the national grid and does not have an immediate positive return to the parish.
- The photos in the application are misleading as they are taken from behind trees that will not have leaves in the winter and no photos were included from the top of the hill.
- The installation of cabling is not clearly illustrated as to whether this will be over or underground.
- This is not the green application it purports to be

## 5.5 Letters of Representation

The proposal due to the scale of development is classified as a major development. As such it has been advertised in the local press (Hereford Times). As well as numerous site notices being displayed around the application site and surrounding area. In response to the public consultation a total of 16 comments were received on the application throughout the process, detailing the points listed below .All representations received can be viewed full through the website:

*Summary of representations received:*

### General

- Proposal in direct contravention of the Yarkhill NDP policy Y11 and Y13 and the Weston Beggard NDP policies WB1, WB3 & WB5
- Cumulative harms present multiple strong reasons for refusal that clearly outweigh any benefits which derived from the development
- Development does not represent as sustainable development proposal as defined in Policy SS1.
- Large industrial development is not desired by the Weston Beggard Neighbourhood Development Plan & Yarkhill NDP – sympathetic small scale developments that benefit local communities are welcomed.
- Development does not benefit the local community, apart from adding to the local grid.
- Development on prime agricultural land.
- Concerns with regards to restoration not being achieved.



- Concerns energy output not measured for this site but based of the theoretical value based on laboratory measurements of the panel and transmission losses.
- Benefits of the site less than projected.
- Scale of the development detrimental to the landscape character.
- The development will impact on the enjoyment of the countryside for walkers and cyclists.
- Government guidance is for solar farms to be on brownfield sites not agricultural land.
- Concerns with the glint and glare from the panels.
- Herefordshire low grid capacity will be overwhelmed by proposal.
- Screening will not mitigate visual effects on residential properties or noise impacts from construction.

#### Flood risk

- Amended FRA and surface water drainage strategy fails to reflect reality of site which is plagued by major flood issues from the River Frome
- Concerns that due to the increase in flooding risk the proposed panels will need to be raised higher which will result in an increase impact.

#### Landscape/visual impact

- The LVIA avoids key viewpoints and dismisses the true aesthetic impacts on the valley landscape and views from PROW
- View 11 in LVIA taken from behind hedge when views along same track include views of listed church.
- Risk of adverse cumulative impacts from the development with other solar farms on the local landscape
- Solar panels should be on roof tops not on farmland.
- Already an appropriately sized community solar power station in close proximity.
- Adverse impacts on the setting of listed buildings within the local area.
- Development would be intrusive to local area and river valley.
- Landscape mitigation will take time to mature, would be less instructive if arrays could be broken up at intervals of additional planting

#### Biodiversity/Ecology

- Wildlife will also suffer, losing natural habitats and disrupting ecosystems, especially near rivers.
- Fences will restrict access to the river Frome and surrounding area.
- Bird population will be impacted,
- Solar panels result in loss of farmland, preventing sunlight to soil.

#### Traffic impacts

- Concerns that the Traffic Management Plan will need to be monitored and enforced to prevent construction and maintenance traffic from accessing the site from the A4103.
- Development will cause disruption to surrounding area due to increased traffic flow.

#### Letter of support: 1 received

- Development represents an essential part to the UK achieving net zero by providing renewable energy from the sun without using fossil fuels
- There will be no pollution from diesel fumes, fertiliser distribution or animal waste
- Noise and traffic impacts will be minimal once constructed

- 5.6 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=241510&search-term=241510](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=241510&search-term=241510)



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

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

- 5.7 Cllr Lester (Three Crosses Ward) – requested re-direction to Planning & Regulatory Committee on the basis of the level of public interest.

## 6. Officer's Appraisal

### 6.1 Policy Context and Principle of Development

- 6.2 Planning permission is sought for the installation of a solar photovoltaic (PV) farm with associated infrastructure to generate electricity which is to feed into the National Grid. The proposed development benefits from having an agreed point of connection within the site into the National Grid. This is considered to be the most effective and efficient point of connection and avoids any need for off-site works (such as laying of cables or other equipment) to connect the site to the Grid.
- 6.3 The Government recognises that climate change is happening through increased greenhouse gas emissions and that action is required to mitigate its effects. One action that is being promoted is a significant boost to the deployment of renewable energy generation. The UK Government's Energy White Paper: Powering Our Net Zero Future (2020) outlines the UK's strategy to decarbonise its energy system and achieving net zero greenhouse gas emissions by 2050. The White Paper underscores the pivotal role of renewable energy sources, particularly onshore wind and solar photovoltaics (PV), in the future energy mix.
- 6.4 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."*
- 6.5 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the made Neighbourhood Development Plans of Yarkhill and Weston Beggard. The National Planning Policy Framework (NPPF) 2024 is also a significant material consideration.
- 6.6 The NPPF stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 11. Where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.
- 6.7 The NPPF sets out the economic, environmental, and social planning policies for England. Central to these main themes is a presumption in favour of sustainable development, and that development should be planned positively. In achieving sustainable development, three overarching objectives are identified for the planning system: economic, social and environmental. The environmental objective includes *"mitigating and adapting to climate change including moving to a low carbon economy"* (Paragraph 8c).
- 6.8 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Paragraph 12 identifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

- 6.9 The NPPF is clear that planning has a key role in supporting renewable energy and associated infrastructure. Whilst there is no specific policy for solar energy development contained in the NPPF, paragraph 161 states:

*“the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

- 6.10 Paragraph 168 is a crucial consideration in the decision-making process stating:

*“When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future; b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.”*

- 6.11 The Planning Practice Guidance (PPG) on renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. The PPG recognises that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impacts are acceptable. It recognises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 6.12 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.13 The CS contains a specific policy for renewable energy in Policy SD2. The policy supports development proposals that seek to deliver renewable and low carbon energy where they meet the following criteria:
- The proposals does not adversely impact upon international or national designated natural and heritage assets;
  - The proposal does not adversely affect residential amenity;
  - The proposal does not result in any significant detrimental impact upon the character of the landscape and the built or historic environment and
  - The proposal can be connected efficiently to existing national grid infrastructure unless it can be demonstrated that energy generation would be used on –site to meet the needs of a specified end user.
- 6.14 Policy SS7 of the CS relates to addressing climate change and promotes the use of decentralised and renewable or low carbon energy where appropriate. However, a key consideration in terms of responding to climate change includes taking in to account the known physical and environmental constraints when identifying locations for development.

- 6.15 The Weston Beggard Neighbourhood Development Plan (WBNDP) supports small scale renewable opportunities which are linked to individual applications or to appropriately sited community initiatives which have direct benefits only to the parish community. The plan does not support large scale commercial renewable energy projects in the Parish due to their impact on the local environment. Policy WB5 within the plan states the following:
- “Proposals for commercially led renewable energy schemes will not be supported within the parish unless it can be demonstrated that the proposal will not have a detrimental impact on the local environment through the submission of information appropriate to the scale of development relating to the impact of the proposal on; Landscape appearance and character; Traffic and transport; Wildlife and ecology; and Residential amenity; and Flood risk”.*
- 6.16 The Yarkhill NDP supports sustainable development and action to tackle climate change. Policy Y13 supports small scale renewable energy schemes where any adverse impacts on landscape character and built heritage are mitigated by siting, design and landscape.
- 6.17 As identified above, the proposed development is to have a capacity of 20.56MWp, and will meet the energy needs of approximately 5,768 homes per annum in the Herefordshire area. The solar farm can be considered a temporary use of the land, with this development indicated as having a 40 year life span. The starting point for the consideration of this application is planning policy, both national and local. As set out above, the NPPF is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play in reduction in greenhouse gas emissions and renewable energy targets are to be met. Crucially the NPPF advises that applications for renewable energy should be approved if impacts are, or can be made acceptable, unless material considerations indicate otherwise.
- 6.18 The PPG for renewable and low carbon energy advises that there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, Local Planning Authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment. Paragraph 013 of the PPG advises that planning authorities should consider ‘the energy generating potential, which can vary for a number of reasons including, latitude and aspect’.
- 6.19 One of the key determinants of the suitability of a site to accommodate solar PV development is its proximity to a point of connection to the local electricity distribution network which must have the capacity to receive the renewable electricity generated by the development. Other key determinates are land availability, technical suitability of the site to deliver the solar farm and its suitability within the planning context. These considerations impose significant constraints on the land which is suitable in practice for solar farm development. In the case of this application, the location of the point of connection to the grid has been key to its selection, with the site benefiting from having an agreed point of connection into the National Grid within it. This is the most effective and efficient point of connection and avoids any need for off-site works (such as laying of cables or other equipment) to connect the site to the Grid.
- 6.20 In response to increasing awareness of the impacts of climate change, Herefordshire Council declared a climate emergency on 8 March 2019. The proposed development would displace around 4,433 tonnes of CO<sub>2</sub> every year. The proposed development would therefore contribute to the Councils target of addressing climate change and becoming carbon neutral, as well as complying with the NPPF on climate change objectives. The proposal would therefore provide significant environmental benefits in relation to renewable energy generation that has strong support under both local and national planning policy.
- 6.21 Given the policies and guidance outlined above, it is considered that the principle of the solar development on the application site can be supported as a means of reducing carbon emissions. Policy SD2 in the CS, along with policy WB5 of the WBNDP and Policy Y13 of the YNDP, clearly

supports proposals for renewable energy installations where they are in appropriate locations having no significant adverse impacts on the amenity of local people, historic features or on the local environment. However, whilst it is clear that the proposal will contribute to meeting the Governments renewable energy targets and contribute towards the reduction in greenhouse gases, the wider economic, social and environmental benefits of the proposal should be considered against any significant impacts on the surrounding area.

- 6.22 The NPPF whilst supporting the principle of renewable energy projects, recognises that renewable energy projects may also have a range of environmental impacts that may need to be mitigated to make them acceptable.
- 6.23 It is recognised that the proposed development, as well as providing a renewable energy source would provide biodiversity net gain by improving habitats, creating a range of new and diverse habitats and enhancing connectivity with the surrounding landscape. The submitted Biodiversity Net Gain report identifies that the proposal would result in a 45.58% net gain for habitat units and 23.28% gain for hedgerow units.
- 6.24 The application site is within open countryside in a rural working landscape. In light of the above outlined policies and guidance, the proposal in principle is considered to be consistent and in accordance with both national and local policy with regards to improving sustainability. However, having regard for the criteria set out in policies SD2, WB5 and Y13, and the characteristics and constraints of the site, along with the nature of the development being proposed, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude, that might lead to a conclusion that despite the principle of the development being supported, the proposal represents an unsustainable form of development.
- 6.25 The key issue in the planning balance following an assessment will be whether the benefits of the proposals, which primarily are the production of energy from a renewable resource, outweigh any harmful impacts.
- 6.26 **Loss of agricultural land**
- 6.27 Paragraph 187 b) of the NPPF states that planning decisions should recognise “the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land, and of trees and woodland”. The glossary of the NPPF defines BMV agricultural land as Grade 1, 2 and 3a. Grade 3a is identified as being the lowest grade of BMV, while Grade 3b lies outside of the NPPF definition.
- 6.28 Policy SS7 of the CS also seeks to protect the BMV agricultural land where possible in order to mitigate impacts on climate change. The loss of agricultural land to non-agricultural development is therefore a material consideration and the weight afforded to that loss will depend on the grade of the land and the extent of the loss set against other material considerations.
- 6.29 It is noted that the NPPG on Climate Change states that large scale solar farms should ideally be located on land which is not classed as best and most versatile agricultural land.
- 6.30 The application has been supported with a Soils and Agricultural quality report which was produced following surveys across the site to examine the nature and quality of the soils. The combination of wetness and clay soils led to a conclusion of the report that the land is Grade 3b, recognised as being of moderate quality.
- 6.31 The proposal satisfies the PPG advice that where a proposal involves greenfield land, poorer quality land should be used in preference to higher quality. The land would retain an element of an agricultural use with sheep being grazed when feasible and wildflower grassland planted across the site, encouraging biodiversity improvement. It is widely recognised that solar farms on

agricultural land are only a temporary use and are fully reversible, with the land being capable of returning to agriculture use as the end of the 40 year installation.

- 6.32 It is noted that Natural England were consulted and that they made no comments in respect of BMV land and ultimately offered no objections to the proposal.
- 6.33 On balance, although the LPA recognises that agricultural land is a finite commodity and food security is equally as important as energy security, the proposed scheme falls outside of Grade 1, Grade 2 and Grade 3a BMV land. Given the temporary nature of the scheme, with the biological and landscape enhancements proposed, the proposal would not conflict with the objectives of paragraph 187 of the NPPF and policy SS7 of the CS.
- 6.34 **Landscape Character & Visual Amenity**
- 6.35 Given the rural context and setting of the site, it is accepted that any solar project of this scale and nature would give rise to some adverse landscape and visual effects, however it is widely accepted that solar farms represent an acceptable form of development in the open countryside, subject to other material considerations. To this extent, national and local planning policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. It is recognised that the impact on the landscape character and visual amenity is mentioned in almost all of the representations received from local residents and Parish Councils, and is often the key concern form members of the public on proposals of this nature.
- 6.36 Paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised, and planning policies and decision should contribute to and enhance the natural local environment. National and local policies do not seek to protect the countryside from development, but rather protect and enhance valued landscapes.
- 6.37 In the CS, Policy LD1 seeks to conserve and enhance the natural, historic and scenic beauty of important landscapes and features through the protection of the area's character and by enabling appropriate uses, design and management. Policies WB1 (WBNDP) and Y11 (YNDP) in the neighbourhood development plans align with that of policy LD1, seeking to ensure that development proposals protect the valued, tranquil natural environment, whilst protecting features of the local landscape which make a positive contribution to the local identify and character of the areas landscape.
- 6.38 The application site does not form part of any designated landscape. The Wye Valley National Landscape is located around 2.6km to the south of the site, with the boundary of the registered park and garden of Stoke Edith located 220m to the south east. The site is within a rural location detached from any settlement, although adjacent to the Hereford to Ledbury railway line.
- 6.39 In terms of landscape character, the majority of the site is within the Landscape Character Type (LCT) 1: River Floodplains of the Councils Landscape Character Assessment 2023. The LCT is a linear character type covering an extensive area that follows the course of the River Wye and tributaries.
- 6.40 The site and wider area broadly align with the key characteristics of the profile of LCT 1, which include a flat low – lying riverine landscape, in a small scale landscape with sinuous field patterns bound by ditches and intermittent hedgerows. However, although being a rural area, the site is adjacent to the C1148 which is a busy local road linking the A4103 in the north to the A438 to the south. It also shares a boundary with the railway line and has two large energy pylons located within the site. There are a number of residential properties and small farmsteads scattered within the landscape. It is notable that the overall aim of the River Floodplains LCT is to conserve and enhance the rural character of the landscape and sense of place created by the naturally



meandering river corridor, pasture land use, wetland habitats, and the undeveloped and tranquil character.

- 6.41 A small part of the site lies within LCT2: Lowland Farmlands. This character type is a rural landscape that retains much of its historic dispersed settlement patterns and mixed farming character, and is found across Herefordshire in the low lying basin in the centre of the County. It extends away to the south and north of the site and covers an extensive area which is characterised by medium scale fields defined with mature hedgerows, arable fields, commercial orchards, historic buildings and villages and dispersed settlements with long distant views from surrounding woodland hills.
- 6.42 It is inevitable, that given the rural character of the site and its immediate context, that the change of use and introduction of solar panels and associated infrastructure would have an impact on the existing character. Whilst the framework of fields and hedgerows would not change, the solar panels and associated inverters, fencing and other infrastructure would be at odds with, and detract from, the prevailing farmland landscape character.
- 6.43 The submitted LVIA carried out an assessment of the two character types on the value, susceptibility and resultant sensitivity to the development. It has identified that the nature of the site and that of the proposed development means that it has capacity to retain and strengthen existing landscape features such as hedgerows and trees. On that basis the LVIA concludes that the LCT is judged to have a Medium Value it terms of susceptibility and overall sensitivity.
- 6.44 The LVIA identifies that this change would give rise to a small magnitude of effect and result in a minor adverse effect on the landscape character of the River Floodplain and its immediate context. The application is supported with a landscape strategy which aims to provide and establish a more robust green framework within which the proposed development will be set, with notable new green buffers along the western and southern site boundaries. It is identified that by year 15 the landscape scheme will have matured to provide an enhanced landscape setting that compliments the local landscape character. The Councils Landscape Officer has highlighted that the success of the landscape strategy will be down to the densities, age and condition of the plants, as well as the overall management of not only the new planting but the existing hedgerows and trees to be retained. These elements can be secured by planning conditions.
- 6.45 The LVIA provides an assessment of the likely views of the development from 12 viewpoints, at both local and medium distance views. The viewpoints were selected in consultation with the Councils Landscape Officer and were restricted to publically accessible locations, representing visibility from key visual receptor groups. Baseline photographic panoramas were obtained from each viewpoint in the direction of the proposed site and baseline landscape character and visual amenity were identified before a qualitative appraisal of the likely visual effects was carried out.
- 6.46 The majority of the representations received refer to the visual impacts from the proposed development. It is acknowledged that different receptors would appreciate and experience the landscape in different ways, depending on whether they live in, work in, or are visiting the area. It is also further acknowledged that the views obtained from the viewpoints are only a snapshot of the site and do not reflect the experience of walkers as they proceed along public footpaths and highways
- 6.47 The LVIA identifies that beyond the site and its immediate setting, some adverse effects on local and wider scale on landscape character and visual receptors are likely to arise at year 1, ranging from Moderate Adverse to Negligible Beneficial. This is as a result of the current level of enclosure to the site and the small scale and nature of the proposed development. By year 15 the LVIA concludes that the effects will range from Minor Adverse to Minor Beneficial once mitigation and the proposed landscape strategy has established.



- 6.48 The visual effects of the scheme and change to the character would be predominantly felt within 1.5km of the site. However, with no public access into the site, the visual effects and its contribution to the wider landscape characteristics will be largely experienced and viewed from passengers on the train or car users on the local highways network. Car users and train passengers are considered to be less sensitive to the change in character and visual impacts given the speed they are traveling, their focus and purpose of travel. However it is recognised that the eastern boundary along the highway has a number of gaps, and part of the landscape strategy is to repair and reinforce the boundary hedging by strengthening and managing then to grow out more fully to a height which would significant screen the solar panels once established. Conditions can secure the management and maintenance of the planting for the duration of the development.
- 6.49 There will be some views of the development from PRowWs within the wider landscape, especially from higher ground. However given the limited height of the solar panels and the intervening vegetation and retention of field patterns, the extent of visibility will not be continuous, with views of the development filtered through existing vegetation and the overriding scene remaining rural with a small scattering of development. The landscape strategy once established will enhance the rural setting and further soften views of the development.
- 6.50 Solar farms are becoming increasingly common in rural landscapes, with two similar sized developments within 5km of the site. Concerns have been raised by Parish Councils and within representations regarding the indivisibility of solar farms in the area. The recently constructed Dormington Solar Farm is also located within the same landscape character. However this landscape character stretches and extends across the whole of Herefordshire. There have been no sites or locations identified where the proposed development can be seen with the other recently approved schemes. The proposed development is considered to represent only a small change to the over landscape character.
- 6.51 Within the representations received it is clear that the site and surrounding landscape is of value to locals due to its rural nature. Representation also references its undisturbed nature and it is clear that the views into and across the site from higher ground to the south and north are held in a high regard by residents, as well as views from the grounds of private properties.
- 6.52 The NPPF does not define what constitutes a valued landscape. The LPA accept that all landscapes are valued by someone at some time. However, the application site and the surrounding landscape does not have any demonstrable attributes which would elevate it to a framework defined valued landscape.
- 6.53 The proposal does not change the topography of the site and retains and enhances the structure of the landscape since the arrays are to sit entirely within existing field boundaries. All existing vegetation and hedgerows are to be restored and improved. The conclusion of the LVIA is the effect of the proposed development on the magnitude of effects on visual receptors on PRowW, highways and residential properties to be of a very small magnitude with a negligible adverse significance of effect.
- 6.54 The proposal would introduce a large development of industrial appearance, which will fundamentally change the character of the immediate landscape for the duration of the development. However, given the general topography of the area, the effects of the solar arrays on the overall landscape character would be limited to the immediate landscape setting. It is felt that in time the proposed landscaping would provide structure to reduce and soften a large proportion of the visual effects of the development. However, the proposed landscaping strategy would not result in the character of the landscape prevailing over that the solar farm.
- 6.55 Through a combination of reinforcement of existing vegetation and the introduction of new landscape mitigation, the adverse effects would be limited and localised. As the proposed planting matures, the adverse effects would be reduced and would be acceptable. The 40 year life span

of the proposed development is significant, however once the solar farm is decommissioned, there would be no residual adverse landscape effects. The proposed landscaping scheme would leave an enhanced landscape consistent with policy LD2 of the CS

- 6.56 The Landscape Officer has requested that if approved a fully detailed hard and soft landscape scheme should be provided prior to the commencement of the development with a 30 year landscape management and maintenance plan which incorporates both biodiversity and landscape requirements for establishment and care of the land is secured through conditions.
- 6.57 During the operational period of the development, it would have a moderate adverse effect on the landscape character of the immediate site. In doing so it would be contrary to policies LD1, WB5 and Y11 which amongst other things seeks to ensure developments contribute to conserving and enhancing the natural environment. As such landscape harm therefore does attract weight in the assessment of the proposal.
- 6.58 **Impact on Heritage Assets**
- 6.59 The proposed application site does not contain any designated heritage assets within it, however it is in close proximity to the Stoke Edith Registered Park and Garden (RPG), as well as there being a number of heritage assets within the surrounding area. Policy LD4 of the CS 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. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.60 The NPPF directs at paragraph 212 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 213 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. Paragraph 215 states 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 including, where appropriate, securing its optimum viable use.
- 6.61 The Councils Historic Buildings Officer (HBO) has identified the following assets which could be susceptible to harm as a result of change to their setting from the development;
- Stoke Edith Registered Park & Garden (NHLE 1000897, Grade II RPG);
  - Church of St Mary (NHLE 1099825, Grade I listed building); and
  - Ethelbert's Camp (NHLE 1003534, Scheduled Monument);
- 6.62 The northern boundary of the Stoke Edith RPG is located approximately 220m to the south of the application site. The RPG was listed in February 1986 and covers an area identified in the listing of 180ha. It is centred around a country House which was destroyed in 1927. Various outbuildings, including a brew house and laundry and stable survived, with the former Rectory now being the principle dwelling on the estate. On the A438 highway west of the former house there is the Hereford Lodge and its associated gates, which are grade II\* listed.
- 6.63 On reading its listing, it would appear that the significance of the RPG is principally derived from the Landscape Park and formal gardens around the house and the use of radiating avenues and walks. This would be unaffected by the proposed development. Any harm from the proposed development to the asset would be from potential impacts to its setting that contribute to the significance of the asset.

- 6.64 The NPPF establishes that the setting is the surroundings in which a heritage asset is experienced. The area in which the RPG can be experienced is considered to be from the PROWs which pass through the park itself, and from the C1148 and A438 highways as you approach from the north. The application site does form part of the wider setting of the RPG and is adjacent to the C1148 highway where views of the RPG are afforded.
- 6.65 According to the listing, the landscape was originally designed by George London in 1692 who sort to link the formal gardens around the house with the countryside beyond through the use of radiating avenues and walks. Between 1792 and 1802 major changes took place to the landscape around the house. The public road which until then had run south of Stoke Edith, passing within 30m of the house, was moved c 500m north to its present line. The view from the house was channelled between newly planted coppices and groups of trees towards Shucknall Hill. The listing would suggest that the design of the gardens sought to borrow from the wider landscape. There is however no evidence of any designed views back to the RPG in the wider landscape.
- 6.66 The Church of St Marys lies just outside the RPG and is Grade I listed, with its most notable feature being its needle spire. The Applicants assessments acknowledge that the Church is inevitably linked to the estate and parkland which make up the RPG.
- 6.67 The applicants Historic Environment Desk Based Assessment identifies that the development will not close off views into or out of the RPG, with views from the RPG towards the north largely unchanged. The Assessment has concluded that the effect on the setting of the RPG is less than substantial, of which the Councils Historic Buildings Officer agrees with. The HBO also regards the impact on the setting of the Church of St Mary to be less than substantial given its relationship with the RPG and being situated in the centre of the RPG, albeit not within the designated area.
- 6.68 Any harm to the significance of the assets concerned derives from a change in views to or from an area that lies within their setting. It is only the part of the significance derived from setting that is affected. All the significance embodied in the asset itself would remain intact.
- 6.69 The setting of the Church and RPG has undergone change overtime as the landscape has evolved to accommodate increased highway and energy infrastructure and farming practices have changed. The application site is considered to form a small part of the setting of both heritage assets identified and will largely be screened by intervening vegetation or development when viewed from within the site. The presence and visibility of the proposal would not alter the overall design intent of the designed landscape, nor the understanding and experience of the spatial and visual relationships between the church and the RPG. The harm is therefore considered to be less than substantial, and at the lower end of that spectrum. This will need to be considered against the public benefits in the planning balance.
- 6.70 **Ecology and Biodiversity**
- 6.71 In respects of matters of biodiversity and ecology, CS policy LD2 and paragraphs 174-177 of the NPPF apply. These generally require that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species.
- 6.72 The River Frome runs directly adjacent to the northern boundary of the site and is a tributary of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) catchment. As such the application triggers the need for a Habitat Regulations Assessment (HRA) process to be carried out. The Applicants submitted a Shadow HRA concerning the River Lugg SAC. The Councils Ecologist having reviewed and assessed the document confirmed that it was satisfactory and that the Council adopted the Shadow HRA and its findings. Natural England have responded to the consultation confirming that they note the Council have adopted the Shadow HRA and confirming they raise no objection as it is considered that the proposed development will not have a significant adverse impact on the designated site.

- 6.73 Policy LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats.
- 6.74 The application has been supported with an Ecology Assessment and Dormouse survey. In terms of ecological impacts, the documents identify that the habitats to be lost to the development are largely the agricultural land which will be fitted with arrays of panels which will have species rich grassland created under and around them as shown on the Landscape Strategy Plan. However, new hedgerow and tree planting is also proposed and the river corridor is to be buffered and protected. The scheme includes the provision of native hedgerows, native woodland mix and native species rich grassland planting under the panels in the long term. As already highlighted earlier in this report, the biodiversity assessment for the site shows a 45.58% biodiversity net gain in habitat units, 23.28% gain in hedgerow units and a 15.11% gain in watercourse units based on the landscaping proposals for the site.
- 6.75 The LPA recognises that the River Frome is a priority habitat and runs along part of the boundary of the site. The Ecologist has confirmed that based on the information submitted, the priority habitat will not be impacted by the proposed development, providing that a Construction Environmental Management Plan (CEMP) is implemented and adhered to throughout the construction phase. This can be secured through a planning condition
- 6.76 The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the proposed scheme into conflict with policy LD2 of the CS. A range of conditions are recommended to secure implementation of the report's recommendations, as well as to secure further details for measures for biodiversity enhancement to ensure biodiversity and protected species are accounted for. Subject to this, there is no policy conflict found. Natural England have been consulted and raise no objection.
- 6.77 **Highways Impact**
- 6.78 Policy MT1 of the CS deals specifically with traffic a management and highway safety and requires proposals to 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. The policy also seeks to ensure that developments are designed and laid out to achieve safe entrance and exit, whilst having appropriate operational and manoeuvring space. From the WNDP, policy WB5 requires amongst other things that all renewable energy proposals in the Parish demonstrate that there is detrimental impacts relating to traffic and transport.
- 6.79 This objectives of Policy MT1 supported by NPPF paragraph 115 b) which requires that safe and suitable access to sites be achieved for all users. Paragraph 116 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe network, following mitigation, would be severe, taking into account all reasonable future scenarios
- 6.80 The application proposes to upgrade and utilise an existing field gate access off the C1148 for both construction and post-construction. The access requires widening to safely accommodate the movements of HGVs delivering equipment and materials during the construction phase. Hedgerows are also to be removed to accommodate visibility splays of 2.4m x 56.1m in both directions. An area of hardstanding is to be provided for vehicles to turn around and exit the site in forward gear.

- 6.81 It is recognised that the traffic impacts for the development of a solar farm is mainly associated with the construction process with minimal vehicle movements once the site is operational. The application has been supported with a Transport Statement which includes plans of the visibility splay, a swept path analysis of the 16.5m HGVs and the results on an Automatic Traffic Counter survey carried out to support the design of the access. The Area Engineer has noted that the average level of daily trips of HGV's predicted during the construction process of the application proposals of 6 in and 6 out. The duration of construction is identified as 48-50 weeks. In addition to the HGVs, the statement identifies up to 30 light vehicles could visit the site on an average working day.
- 6.82 It is recognised that the road is a well-used link between the A438 and A4103. However, mitigation is put forward by the Transport Statement which includes entrance into the via Left turn only with traffic exiting to the right. In addition it proposes that a Banksman is on site to ensure safe exit and entrance of the site with all parking for site operative's onsite. The Councils Area Engineer has considered the application for the installation and operation of renewable energy generation station with associated control room substations site access, access gates, internal tracks and other ancillary infrastructure and makes the following comments.
- 6.83 Taking the details contained within the Transport Statement into account and having visited the site and local area, the Councils Area Engineer considers the highways impacts of the development are not considered to be of a level that represents severe harm on the surrounding highway network. The Area Engineer considers that the details of the visibility on drawing 2038036-03 of the transport statement are acceptable and can be secured through a planning condition.
- 6.84 The Councils Area Engineer, although identifying difficulties with the visibility of the access and access route into the site, believes these could be mitigated through the appropriate use of planning conditions. Overall the Area Engineer has raised no objection to the proposal subject to the inclusion of planning conditions to mitigate the impacts of construction traffic upon highway safety.
- 6.85 **Flood risk and drainage**
- 6.86 Policy SD3 of the CS requires all development proposals to include measures for sustainable water management to be an integral element of any new development in order to reduce flood risk; to avoid impact on water quality; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation.
- 6.87 Paragraph 170 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also requires that where appropriate, applications should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- 6.88 The application site is partially located in Flood Zone 3, which is the high risk zone. In accordance with Table 1: Flood Zones within the Planning Practice Guidance (PPG), Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding. It is noted that parts of the site adjacent to the River Frome are likely to be classed as 'Zone 3b', which is functional floodplain, with a 1 in 20 year probability.
- 6.89 In accordance with the Environment Agency (EA) standing advice, the planning application has been supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. On its original submission however, the EA objected to the proposal as insufficient information had been supplied within the FRA on fluvial flood risk grounds. The Applicant, in consultation with the EA, revised the FRA and a Flood Estimation and Hydraulic Modelling Report. Following a re-



consultation of these documents the EA have confirmed that they remove their objection. The Hydraulic Modelling Report confirms that the majority of the site falls within the functional floodplain and whilst there is a relatively minor increase in flood levels within the site boundary this will not alter or change the hazard class rating.

- 6.90 Both the Sequential and Exception Test have been conducted in the FRA submitted for the proposed development. Annex 3 of the NPPF confirms that Solar Farms are to be considered as Essential Infrastructure and therefore not considered inappropriate in FZ3b subject to consideration of the Sequential and Exception Tests.
- 6.91 The EA and Councils Drainage Engineer have confirmed that the proposed development is classed as 'Essential Infrastructure' and is not considered inappropriate within Flood Zone 3b. However, there is still a requirement under paragraphs 177-179 of the NPPF for the exception test to be applied. In accordance with paragraph 178 the application has been supported with a site specific flood risk assessment. The paragraph states that to pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.92 Both elements of the exception test need to be satisfied for development to be allocated or permitted.
- 6.93 In relation to the first part the proposed development is considered to pass the exception test as the development would provide a wider sustainability benefit to the community in the form of renewable energy that outweigh the flood risk.
- 6.94 In relation to the second part, the FRA outlines the requirement for the development infrastructure to be raised above such levels with adequate freeboard. The base of the solar panels will be a minimum of 0.90m above ground level. The electrically sensitive aspects of the development are proposed to be located in FZ2 and outside of a 1 in 100yr +40% cc flood event extent. All electrical connections will be located at least 300mm above the 1 in 100 year plus 40% climate change flood level. The development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere. These measures are considered to satisfy the requirements of part 2 of the exception test. The LPA are satisfied that by reason of its design and nature, the development will not increase flood risk in the wider catchment.
- 6.95 In preparing the application infiltration tests were undertaken at the site which revealed the groundwater levels within the site area are likely to be high due to being perched within Alluvium above impermeable Mudstone bedrock. The existing surface water drainage ditches within the site boundary will remain as part of the development and continue to attenuate and convey surface water runoff. The Councils Drainage Officers have acknowledged that whilst the solar panels will intercept precipitation and create more concentrated runoff points than the existing greenfield scenario, as there will still be vegetation beneath and around the solar panels, it is likely that the existing greenfield runoff scenario will not be adversely affected.
- 6.96 Neither the EA nor the Councils Drainage Engineer have raised any further objections to the development subject to conditions relating to finished floor levels of vulnerable apparatus and flood storage.
- 6.97 It is noted that the River Lugg Internal Drainage Broad Consent (IDB) have provided comments outlining that Consent will be required under section 23 of LDA for the 2 new crossings over the existing drainage ditches. They have also raised concerns with the surface water controls during construction when they believe there is likely to be considerable disturbance to the site (temporary



access routes, loss of vegetation over, compaction from construction plant movements etc). The IDB would like reassurance to ensure that there will be no risk of an increase of surface water run-off into the existing watercourses during the construction phase of the works they have requested further details to be secured through a condition.

- 6.98 Subject to the details outlined above being secured through conditions no conflict with policy SD3 or the NPPF in relation to drainage and flood risk have been identified. It is noted that there is to be no foul water facilities proposed for the development.

#### 6.99 **Residential Amenity**

- 6.100 Policy SD1 of the CS deals with sustainable design and energy efficiency and requires all proposals to safeguard the residential amenity for existing and proposed residents, ensuring new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination. It is also listed in the second criteria of policy SD2 that development proposals delivering renewable energy will not adversely affect residential amenity and it features in policy WB5.

- 6.101 Section 12 of the NPPF Achieving well-designed places, is also relevant, in particular paragraph 135 which seeks to ensure development creates a high standard of amenity for existing and future users. Paragraph 198 also highlights the need for decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) on the living conditions and the natural environment that could arise from the development. This includes identifying and protecting tranquil areas which have remained relatively undisturbed by noise and mitigating against potential adverse impacts resulting from noise from new development.

- 6.102 There are a number of properties within Glebe House located 390m to the south of the site. The application has not been supported with any formal assessment on noise. The Planning Statement identifies that Solar Farms, by nature, emit very little noise. Once operational the only noise produced is through the invertors installed on site. It is stated that theses will produce a frequency of 51 decibels which can be heard from up to 1 metre away. The site is not open to the public, and given the distance and intervening development and landscaping, the development is not considered to have an adverse impact in relation to noise on any nearby residential property. The proposed development will have no public access.

- 6.103 The Environmental Health Officer has been consulted on the application and drawn experience from other applications of a similar nature and scale in reaching a conclusion of no objection. Officers have given consideration as to the need for detailed noise assessment to examine the impact on the closets residential properties, however at a distance of over 390m, with intervening development and vegetation, as well as the presence of a highway and railway it is not considered to be necessary.

- 6.104 The proposed development will not give rise to any emissions or require any lighting once operational. However it is acknowledged that during the construction period there will be disturbance and an increase in lighting and noise generated from construction traffic. A planning condition is recommended (Construction Environmental and Traffic Management Plan (CETMP)) which can secure theses details during the construction period in the interest of residential amenity. Subject to this no further conflict with policy SD1 of the CS has been identified.

#### 6.105 **Glint and Glare**

- 6.106 The application has been supported with a detailed and comprehensive Glint and Glare Study of the development which assesses the possible effects of glint and glare from the development on the surrounding area. To be clear, glint refers to a momentary flash of bright light and glare refers to a continuous source of bright light which is typically received by static receptors or from large

reflective surfaces. The assessment looked specifically at the potential impact of the development upon road safety, residential amenity, railway infrastructure and operations, and aviation activity associated with Swinmore Farm Airfield in Munsley. The conclusion of the assessment is that no significant impacts are predicted on road safety, residential amenity and railway infrastructure and operations, and as such no mitigation is required. It was a similar conclusion with Swinmore Farm Airfield with no significant impacts identified and as such no detailed modelling recommended.

- 6.107 The assessment focused on a 1km study area from the application site for ground based receptors and a 500m assessment for railway receptors. Significant roadside screening was identified along the A438 which resulted in a conclusion on no predicted impact. A similar conclusion is reached with regards to residential dwellings within the study area, with intervening terrain and existing vegetation providing screening and obstructing views of reflection.
- 6.108 Officers have no reason to contradict the submitted assessment and therefore conclude that there will not be an unacceptable impact from glint and glare.
- 6.109 **Planning balance and conclusion**
- 6.110 Each planning application must be assessed on its own merits. It is well documented and fully understood that the objective of Government policy is to support the development of renewable energy sources, including solar power, to help ensure the UK has a secure energy supply and reduce greenhouse gas emissions to slow down climate change.
- 6.111 Whilst planning policies support renewable energy proposals in principle, both national and local policies do recognise that large scale solar farms may result in some landscape and visual harm. There are however a number of considerations that weigh in favour of the proposed development put forward under this submission. The development type is considered to be compatible with the flood zone it is sited within, and is acceptable in drainage terms, with no adverse highways impact identified. There would be no material impact upon the residential amenity or living conditions of nearby residents and no concerns relating to potential glint and glare impacts which have been identified. However, in addition to the harm to the landscape character, it has also been identified that the proposal would cause less than substantial harm to nearby historic assets and as directed by Paragraph 214 of the NPPF this harm should be weighed against the public benefits of the proposal.
- 6.112 Both CS policy SS1 and Paragraph 11 of the NPPF engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan without delay. 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 an economic objective; a social objective; and an environmental objective.
- 6.113 The proposal has been considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 of the NPPF, and had full regards to the 'tilted balance' at 11 d) ii, which directs that **permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits**. Whilst it is recognised that the scale of development cannot be classed as small scale, the preceding appraisal has identified that the level of harm to the designated heritage assets and landscape character is outweighed by the public benefits of the development. Chief of these being the contribution of the proposal towards the generation of renewable energy. The resultant reduction in greenhouse gas emissions and energy security benefits, all attract significant weight. This, along with the moderate weight for the benefits to the local economy and biodiversity would, in Officers judgement, outweigh the harm identified.

- 6.114 Full regard has been given to the relevant policies within the Weston Beggard and Yarkhill NDPs which relate to the delivery of renewable energy schemes (Policies WB5 and Y13). The proposal is for a solar development which given the context and nature of its surrounding is not considered to be small scale. Both policies offer support for renewable energy scheme where any adverse impacts on landscape character and built heritage, traffic, ecology, amenity and flood risk are all mitigated against. Through a combination of topography, existing screening and proposed landscape mitigation, the adverse effects on landscape character and the setting of identified heritage assets would be limited and highly localised. The proposed mitigation is considered to be consistent with the landscape character and once the development has been decommissioned there would be no residual adverse landscape impact but rather an enhanced landscape consistent with the objectives of the CS. The application has demonstrated through the submission of various technical reports and surveys that any adverse impacts can be successfully mitigated with details secured through appropriate planning conditions.
- 6.115 Drawing all the above together and having regard to the 'tilted balance' as required by the NPPF, it is concluded that the planning balance here falls in favour of the proposed development. The proposal would make a material contribution to the objectives of achieving the decarbonisation of energy production which significantly and demonstrably outweighs the harm identified to the landscape character and setting of heritage assets in the surrounding area. The proposal is considered to accord with the development plan taken as a whole and is consistent with the NPPF. Officers have taken into account all other matters raised in representations received and from Consultees, but have found nothing of sufficient weight to alter conclusions. The application is recommended for approval subject to the conditions set out below.

## RECOMMENDATION

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

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

- **Location Plan C0002470\_04 Rev: C**
- **Site Layout C0002470\_02 Rev: F**
- **Block Plan C0002470\_05 Rev: C**
- **Typical Section Through Array C0002470\_06 Rev: B**
- **66kV Substation Plan & Elevations C0002470\_07 Rev: A**
- **Customer Substation Plan & Elevations C0002470\_08 Rev: A**
- **LV Substation Plans & Elevations C0002470\_09 Rev: A**
- **Typical Fence Detail C0002470\_10 Rev: A**

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

### 3. Confirmation of start date

Within 1 month of the date of first export of electricity to the National Grid, confirmation shall be given in writing to the local planning authority of the first export date. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of the first export of electricity.

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

### 4. Cease of operation

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

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

### 5. Length of permission

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

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

**PRE-COMMENCEMENT CONDITIONS****6. Construction Environmental Management Plan**

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

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

**7. Construction and Environmental Traffic Management Plan**

Prior to commencement of the development hereby approved, a Construction Environmental and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details. The CETMP will need to be in accordance with current guidance and also incorporate the following in details;

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Site compound location
- Parking for site operatives
- Construction Traffic Management Plan
- Details of times for construction traffic and delivery vehicles
- Routing of construction traffic and delivery vehicles
- Measures to control the emission of dust and dirt during construction
- A scheme for waste minimisation and recycling/disposing of waste resulting from the construction works
- Hours of construction work and measures to control noise
- Measures to control overspill of light from security lighting

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

Reason: In the interests of highway safety, residential amenity and environmental protection and to conform to the requirements of Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy WB5 of the Weston Beggard Neighbourhood Development Plan and the National Planning Policy Framework.

**8. Visibility Splays**

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays shall be provided in accordance with drawing 2308036-03 PO (Visibility Splays and Proposed Site Access). Nothing shall be planted, erected



and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

## 9. Landscape details

Prior to the commencement of the development hereby approved, details of hard and soft landscaping (the Landscape Scheme) shall be submitted to and approved in writing by the local planning authority. The Landscape Scheme shall be in accordance with the Landscape Strategy Plan (LN-NP-07 Revision C) in Figure 7 of the Landscape and Visual Impact Assessment by Stantec dated November 2024. The Landscape Scheme shall include the following:

- a) Plan showing the Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Details of the protection measures to be used for any existing landscape features to be retained.
- c) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.
- d) A timetable for implementation.

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

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

## 10. Surface Water during construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

**Reason:** To ensure that the construction of the development does not increase flood risk elsewhere and does not contribute to water pollution and to conform with policy SD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

## 11. Dormice

Prior to the commencement of any works that may impact dormice or their habitats, a European Protected Species (EPS) licence from Natural England must be obtained. A copy of the licence shall be submitted to the local planning authority for approval.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended



by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & 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.

## 12. Flood Storage Compensation Verification

Prior to the installation of any equipment associated with the development hereby approved, the flood storage compensation, shall be carried out in accordance with the details submitted in Table 3.2 of the Hydraulic Modelling Report by SLR Consulting Limited (Ref: 402.065269.0001, dated 16 May 2025) and Figure 5 of the Technical Memorandum by SLR Consulting Limited (Ref: 402.065755.00001, dated 11 April 2025) unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency. A verification report pertaining to the details outlined within the Hydraulic Report and Technical Memorandum shall be prepared by a suitably competent person, and submitted to the Local Planning Authority for approval. The report shall demonstrate and evidence (including photographs) that the works have been constructed in consistent with that which was approved.

Reason: To minimise flood risk and enhance the flooding regime of the local area ensure the development and to comply with Policy SD3 and LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### **CONDITIONS REQUIRING DISCHARGE BEFORE DEVELOPMENT IS BROUGHT INTO FIRST USE**

## 13. Landscape Maintenance

Before the development is first brought into use, a Landscape Management and Maintenance Plan for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.

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

## 14. Species Net Gain

Prior to the first use of any part of the development works hereby approved, photographic evidence of the suitably placed installation of a minimum total of TEN bird nesting boxes (including TWO barn owl nest boxes) and TEN bat roosting boxes should be supplied to and acknowledged by the local planning authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. Habitat boxes should not be installed on to ash trees and must be installed by or under supervision of a competent ecologist.

Reason: To ensure Species Net Gain 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. Mammal Gates**

The approved mammal gates shall be installed in accordance with the submitted Ecological Impact Assessment (EclA) prior to the first operation of the development hereby approved. The mammal gates should remain functional and free from obstruction throughout the operational lifespan of the development. Post-installation, verification must be submitted to the local planning authority confirming the installation and functionality of the mammal gates.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & 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.

**16. Protected Species and Dark Skies (external illumination)**

No external lighting is to be used on site boundary habitats. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority prior to first use of the development works approved under this planning decision notice. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**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.

**17. Access Gates**

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

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

**18. Hours of Working**

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 – 19:00, Saturday 8.00 – 17:00 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 the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**


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Further information on the subject of this report is available from Ms Rebecca Jenman on 01432 261961

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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.

3. The applicant is reminded that all new fencing or build development should be positioned at least 9m away from all existing ordinary watercourses (both the IDB maintained watercourses and the other smaller ditches) to ensure access for future maintenance by the IDB and others
4. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Local Drainage Board.
5. 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.

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

Decision: .....

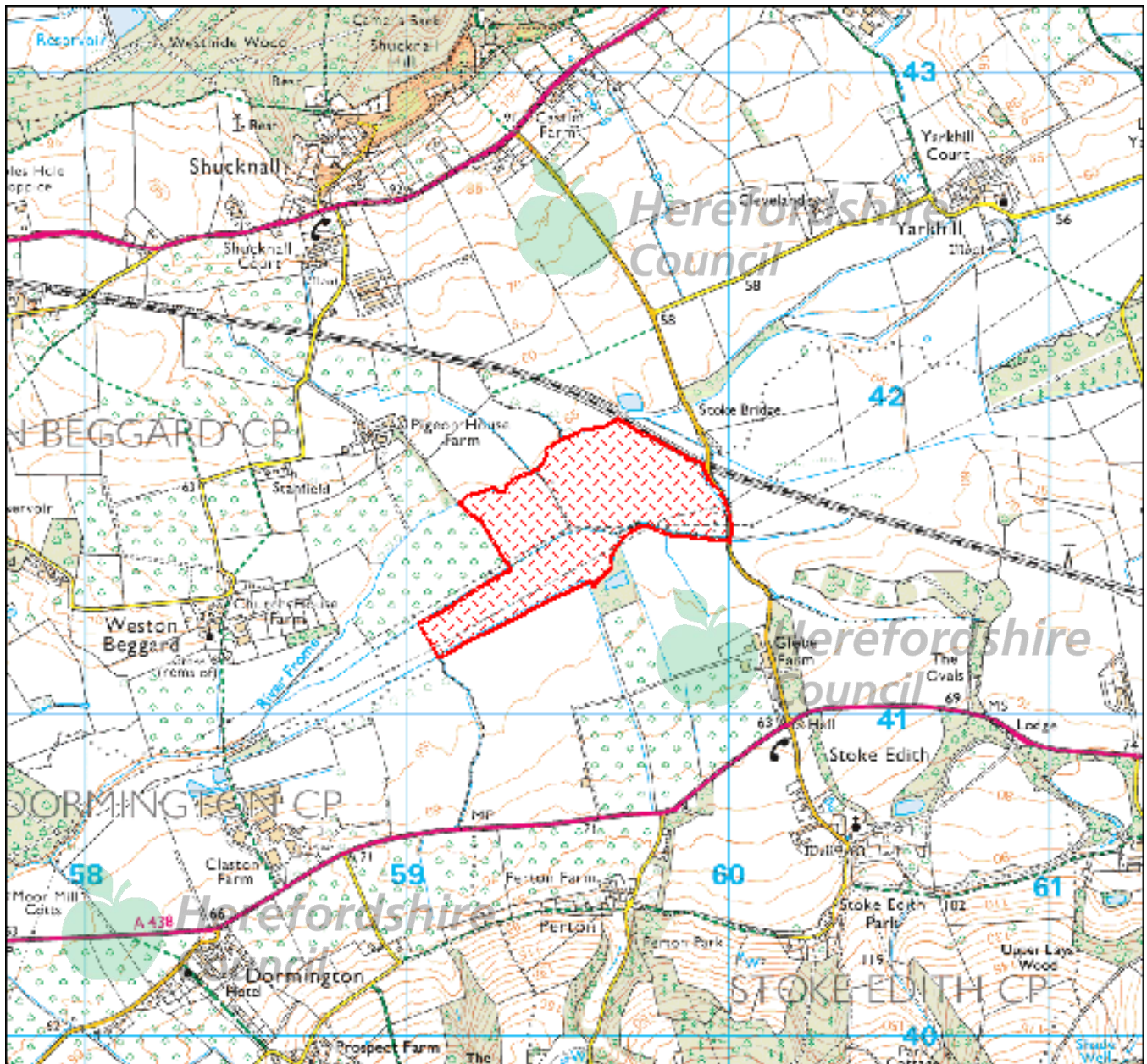
Notes: .....

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**Background Papers**

None identified.





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

**APPLICATION NO:** 241510

**SITE ADDRESS :** LAND AT STOKE EDITH, HEREFORD, HEREFORDSHIRE

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<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 JULY 2025</b>
<b>TITLE OF REPORT:</b>	<b>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.</b>  <b>For: Bloor Homes Western per [REDACTED], 3 Rd Floor, Regent House, 65 Rodney Road, Cheltenham GL50 1HX</b>

<b>WEB LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243045&amp;search-term=243045">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243045&amp;search-term=243045</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 27 November 2024    Ward: Holmer**  
**Ward Member: Cllr Frank Cornthwaite**

**Expiry Date: 4 July 2025**

## **1. Site Description and Proposal**

- 1.1 The application relates to a site on the northern edge of Hereford, forming part of a larger parcel of land known as Holmer West, which is identified as a strategic urban extension in the Herefordshire Local Plan Core Strategy under policy HD4. The site falls within the redline boundary of outline permission 150478/O, which allowed for the erection of up to 460 dwellings and is currently in the process of being built out. The land to the south east of the estate, previously associated with Holmer House Farm, has also been developed for housing but under the provisions of a separate permission (P184662/O). The sites are being developed together by Bloor Homes and are part of a housing scheme collectively known as 'Hereford Point'.
- 1.2 The application relates to a parcel of land comprising 0.51 hectares, located to the north east of Hereford Point near to the junction between the site 'spine road' of Hedgerow Way and the A49. The land is bound by Hedgerow Way to the north, on the opposite side of which lies open countryside. It adjoins existing housing to the south and west. To the east of the site, there is a parcel of land that has been set aside for the delivery of a 'park and choose' site in accordance with the outline planning permission and Reserved Matters approval 201446/RM. The proposal site is accessed off Clubtail Drive to the west. The land is currently laid to grass and is of a generally consistent gradient, which rises from the south west to the north east. Close boarded fences define the boundaries with neighbouring houses, whilst a post and rail fence demarks the boundary with Hedgerow Way to the north. The location of the site relative to the wider Hereford Point development is shown on aerial image at Figure 1.



**Figure 1:** Site Location in the context of wider Hereford Point development

- 1.3 The current application is made in full and seeks permission for the following:

*“The erection of 31no. key worker dwellings, including access from Clubtail Drive with associated infrastructure and landscaping.”*

- 1.4 The application has been made by Bloor Homes, however the supporting documentation sets out that the dwellings would be constructed for the Defence Infrastructure Organisation (DIO) and the accommodation is intended for occupation by military personnel based at sites around Hereford. The Planning Statement reports that many military personnel are currently housed in rented accommodation in the central area of Hereford and the application seeks to provide purpose built accommodation to replace this, freeing up private housing stock within the city.
- 1.5 As above, the proposal seeks to deliver 31 C3 residential units. These would be delivered as a mix of apartments and maisonettes, comprising 12 x one bed units and 19 x two bed units. The proposal seeks to utilise the existing access off Clubtail Drive, which will also serves the approved ‘park and choose’ scheme to the east. The alignment of the extension to Clubtail Drive severs the site into two parcels to the north and south of the highway. On the northern side, it is proposed to deliver two blocks of apartments which would be three stories in height and sited along the eastern and northern boundary. A further two buildings would be delivered on the northern parcel, being two storeys in height and each supporting two maisonettes which have an external appearance akin to a pair of semi-detached houses. All units on the southern parcel would be delivered as two storey buildings, again in a form akin to semi-detached houses. Central parking areas would be provided for each block of development, which includes shared external spaces in lieu of dedicated private curtilages. The proposed site layout for the site is shown below (Figure 2), along with elevations for one of the apartment units (Albany – Fig 3), an example maisonette unit (Satterfield –Fig 4) and visualisations from Hedgerow Way (Fig 5).





**Figure 2: Proposed Site Layout Plan**



**Figure 3: Proposed Elevations – Albany House Type (Apartments)**





**Figure 4: Proposed Elevations – Satterfield House Type (Maisonette)**



**Figure 5: Indicative Elevations – site from Hedgerow Way to north east**

- 1.6 The application is promoted on the basis that it meets the accommodation needs of essential local workers and would also fulfil the definition of Affordable Housing. It is proposed that the accommodation would be delivered on a 'Build to Rent' basis, whereby the accommodation would be offered for rent to qualifying persons at a rate set in accordance with Government's rent policy for Affordable Rent or is at least 20% below local market rents. This is captured within a S106 Agreement, a draft form of which is included at Appendix 1 and this also includes provisions to restrict occupancy to military personnel only.

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

1.7 In addition to the plans, the application is supported by

- Planning Statement – Ridge and Partners LLP
- Design and Access Statement
- Transport Statement
- Noise Impact Assessment
- Ecology Technical Note
- Ecology BNG Report and Metric
- Drainage Strategy (and Technical Note May 2025)
- Construction Environmental Management Plan (CEMP)
- Sustainability Strategy

## 2. POLICIES

### 2.1 Herefordshire Local Plan – Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS5 - Employment provision
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- HD1 - Hereford
- HD3 - Hereford movement
- HD4 - Northern Urban Expansion (Holmer West)
- H1 - Affordable housing – thresholds and targets
- H3 - Ensuring an appropriate range and mix of housing
- SC1 - Social and community facilities
- OS1 - Requirement for open space, sport and recreation facilities
- OS2 - Meeting open space, sport and recreation needs
- MT1 - Traffic management, highway safety and promoting active travel
- E3 - Homeworking
- 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 - Waste water treatment and river water quality
- ID1 - Infrastructure delivery

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

It is highlighted that 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 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

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

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 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.

## **2.2 Holmer and Shelwick Neighbourhood Development Plan (made March 2020)**

Policy HS1: Meeting the Housing Requirement  
Policy HS3: New housing development in Holmer  
Policy HS4: Design  
Policy HS5: Landscape and Natural Environment  
Policy HS7: Community Facilities  
Policy HS9: Hereford Western Relief Road

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

<https://www.herefordshire.gov.uk/directory-record/3127/holmer-and-shelwick-neighbourhood-development-plan>

## **2.3 Minerals and Waste Local Plan (MWLP) (made March 2024)**

Policy SP1 – Resource Management

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

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan/5>

## **2.4 National Planning Policy Framework (December 2024)**

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

The NPPF can be viewed in full via the link below:

[https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf)

## **2.5 National Planning Practice Guidance (NPPG)**

The associated 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>



## 2.6 Supplementary Planning Documents

- Affordable Housing Supplementary Planning Document (SPD) 2 June 2021.
- Planning Obligations Supplementary Planning Document (SPD) April 2008

## 3. Planning History

- 3.1 The following applications are considered relevant to the current proposal. These include applications which relate directly to the current proposal site, but which also relate to the development of the wider Holmer West / Hereford Point development of which the site is a constituent part.

### Relevant to wider Holmer West development:

REFERENCE	DESCRIPTION	DECISION	DATE
150478/O	Proposed erection of up to 460 dwellings including affordable housing, public open space, a Park & Ride facility, with associated landscaping access, drainage and other associated works	Approved	May 2017
P171073/RM	Application for approval of reserved matters following outline approval (P150478/O). For the erection of 82 dwellings, including open space, access, drainage and other associated works'	Approved	July 2017
P180618/RM	Application for approval of reserved matter following outline approval (150478) for the creation of main link road (spine road) linking access between the Roman Road and the A49	Approved	June 2018
P182712/RM	Application for approval of Reserved Matters (Phase 2) following outline approval (150478/O) for the erection of 221 dwellings including open space, access, drainage and other associated works	Approved	Feb 2019
P201445/RM	Application for approval of reserved matters following outline approval. (150478) Site for 77 dwellings	Approved	Nov 2020
P201183/RM	Application for approval of reserved matters (Specialist Housing Scheme) following outline approval. (150478). Proposed erection of 80 residential units and communal facilities retirement accommodation over a mixture of 3 and 2 storey blocks with associated parking and landscape	Approved	Sept 2020
P184662/O	Hybrid application – Approval sought for access for the whole development. Approval sought for appearance, layout and scale for 17 dwellings identified on drawing number. PA 5057-2a. Description Proposed demolition of modern ag buildings and replacement with a development of up to 100 market and affordable dwellings including the conversion of traditional barns into four dwellings, conversion and replacement extension of Holmer House to create	Approved	November 2019

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

	seven apartments & associated sustainable drainage works, de-culverting of Ayles Brook, roads, footpaths, cycleways, public open space & landscaping		
P201682/RM	Application for approval of Reserved Matters following hybrid approval(P184662/O ) for the erection of 83 dwellings including open space, access, drainage and other associated works	Approved	December 2020

Relevant to this specific parcel of land:

REFERENCE	DESCRIPTION	DECISION	DATE
P201446/RM	Reserved Matters following outline approval (150478/O) for a Park and Choose Facility, Allotments, landscaping, drainage and associated highway infrastructure	Approved	April 2021

#### **4. CONSULTATION SUMMARY**

##### **4.1 Statutory Consultations**

##### **4.1.1 Welsh Water – No Objections**

Having reviewed the submitted drainage statement which indicates the proposal to discharge foul flows into the public sewerage system, in principle Dŵr Cymru Welsh Water have no objection to this proposal. However, we do advise that the applicant contacts the adjacent development as although the sewerage for the adjacent development has been offered for adoption to DCWW, it is currently the developer who is responsible for this drainage at this time and any alterations to this drainage could affect the S104 adoption agreement.

Turning to surface water, as above, in principle Dŵr Cymru Welsh Water have no objection to this proposal. However, as mentioned with the foul, the surface water sewerage system in the adjacent development is currently the responsibility of the developer and we would advise the applicant to engage with the developer. Furthermore, as the surface water would eventually discharge into the water course, we would advise the applicant discuss the proposal with the Land Drainage Authority, Natural England and/or the Environment Agency.

##### **Sewage Treatment**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

##### **Potable Water Supply**

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dŵr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water Industry Act 1991. The applicant's attention is drawn to our new water connection application guidance notes available on our website.

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

#### Condition

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

#### **4.1.2 National Highways**

Referring to the consultation on a planning application dated 14th April 2025 referenced above, in the vicinity of the A49 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways Recommended Planning Conditions)

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority, and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset, and as such, we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A49 trunk road.

#### Development Proposal

The application is for the development of 31 dwellings off Clubtail Drive.

#### Traffic

The Transport Statement (dated November 2024) states that there will be eleven additional trips in the AM peak and nine additional trips in the PM peak. This should have a negligible impact on traffic. Therefore, National Highways has no further comments to make on this.

#### Construction Impact

National Highways would expect to see a Construction Traffic Management Plan (CTMP) which should include the following details:

1. Hours of working; date works will commence and anticipated completion date/duration.
2. Anticipated average two-way daily traffic numbers associated with the construction phase of the project.
3. Confirmation of the intended construction access arrangements to and from the site from the SRN (A49).
4. The arrangements for routing of construction vehicles to and from the site.
5. Details of any special or abnormal deliveries or vehicular movements.
6. Site contact details responsible for ensuring Health & Safety and handling of complaints.
7. With respect to a CTMP, however, National Highways is content that the above can be undertaken post-planning consent, ensured through a suitably worded planning condition.

**Condition 1:** 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.

#### 4.1.3 **Hereford and Worcester Fire Service – No Response**

#### 4.2 **Internal Council Consultations**

##### 4.2.1 **Local Highways Authority – No Objections subject to conditions**

##### Initial Comments January 2025:

The LHA is aware that the approved plans for the park and choose site (20146/RM) identified this land as being 'potential future expansion land'. However, there is no legal mechanism or adopted policy which safeguards the land as being reserved exclusively for that purpose.

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

Based on the current information submitted, the following observations can be made:

- **Visibility Splay:** The visibility splay (2m x 2m) for Plot 1 is obstructed by the adjacent fence from the previous application.
- **Turning Heads:** No turning heads have been provided. While the development does not necessitate a standard turning head due to its size, it should still accommodate turning for a long wheelbase van.
- **Cycle Storage:** Secure, covered cycle storage should be provided for all units, ideally as individual storage facilities where possible. The location of the units for 1-12 do not provide this as they are located in the corner of the site away from many of the properties, therefore would probably not be used as residents would worry about the security and practicality of the location of this provision.

Without the above information and changes to the proposed layout the LHA cannot look to support this application

Further Comments on additional plans:

Whilst it does not providing an official turning heads, it does show a van can be turned around even if it's tight. Clubtail Drive currently has limited movements therefore it will also be assumed that both the refuse vehicles and delivery vehicles will reverse in. Even if and when the park and choose site comes into operation then it will still be acceptable.

CAB - Visibility Splays 2 x 2 m

CAE - Vehicular access construction

CAH - Driveway gradient

CAI - Parking – single/shared private drives

CAT - Construction Management plan

CB2 - Secure covered cycle parking provision

CB3 - Travel Plan

I11 – Mud on highway

I09 – Private apparatus within the highway

I45 – Works within the highway

I47 – Drainage other than via highway system

I41 – Travel plans

I35 – Highways Design Guide and Specification

#### 4.2.2 **Landscape Officer – Qualified comments / Objection**

The development appears to be shoehorned into a space, and then leaves little in between to make it a liveable place for residents of Adeline House and Albany House next to a large car park. The view from A49 looking over the car park towards the development needs to reflect the transition between the rural character and the urban character.

The visualisation (Refer to figure 1) gives an impression of a leafy, community feeling car park (trying to make it feel acceptable, but could do more to make the allotments feel sheltered or away from the hardness of the carpark), but it does not seem to reflect the plan of the car park (Refer to figure 2).

Overall, the visualisation (with more tree and landscape buffering along the allotment) needs to be reflected in the plan. The car park needs to be given the necessary spaces to be able to take large trees (as shown), with the understanding that engineered sub surface planting pits are

used to reduce compaction and give adequate soil structure to sustain large trees in hard surfaces. This along with the appropriate irrigation and drainage requirements to ensure that the trees are reflective of the visualisation. There are many examples of car park trees that do not succeed if not given the adequate and appropriate space, detail and specification.

#### 4.2.3 **Environmental Health Officer (Noise and Nuisance) – No Objections subject to conditions**

A noise impact assessment has been submitted with this application, ref.51-421-R1-1, Ep3, dated November 2024. Road traffic noise has been measured in accordance with Calculation of Road Traffic Noise (CTRN) methodology and subsequent noise modelling to BS8233:2014 criteria.

##### Internal noise levels:

The assessment shows that desirable internal noise levels as outlined in BS8233:2014 can be achieved with windows partially open across most of the site but that some dwellings along the eastern boundary (closest to the A49) will exceed those levels.

At night time, the road facing facades will experience noise levels of between 49 and 52dB (LAeq, 8hr). The assessment proposes a standard glazing specification of 4 mm glass/20 mm air space/4 mm glass across the majority of the site but road facing facades (as outlined in figure 5, appendix 3) will require an alternative ventilation strategy and need to be assessed for overheating.

If relying on closed windows to meet BS8233 values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or resulting noise level. Where mechanical services are used as part of the ventilation or thermal comfort strategy for the scheme, the impact of noise generated by these systems on occupants should be assessed.

##### External noise levels:

There are no garden areas outlined on the plan. Green space across the site has been assessed with the majority of areas falling below the maximum desirable levels, meaning further mitigation is not required.

Therefore, whilst this department does not object to this proposal, it is recommended that the following conditions are added to any permission granted

##### Conditions

Design and construction of the development shall ensure that the following noise criteria are met with windows open\*:

- a. bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
- b. living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- c. dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Prior to works commencing on site, an assessment must be provided to and agreed with the LPA, as to the risk of overheating using CIBSE TM52 to ensure the predicted temperatures inside the road facing dwellings achieve overheating compliance criteria. This must also be with reference to the Acoustics Ventilation and Overheating residential design guide January 2020 (Association of Noise Consultants).



Reason: In the interests of residential amenity so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

#### 4.2.4 **Ecologist** – No Objections subject to Conditions

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

The proposal is for 31 new residential units with associated foul and surface water flows created (nutrient pathways)

- The site is within the mains sewer catchment for Welsh Water’s Hereford (Eign) Waste water Treatment Works that discharges into the River Wye at Hereford.
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- Welsh Water have confirmed that the Hereford (Eign) WWTW has capacity to manage the additional flows created by the creation of a new residential dwelling.
- The additional foul water flows can be considered as accommodated within the nutrient allowance secured through the current Core Strategy ‘Hereford’ housing allowances that were subject to a positive HRA process at the time the CS was adopted.
- The supplied information confirms all surface water can be managed through an appropriate Sustainable Drainage System
- The approved foul water management systems can be secured by condition on any planning permission finally granted.

\*Refer to recommended conditions\*

The Construction Environmental Management Plan by RSK dated November 2024 are noted and appear relevant and appropriate to the location and scale of the project. The CEMP will ensure there are no effects from construction on the River Wye SAC, or other local nature conservation interests. The recommendations in the CEMP should be secured for implementation by condition on any planning permission granted.

With all mitigation fully embedded with the project – planning permission the required HRA process can be considered as being ‘screened out’ at Stage 1 and no full appropriate assessment is required and no consultation with Natural England is triggered.

### Statutory Biodiversity Net Gain

The supplied information appears relevant and appropriate and it is noted that all onsite BNG enhancements are located on shared/public open space. The balance of required BNG that cannot be delivered onsite will be purchased from suitable and nationally recorded offsite Habitat Bank(s). Full details with confirmation of purchase, updated statutory Metric and all other relevant details and information must be supplied for 'discharge' subsequent to planning permission being granted but PRIOR to any approved works commencing on site.

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: \*Refer to recommended conditions\*

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including the River Wye SAC/SSSI and 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. \*Refer to recommended conditions\*

For all other 'public' lighting this should be minimum required and design/luminaire specification based on current best practice such as that developed by the Bat Conservation Trust and Institute of Lighting Professionals. Areas being proposed with any significant for Biodiversity Net Gain contribution should not be subject to any additional illumination so as to ensure the BNG achieves maximum potential.

#### **4.2.5 Strategic Housing Team – No Objection**

I can confirm that I have seen the Heads of Terms provided, which captures the delivery of the dwellings on a Build to Rent basis and for occupation by military personnel only. I have no objection to the proposal on that basis.

#### **4.2.6 Historic Building Officer – No Objection**

Thank you for consulting me on the above application. I can confirm that the site lies outside a conservation area and that the nearest listed buildings are;

- UID 1296577 Holmer House
- UID 1099290 Church of St Bartholomew grade I

I note that there is existing new development between the site and the grade I listed church and as such would not consider that this proposal would impact on the setting of this listed building as it would be screened by existing development.

In terms of Holmer House UID 1296577, I note that the development of Darters Lane lies between the application site and the listed building. The development closest to Darters Lane would be 6 house types of the Sattersfield house type. That is 2 storey with traditional fenestration detailing.

The Adelaine and Albany are larger being 3 storey flats with a steep pitched roof. Given the distance from the listed buildings, it is not considered that the proposal would harm the setting of the listed buildings and as such no objection is raised in built heritage terms in respect of setting of heritage assets.

#### 4.2.7 Land Drainage – No Objections

##### 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. The existing site entrance is partially sited within Flood Zone 3.

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).

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.

##### Surface Water Drainage

Infiltration testing was completed across the wider Bloor Holmer site at Outline stage. As the ground is largely impermeable a surface water drainage strategy utilising attenuation has been proposed.

Surface water will be attenuated in the balancing pond installed to serve the 184662 Holmer House Farm development. Restricted flows (8 l/s) from an adjacent Crest Nicholson development approved under 173405 'Land to the east of the A49', are directed into the balancing pond (these flows discharge directly to the watercourse via an existing highway drain).

Alterations have been proposed to the weir within the overflow / flow control manhole.

*BBLP 10.06.2025 – The proposals include raising the weir and replacing the existing hydrobrake (as explained in the drainage strategy). There are also proposals to raise bank levels slightly. The hydrobrake approved for the original Holmer House Farm development (drawing 05596/A/0505/P4) had a different pass forward flow and so has to be replaced. The bank levels (surveyed April 2025) are shown as being too low (as explained in the technical note), so some bank raising will be required.*

The hydrobrake and weir are being adopted by HC. A meeting will be convened to discuss the modifications that will need to be completed to allow the adoption to proceed.

We have reviewed the 173405 Crest Nicholson surface water strategy. There are proposals for two sets of geocellular tanks, with two hydrobrakes. Manhole S10 incorporates a flow control that could pass 8.1 l/s in a 100-year storm. The flow control at Manhole S12 could pass 2.7 l/s. The hydrobrakes serving these tanks could discharge up to 10.8 l/s.

As discussed above, the simulation assumes slightly lower flows from the Crest Nicholson site and so should be re-run.

*BBLP 10.06.2025 Bloor have advised that the agreement reached with Crest Nicholson was for 8 l/s. BBLP have raised the issue with the LPA and will reconsult with Crest Nicholson*

The MicroDrainage simulation that has been provided is only for the 6-hour storm. For the purpose of comparison we request that the Applicant presents the results of a 6-hour storm with (and without) any inflow from the Crest Nicholson site.

Spills from the balancing pond could increase the risk of downstream fluvial flooding. The Ayles Brook is a small watercourse, it is likely that the more acute floods relate to a 3-hour storm.

*BBLP 10.06.2025. The calculations that have been presented include 180 minute and 360 minute simulations which include for 8l/s from the Crest Nicholson site.*

We request the provision of MicroDrainage calculations relating to a 3-hour storm, with and without inflow from the Crest Nicholson site. This is also needed as there is also a risk of some water being retained if the small flow control were to block.

Two geocellular crates are proposed in the proposed key worker housing estate. The flow controls (2.5 l/s) and crates will be privately owned, discharging into a surface water drain that will be adopted as a sewer. The crates are shown below estate roads. We request that the crates are positioned below the parking areas.

*BBLP 10.06.2025. The crates have been relocated*

We request the provision of a topographical survey data for the edge of the existing pond, to confirm that there is adequate freeboard at all locations.

#### Foul Water Drainage

Welsh Water have confirmed no objection to the proposed foul water connection to the public foul sewer.

Overall Comment: No Objection

We have no objections to the development, the modifications to the hydrobrake, weir and pond edge will be made under the SuDS pond adoption process.

#### 4.2.8 **Education Authority – Planning Contributions Sought**

Contribution sought for enhanced education infrastructure in relation to:	<ul style="list-style-type: none"><li>• North Hereford Early Years provision,</li><li>• Holmer CE Academy,</li><li>• St Francis Xavier RC Primary School</li><li>• Whitecross Hereford</li><li>• St Mary's RC High School,</li><li>• North Hereford Post-16 provision,</li><li>• North Hereford Youth services,</li><li>• Special Educational Needs and Alternative Provision in Herefordshire.</li></ul>
<b>Total contribution sought: (based on mix above and cost per dwelling detailed below)</b>	<b>£93,784</b>

For full response, refer to following link:

<https://myaccount.herefordshire.gov.uk/documents?id=74ebe56c-ccfd-11ef-9087-005056ab3a27>

#### 4.2.9 **Archaeologist – No Objections**

#### 4.2.10 **Planning Obligations Manager – No Objections / Qualified Comments**

The application proposes a mix of 1 bedroom and 2 bedroom military housing for occupation by military personnel.

Military housing means housing that is:

- owned by the Defence Infrastructure Organisation, Ministry of Defence or any other organisation which is responsible for the provision of built estates for Military Personnel and / or members of the armed forces.
- to be exclusively used and occupied by military personnel and / or members of the armed services (and which shall not include dependent children).

Military personnel is defined as meaning individuals who serve in the armed forces including the army, navy, air force and marine corps.

The accommodation will be let at an affordable rent by the Defence Infrastructure Organisation to those who are eligible for Affordable Rented Housing. Affordable Rent requires a rent and service charge of no more than 80% of the local market rent including service charges (where applicable).

The accommodation is being built on a Build to Rent basis which has the meaning given to it in Annex 2 of the National Planning Policy Framework as being 'purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.'

The application requires the completion of a section 106 legal agreement to ensure:

1. The obligations are conditional upon the owner entering into a binding contract with the Defence Infrastructure Organisation to take a transfer of the dwellings and the owner covenants not to commence development until a binding contract is entered into with the Defence Infrastructure Organisation to deliver the scheme.
2. The dwellings shall not be used or occupied otherwise than as military housing in perpetuity.
3. On the first disposal of each dwelling a restriction shall be placed upon the registered title to each dwellings restricting the occupation of the dwelling otherwise than as military housing in perpetuity.
4. The dwellings will be provided as affordable rent and shall be let at gross rents which should not exceed 80% of the open market rent.

The Herefordshire Council Planning Obligations Supplementary Planning Document sets out when financial contributions are required to provide infrastructure to mitigate the impact of the development.

It provides for exemptions from contributions including 1 bedroom units or from other specialist housing where it can be demonstrated that the nature of the accommodation will not lead to contributions being required. In addition, schemes for affordable housing are exempt from contributions.

Having regard to this, the proposal is for 31 dwellings comprising 12 x 1 bedroom dwellings and 19 x 2 bedroom dwellings. The section 106 agreement controls the accommodation to be exclusively used and Occupied by Military Personnel and / or members of the armed services (and which shall not include dependent children). In addition it is a build to rent affordable scheme to be let at 80% of the open market rent.

Therefore, in accordance with the Herefordshire Council Planning Obligations Supplementary Planning Document financial contributions are not required.

## 5. REPRESENTATIONS

### 5.1 Holmer and Shelwick Group Parish Council – Objection

1. Application contravenes Holmer & Shelwick's NDP - Policy HS4. - 42 parking spaces provided for 50 bedrooms, therefore a shortfall of 8 spaces. Design - Application fails due to privacy, outlook, sunlight and daylight to existing residents.
2. The proposed site is approximately 1.5 metres higher than the adjacent two-storey private houses and therefore will lead to an over-bearing effect due to the proposal's three-storey form. leading to over-shadowing.
3. The 2 three-storey blocks of flats, when approaching from the A49, will create an over-dominating presence when entering The Point development.
4. This was not an original allocated area for development, but there has been no proposed drainage strategy. The visualisations forming part of the application in "View 3" does not show the true reality of the adjacent properties in height. nor solar panels to the south facing roofs therefore non-compliance with Net Zero.

### 5.2 Letter of Objections have been received from 25 individuals. They are summarised as follows:

- Lack of justification and clarity regarding type of 'key worker' accommodation proposed
- Concerns that proposal would represent an overdevelopment of a parcel of land that was originally intended for a park and choose or allotments site
- Concerns regarding risk of flooding and adequacy of drainage arrangements, particularly in terms of how the scheme will link into the infrastructure serving the wider development.
- Concerns regarding appropriateness of design relative to existing development – including scale, massing, height, use of materials and orientation of fenestration
- Concerns regarding potential for loss of privacy, overlooking, overbearing and overshadowing of existing dwellings in a manner that is detrimental to amenity. Specific concerns include scale of new development proposed; differences in ground levels; separation between plots; orientation of fenestration; and adequacy of screening / landscaping proposed.
- Concerns regarding potential for noise and disturbance to existing residents, particularly as a result of type of accommodation proposed that is likely to be occupied by young single people.
- Concerns regarding potential impact upon habitat and wildlife on the site
- Concerns regarding generation of additional traffic on estate and wider network, including A49
- Conflict between residential traffic and future users of the park and chose site
- Concerns that scheme will exacerbate existing parking issues
- Development would compromise the operation of the Park and Choose, which in turn will undermine sustainable transport and promote car dependency. ATE should be consulted.
- Concerns regarding additional pressure on local facilities and services, including access to schools and healthcare provisions.
- Use of the site for housing goes against previous permissions and the intentions for the future use given by developer to purchasers of neighbouring housing.
- Concerns for potential impact during construction phase (noise, traffic etc)
- Effect on the character of listed building or conservation areas
- Development does not make adequate provision for affordable housing

### 5.3 Defence Infrastructure Organisation (DIO) – Support

We refer to the above application and write to express support for the proposals. Specifically, the proposed accommodation forms an important part of the strategic thinking and analysis for the future provision of Service Family Accommodation (SFA) to support the Hereford Garrison.



The MOD has a major presence in the City of Hereford and the surrounding area with many service personnel and families living in the local community. The military will have enduring presence for the foreseeable future.

At a strategic level, the MOD has recently completed a deal with Annington Homes to take back control of 36,000 homes that provide SFA in England and Wales. Indeed, the department is currently undertaking a review of all of the SFA estate to inform a new military housing strategy.

It follows that an important first step in the strategy is the rapid development of an action plan to identify and deliver potential SFA opportunities. This will support the Government's Plan for Change and will include measures to support the Homes for Heroes pledge to support veterans.

Holmer is extremely well located for our housing needs and the detailed application proposals submitted by Bloor for 31 key worker dwellings on the site would make a valuable contribution to the military housing strategy: in the form of flats for 50 individual personnel.

We appreciate Bloor's planning application will be determined in due course 'on its merits', though trust that the rare opportunity presented by this proposal will be viewed as having the potential to further support the military in Hereford as 'essential, local workers' and will, in turn, be supported by the Council.

#### 5.4 NHS Clinical Commissioning – Planning Contributions Sought

Primary Care Network	Additional Population Growth (31 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
Hereford Medical Group PCN	75	4.8	19,200

For full response, refer to following link:

<https://myaccount.herefordshire.gov.uk/documents?id=8fbabbdf-da46-11ef-9088-005056ab3a27>

#### 5.5 The consultation responses can be viewed on the Council's website:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=243045&search-term=clubtail](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=243045&search-term=clubtail)

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

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

## 6. Officer's Appraisal

### 6.1 Policy Context

#### 6.2 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."*

#### 6.3 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Holmer and Shelwick Neighbourhood Development Plan. The latter was

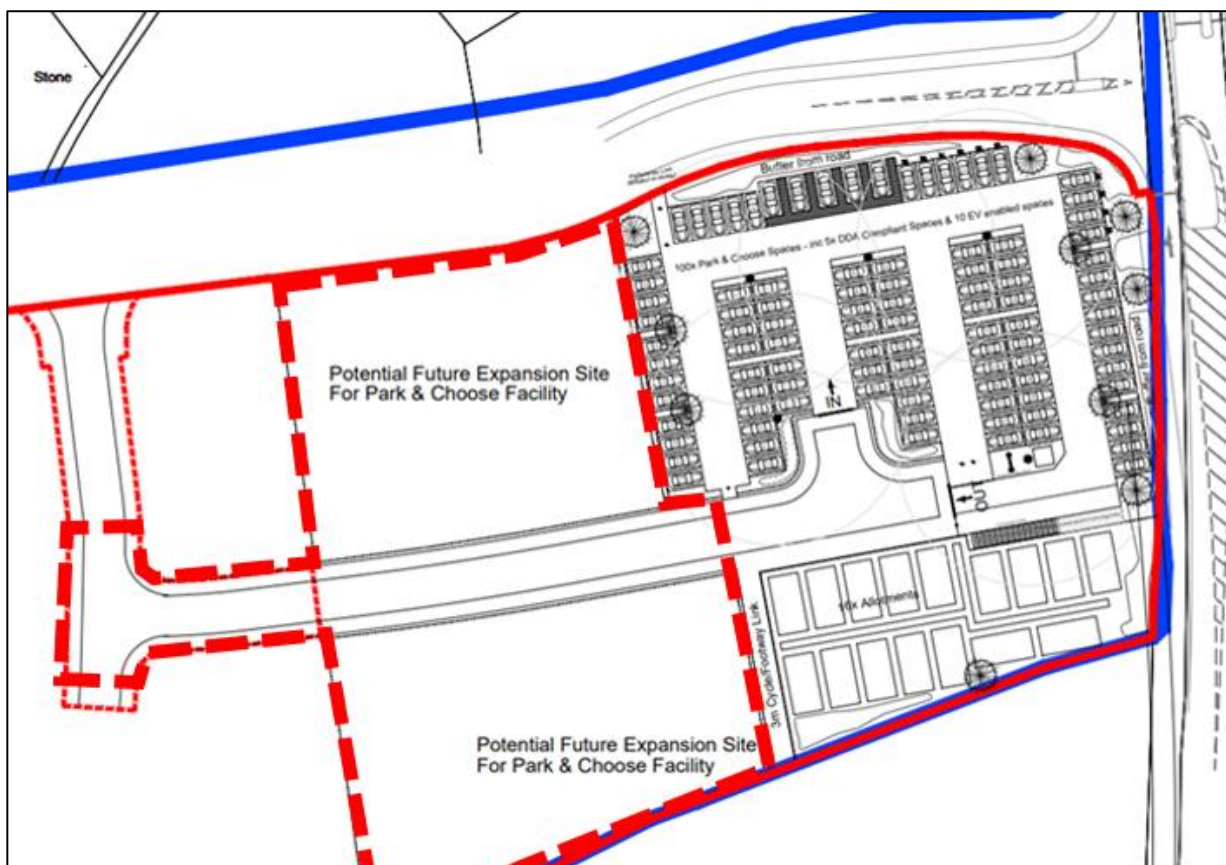
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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

made part of the statutory development plan in March 2020. The National Planning Policy Framework (NPPF) is also a significant material consideration.

- 6.4 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.5 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 9<sup>th</sup> November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case the relevant policies of the CS have been reviewed and are considered entirely consistent with the NPPF with regards to promoting sustainable types and patterns of development. As such, it is considered that they can still be attributed significant weight.
- 6.6 The Council is currently in the process of preparing a new local plan. A draft was published in the March 2024 for Regulation 18 consultation. Following the changes to the NPPF made at national level in December 2024 however, the Council decided to cease further work on the Draft Regulation 18 Local Plan because a new spatial strategy is required to address the significant uplift in housing growth. The council will now progress its Local Plan under the new plan making process introduced by the Levelling up and Regeneration Act (LURA) 2023. No draft of the plan under the new plan making system has yet been published. As such, there is no emerging plan to which any weight can currently be attributed.
- 6.7 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 states 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:
- I. 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
  - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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.
- 6.8 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 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 is **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.

- 6.9 Paragraph 14 of the NPPF concerns the relationship between the Paragraph 11d presumption and Neighbourhood Development Plans. It states that where the presumption is engaged for applications involving the provision of housing, then 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).
- 6.10 The Holmer and Shelwick Group NDP was made in March 2020 and is now therefore more than 5 years old. As such, the plan does not benefit from the enhanced protection set out in NPPF Paragraph 14.
- 6.11 **Principle of Development**
- 6.12 The Core Strategy sets out that Hereford is to be the main focus for housing growth in the county. The land subject of this application forms part of a wider parcel known as 'Holmer West' which is identified by Core Strategy policy HD4 as a sustainable urban extension to Hereford. The site is also within the settlement boundary for Holmer as identified within the NDP through policies H1 and H3. The latter confirms that new housing within this boundary will be supported and the NDP recognises the wider parcel of land as a commitment site under 150478/O. Together, this establishes that the site is a suitable one for residential development in principle.
- 6.13 In the context that the site forms part of a wider parcel identified as 'Holmer West' urban extension, policy HD4 of the CS is relevant and this calls for a comprehensively planned scheme which sensitively integrated into both the built environment and landscape setting, with a target of delivering 500 new homes. The outline planning permission granted under 150478/O allowed for up to 460 dwellings which have now all been 'exhausted' through the various RM phases, whilst a further 100 dwellings have been approved at Holmer House Farm under 184662/O. A further 105 units secured full planning permission under P224270/F. It is hence evident that the land has delivered well in excess of the policy expectation of 500 dwellings. However, it is clear from the supporting text to the CS 4.2.50 that the 500 dwelling expectation is a minimum requirement; as such it is not a ceiling in terms of quantum and further units can be supported provided this responds to relevant site constraints and the requirements of policy. It is also pertinent that national guidance seeks to ensure the new development makes the most efficient use of land, whilst contributing to significantly boosting the supply of new homes. With that in mind, it is considered that no "in principle" policy tension arises from the additional provision over and above the quantum of dwellings originally envisaged for the urban extension. Both this application and earlier phases of the development have made efficient use of land, whilst responding to the established development patterns on the north side of Hereford. There is hence no harm arising from the further application and the proposal aligns with the government aspiration to boost housing supply – which is a particularly important consideration at a time when the Council is unable to demonstrate a five year supply of housing land.
- 6.14 **Relationship with Park and Choose Site**
- 6.15 The application site forms part of the larger red line area for outline planning permission 150478/O, which is the main permission for Hereford Point and provided for up to 460 dwellings. It also provided for various elements of supporting infrastructure, which included a Park and Ride facility as required by policy HD4. A Reserved Matters application 201446/RM was approved in 2021 which provided for a 100 space Park and Choose facility, allotments, landscaping, drainage and associated highway infrastructure. The approved plans for this are shown in Figure 5, with the current application site indicated by the dashed red line:



**Figure 5:** Approved plans for Park and Choose site under 201446/RM

- 6.16 The approved plans at Figure 5 highlight that the current proposal site corresponds to a residual area of land which formed part of the RM application, but did not form part of the approved Park and Choose facility. Instead, the plans mark the land as being for a 'Potential Future Expansion Site for Park and Choose Facility'. Despite this note on the plans however, there are no conditions on either the outline permission or the RM approval which serve to safeguard this land for potential future expansion and/or prevent possible alternative uses being pursued. Neither is there any legal agreement attached to RM, and no such restriction is found within the S106 Agreement (and subsequent variations thereof) which accompany the outline. The proposal site is therefore essentially 'white land' – meaning that it is not subject to any policy allocation or other restriction upon its use. Any future applications should hence be assessed with regards to the wider policies of the development plan.
- 6.17 Notwithstanding this, the close relationship with the adjoining land parcel is such that it is important to ensure that the housing proposal would not compromise the delivery and function of the approved Park and Choose site. It is acknowledged that concerns to that effect have been raised in some of the representations received. It is clear from the plans however that the latest proposal does not encroach onto the site approved for the Park and Choose site under 201446/RM and neither would it compromise the way the facility functions. It is also reasonable to assume that the LPA were satisfied that the scale of the facility (offering 100 spaces) was adequate to meet anticipated demand when they approved the scheme in 2021 and a review of the Officer report of the time raises no concerns in this sense. It therefore follows that no formal mechanisms were put in place to secure the residual land for future expansion or to safeguard against alternative uses and, as such, Officers do not consider there to be any planning reason why a proposal for residential use cannot be considered positively. Provided the scheme is designed in a way which takes into account the proximity of the Park and Choose site (discussed at later sections of this report), there is no reason to believe that the function of the facility and the contribution it makes towards promoting sustainable travel would be compromised. There is thus no conflict found with policies HD4, SS4, MT1 or HD3.

## 6.18 Meeting Housing Needs

- 6.19 The NPPF requires that planning policies and decisions support the delivery of housing to meet locally assessed needs. It requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 63 sets out that these groups should include (but are not limited to):

*‘those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes’*

- 6.20 It goes on to set out at Paragraph 66 that where ‘major’ development involving housing is proposed, this should be expected to provide a mix of affordable housing to meet local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. Annex 2 provides a definition of the various types of affordable housing, with the overarching requirement that it is designed to provide for people whose needs are not otherwise met by the market – which includes for ‘essential local workers’. These are defined by the same Annex as public sector employees who provide frontline services – which includes military personnel.
- 6.21 From the local plan, policy H3 of the CS encourages development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Policy H1 sets the expectation that on sites of 10 or more dwellings within the relevant housing market area, a target of at least 35% of housing should be provided under affordable tenures.
- 6.22 The scheme here is being promoted on the basis that it seeks to meet the housing needs of essential ‘key workers’ – those specifically being military personnel based in Herefordshire. A material consideration is therefore the Council’s commitment under the Armed Forces Covenant, which the Council should have regard to when fulfilling functions in the areas of housing, healthcare and education. The three core principles of the covenant are to recognise:
- a) the unique obligations of, and sacrifices made by, the armed forces
  - b) that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces
  - c) That special provision for Service people may be justified by the effects on such people of membership, or former membership, of the armed forces
- 6.23 It is understood that the application has been made in partnership with the Defence Infrastructure Organisation (DIO – the arm of the Ministry of Defence responsible for housing and estates) and seeks to provide accommodation to house individual Service people (i.e. those not living with dependents). It is understood that the DIO currently rents properties throughout Hereford on the private market to meet the needs of these personnel – which represents a significant cost burden; leads to issues of control and consistency in accommodation; and removes properties from the open market which could otherwise meet the needs of the wider population. There are hence concerns regarding the longer term sustainability of this local arrangement, which persist in the context of a national government drive to bring military housing back into public ownership and a commitment to deliver a national Defence Housing Strategy by the end of 2025. The proposal is promoted by the Applicant as an opportunity to help address this issue by providing a specialised accommodation scheme in a focused location within a wider mixed-tenure housing site, which would then be transferred to the DIO on completion for sole occupation by military personnel based at Herefordshire sites. Although not formally party to the application, representatives of the DIO have provided representations in support of the application which broadly outlines the benefits to the organisation, military personnel themselves and the population more generally.

- 6.24 The scheme would provide 31 dwellings in total, comprising 12 x one bedroom apartments and 19 x two bed maisonettes (to be occupied by two sharing individuals). The application is advanced on the basis that it would comprise 100% affordable housing, with all units to be delivered in manner which fulfils the definition of 'Affordable Rent' set out by Annex 2 of the NPPF. Specifically, the proposal is to be delivered on a 'Build to Rent' basis which is defined as:

*'purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control'*

- 6.25 Securing this requires the completion of a S106 legal agreement. A copy of this agreement is supplied at Appendix 1, which whilst still a working draft captures the following key points:

1. The obligations are conditional upon the owner entering into a binding contract with the Defence Infrastructure Organisation to take a transfer of the dwellings and the owner covenants not to commence development until a binding contract is entered into with the Defence Infrastructure Organisation to deliver the scheme.
2. The dwellings shall not be used or occupied otherwise than as military housing in perpetuity.
3. On the first disposal of each dwelling, a restriction shall be placed upon the registered title to each dwellings restricting the occupation of the dwelling otherwise than as military housing in perpetuity.
4. The dwellings will be provided as affordable rent and shall be let to occupants at gross rents which should not exceed 80% of the open market rent

- 6.26 The draft S106 agreement has been reviewed by the Council's Senior Solicitor and Planning Obligations Manager and is considered to robustly capture the relevant restrictions needed for Officer's to conclude the scheme genuinely fulfils the definition of affordable housing. The Council's Strategic Housing Team has also offered no objections to the scheme on the basis of the agreement, which secures the use of the accommodation by military personnel in perpetuity.

- 6.27 In light of the above, Officers consider that the proposal aligns with the policy objectives of the NPPF and local plan in that it would provide specialist accommodation to help meet the housing needs of essential local workers in the form of military personnel. The accompanying S106 agreement ensures the accommodation is occupied in the manner prescribed and operated in a way which means it can be considered to constitute 100% affordable housing – thereby avoiding any conflict with policy H1 of the CS. Experienced alongside earlier phases of the Holmer West development, the scheme would contribute to the creation of balanced and mixed housing communities whilst also indirectly supporting the retention and resilience of military sites in Herefordshire. These are benefits to which Officers attribute significant weight.

## 6.28 **Local Character and Design**

- 6.29 Policy HD4 requires that Holmer West delivers a coordinated urban extension which will be sensitively integrated into the existing urban fabric of Hereford and the wider landscape. This is reflected by LD1, which requires that schemes are positively influenced by the character of the townscape in terms of their design, scale and site selection. 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. From the NDP, policy HS4 sets out detailed requirements in respect of design with the



overarching objective that all development within the neighbourhood area should be of good quality design sensitively integrated into both the existing urban fabric and the surrounding rural landscape. This includes that the layout of larger schemes should create a sense and appearance of incremental growth, with each phase comprising legible streets that inter-connect with previous (and subsequent) phases. It confirms that typical, suburban estate type layouts with “loops and lollipops” should be avoided. HS5 sets out further requirements in terms of the relationship with landscape character.

- 6.30 The site here forms part of a larger parcel that has been identified as a housing allocation and subsequently had permission granted under 150478/O. It formed a component part of a reserved matters phase for the Park and Choose scheme, however the land was not assigned any specific use and is now regarded as ‘white land’. In this context, the site is considered to have an acceptable relationship with patterns of surrounding development on the north side of Hereford – being bound by housing to the south and west, the future Park and Choose site to the east and Hedgerow Way to the north. The provision of additional housing here would not, subject to an appropriate design and form, not appear as an incongruous feature when experienced in the context of Holmer West / Hereford Point as a whole.
- 6.31 In terms of layout, the site is already divided into two clear parcels by the road format approved by earlier phases. Housing is to be positioned at the peripheries of each parcel, with the majority of parking being located at the centre in courtyard style arrangement. This is considered to be an appropriate approach in the context and with reference to surrounding patterns of housing. The majority of the buildings are of the ‘Satterfield’ house type, appearing as two storey dwellings which are in keeping with the scale of surrounding development. The approach towards materials and detailing is also consistent with adjoining dwellings, being predominantly brick under tiled roofs which will ensure assimilation with earlier phases of the wider Holmer West / Hereford Point development. At the north eastern corner of the site two x three storey apartment buildings are proposed and Officers are mindful that some local representations raise concerns regarding the scale of these buildings. The approach has however been informed, in part, by policy HS4 d) of the NDP, which is relevant to the design of development in Holmer and directs that *‘Scale and height of buildings should vary across the site up to a maximum of three storeys, with landmark buildings occupying key positions, such as corners, on the site’*. The scheme seeks to reflect these principles by placing a larger focal point building at a key entrance to the site from the A49, albeit in a setback position from the main road which ensures it does not dominate when approaching the city of the north. An active frontage is delivered to the north and east, whilst the use of smaller two storey units across the rest of the site combined with falling ground levels makes for an appropriate transition to the wider Holmer Point development when travelling along Hedgerow Way. The use of materials for the apartment buildings, which includes tumbled reconstituted stone for walls, is considered to be appropriate to the context. Taking all of the above together therefore, Officers do not identify any conflict with policies LD1, SD1, HS4 and HS5 with regards to layout, scale and design.
- 6.32 Some concerns have been raised with regards to density of development, which is accepted as being quantitatively high when compared to earlier phases of Holmer West. However, this is a reflection of the manner in which accommodation is being delivered – which is in the format of apartments and comprises smaller one or two bedroom units. Accommodation in this form naturally leads to a higher density of development when described in terms of dwellings per hectare, however it is conducive with making efficient use of land and the actual physical density of built form is not considered to be out of keeping with the surrounding context. No significant harm or policy conflict is hence identified in these terms.
- 6.33 The proposal is supported by a scheme of landscaping, which includes a range of hedge, tree and shrub planting in communal spaces and around the parking courtyard. These measures will assist with the assimilation of the development to the local context, whilst also providing biodiversity enhancement and serving as visual buffering between neighbouring properties. The Council’s Officer has raised some concerns with the consistency of the visualisation images

provided, however these are intended to be indicative only and a fully detailed specification for the scheme has been provided on plan WE086-LS-036e. Implementation of the supplied scheme will be secured by condition, alongside a condition to secure a scheme of management and maintenance for a period of 10 years. Subject to these conditions being attached, there is no conflict identified with LD1, HD4, HS4 or HS5.

#### 6.34 **Residential Amenity**

- 6.35 Chapter 12 of the NPPF requires, amongst other things, that all developments should deliver a high standard of amenity for existing and future users. From the CS, policy SD1 requires all new development to safeguard residential amenity for existing and proposed residents whilst ensuring that is not adversely affected by issues such as noise. From the NDP, policy HS3 requires that the design and layout of all sites within Holmer must take into account the acoustic environment with a view to mitigating any adverse effects of road traffic noise.
- 6.36 It is noted that some concerns have been raised in the representations received regarding the potential for adverse impact upon the amenity and living standards of existing occupants of neighbouring dwellings. The concerns highlighted include the potential for overbearing, overshadowing, overlooking and impacts through noise / disturbance.
- 6.37 In the first instance, it noted that the proposal is for a C3 residential use and this is inherently compatible with neighbouring residential uses. Although the proposal is deposited in a manner which secures a specific end user in terms of occupation by locally based military personnel, there is no reason to believe this would increase the potential for adverse impacts upon the amenity of existing residents through noise or other nuisance.
- 6.38 With regards to the physical impact of development, the scheme has taken steps to mitigate for potential impacts on neighbours by means such as overbearing, overshadowing or overlooking. The largest buildings for instance, in terms of the three storey apartments, are focused to the north east corner of the site where there is the greatest level of separation from neighbouring dwellings which are predominantly two storeys in height. The remaining units are all variations of the 'Satterfield' house type, which is two storeys in height and entirely commensurate with the scale and massing of existing neighbouring dwellings on Clubtail Drive and Darters Lane. It is noted that the levels of the land do rise from a low point at the south western corner towards higher ground to the north east, however the gradient is relatively shallow and levels are not markedly different to those of neighbouring plots. Planning Engineering Plan WE086-EN-DIO-001A provides details on levels and supplementary plan WE086-EN-DIO-002 provides cross sections through the site at key points (Figure 6):



**Figure 6: Cross Section of Levels through Site WE086-EN-DIO-002**

- 6.39 The plans above confirm that the levels differences and relationship between existing and proposed development are appropriate, being similar to the undulating levels seen throughout the wider Homer Point development and ensuring that good standards of amenity are preserved for existing dwellings. The greatest area of relative difference is to the south western corner of the site along the boundary with Nos. 9 – 17 Clubtail Drive, where levels between existing and proposed dwellings on adjoining plots vary between 1.5m and 1.8m. This difference is however mitigated by the separation distances between buildings, which is greater in this area of the site compared to elsewhere and varies between 18m and 25m. This serves to offset the relative difference in levels and creates an arrangement which is, again, not uncharacteristic throughout the wider site. When combined with the orientation of the new dwellings and the positioning of fenestration, the separation distances are sufficient to ensure the proposal would not unacceptably compromise living standards or amenity through overshadowing or overbearing.
- 6.40 With regards to the potential for overlooking, the units sharing a boundary with existing dwellings are all variations of the 'Satterfield' maisonette house type. As noted previously, these are of similar scale to existing dwellings and four variations of the type are utilised in the scheme – with the main differences relating to the positioning of fenestration. The scheme has taken care to avoid (or limit) windows at first floor level on elevations which have less than ~20m separation distances from neighbours, which ensures that the potential for overlooking of existing dwellings is limited. A similar approach is taken to the orientation of dwellings within the site itself, which secures good standards of privacy for future residents. It is noted that some concerns have been raised regarding the provision of Juliet balconies to the three storey apartment units, however these are orientated towards countryside to the north or the park and choose site to the east – meaning they do not negatively affect amenity. Taking all of this

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together, Officers are satisfied the scheme would not lead to any harm to amenity which brings the scheme into conflict with the relevant requirements of SD1.

- 6.41 Policy HS3 of the NDP specifically requires that consideration be given to the acoustic environment. Such considerations are relevant here in so far as the site is approximately 70m from the A49, which is one of the county's main trunk roads and a source of noise. The application is supported by a Noise Impact Assessment, which finds that the majority of units will achieve acceptable noise levels with windows open and when utilising 'standard' construction methods as required by the Building Regulations. However, some of the dwellings on the façades closest to the A49 are predicted to only achieve acceptable standards with windows closed. The reliance on closed windows (particularly at night time) is considered to be acceptable from an amenity perspective and the Council's Environmental Health Officer offers no objection on that basis; however the solution does restrict natural ventilation and this can lead to consequent overheating issues which may necessitate additional ventilation measures over and above what would otherwise be required by the Building Regulations. A condition is therefore recommended to secure an assessment of this and implementation of any necessary mitigation measures prior to the first occupation of the affected units.
- 6.42 Given the apartment nature of the accommodation, the scheme does not propose any private areas of curtilage. External spaces are instead proposed to be for communal use and would remain under the control of a central management company, whilst future occupants of the dwellings would also have access to various areas of public open space on Hereford Point. This is considered to be conducive with ensuring future occupants have good standards of living and benefit from convenient access to green space of recreation and leisure.
- 6.43 **Access and Connectivity**
- 6.44 Core Strategy Policy MT1 relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network It also requires under (4) that developments are designed and laid out to ensure that safe entrance and exit can be achieved and that adequate operational and maneuvering space is available. From the NDP, policy HS4 requires that schemes should allow for adequate off-street parking, excluding garages, at a rate of one space per bedroom. The policies of the development plan are consistent with the principles and advice set out within the National Planning Policy Framework (NPPF). Chapter 9 in particular relates to the promotion of sustainable transport, and paragraph 114 requires that in considering specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. At paragraph 116, it is advised that development should only be prevented or refused on highways grounds if there would be an unacceptable impact upon highways safety, or the residual cumulative impacts on the road network would be severe.
- 6.45 Access to the site would be via the existing access onto Clubtail Drive, which in turn leads onto Hedgerow Way to the north. The latter serves as a 'spine road' through the wider Hereford Point development, providing access to the wider public network through either the A49 to the north east or the A4103 to the south west. The A49 forms part of the strategic road network (SRN) and the eastern end of the link road joins to this via a signal controlled junction which was approved as part of 150478/O. National Highways have been consulted as the relevant statutory body and have no objections to the development in terms of highways safety and capacity. Details of how traffic movements will be managed during the construction phase are sought by pre-commencement condition and this will be secured as part of a CMP. The imposition of such a condition has been agreed with the Applicant.
- 6.46 The proposed development is split into two land parcels on either side of the cul-de-sac road leading off Clubtail Drive, which is also to provide access to the Park and Choose site approved under 201446/RM. Access from each parcel onto this is provided by a simple junction with

splays of 2.4m x 45m, which is adequate for the environment. Delivery will be secured by condition. The existing arrangements leading to the wider public highway network, in terms of the junction onto Clubtail Drive and subsequently onto Hedgerow Way, are considered appropriate to support the intensification in use associated with the development and their use would not adversely impact upon the safe and efficient function of the network or the use of the Park and Choose site that is also served off this minor arm.

- 6.47 The internal layout of each parcel is considered to be acceptable, with adequate turning and maneuvering space for larger vehicles such as delivery vans. With regards to parking, policy HS4 of the NDP requires that off-street parking to be provided to each dwelling at a rate of one space per bedroom. The scheme here comprises 12 x one bed dwellings and 19 x two bed dwellings, which is a cumulative total of 50 bedrooms. The scheme provides 50 off-road parking spaces and hence the level of provision accords with the standards imposed by policy HS4. The LHA have raised no issue with the parking strategy from a safety and function perspective.
- 6.48 National and local policy both seek to reduce car dependency and encourage means of travel by sustainable means such as walking, cycling or public transport. In the spirit of this, policy HD4 requires that the Holmer West urban extension provide links to walking and cycling routes that integrate into the existing network in Hereford. There is also a requirement for a Park and Choose facility, which has been secured as part of earlier phases. These provisions are reflective of SS4 and MT1. From the NDP, policy HS4 requires that the design of urban extension should provide easy access for all members of the community and create a network of streets and other routes that allows significant movement around the site. Strong links should be created with the existing surrounding communities so that the site is fully integrated. Earlier phases of the development following P150478/O have already made provision for various new pedestrian and cycle connections to the wider city network and the scheme here seeks to make use of those, which is appropriate and proportionate to development proposed. In time, future occupiers will also benefit from convenient access to public transport anticipated to serve the adjacent park and choose site. The scheme is thus considered to be conducive with promoting sustainable travel and no conflict with the requirements have HD4, SS4 or MT1 is hence found.
- 6.49 The Local Highways Authority has offered no objections to the scheme, subject to the imposition of a range of conditions set out at in the schedule at the end of this report.
- 6.50 **Setting of Heritage Assets**
- 6.51 The Holmer West allocation as a whole is located within the setting of a number of heritage assets, including the Grade I listed Church of Bartholomew, various Grade II listed structures ancillary to this and the Grade II listed Holmer House Farm. The parcel of land subject to this application is approximately 70m to the north of Holmer House Farm and 20mm to the north of the Grade I church. However, the intervening land is now occupied by housing development built pursuant to P184662/O and the relationship is such that the proposal site does not form part of the setting of the assets in way which contributes to significance. There would hence be no demonstrable harm to the assets. The Council's specialist Conservation Officer supports this view and the scheme is considered to accord with policy LD4 of the CS, with the duties placed upon the LPA by Section 66 of the act fulfilled.
- 6.52 **Flood Risk and Water Management**
- 6.53 The main proposal site for housing is not identified as being at risk of flooding, being within the EA defined 'low risk' Flood Zone 1 for fluvial flooding and not known to be at risk of surface water flooding. A small area of the red line area for the proposal is located within a fluvial flood risk zone, however this relates to the existing access road onto Clubtail Drive where no alterations or operation development is proposed. The scheme would hence not contribute to any increased risk for existing or future occupants, with safe access and egress for the latter

being delivered given the relationship between the site and surrounding routes. No conflict with relevant flood risk management policies of the NPPF or local development plan is found.

6.54 In relation to foul water management, policy SD4 sets out a hierarchical approach whereby a connection to the mains sewer is the preferred option of management. The scheme here proposes to connect to the mains sewer network for Hereford and Welsh Water have confirmed they have no objections to this arrangement. The proposed development would connect to the existing mains infrastructure that has been relatively recently installed to serve earlier phases of the development and it has been confirmed that sufficient capacity exists within this to accommodate the additional dwellings. The scheme therefore accords with SD4.

6.55 With regards to surface water management, the application is supported by a Sustainable Drainage Statement which sets out that surface water would be attenuated through a crate system before being discharged to the SUDS system serving the wider site. This ultimately discharges to Ayles Brook at a restricted flow rate based on Greenfield runoff rates. The Council's Land Drainage Engineer has confirmed that the arrangement is acceptable and will be offered for adoption by the Authority. The scheme is hence acceptable with regards to SD3.

#### 6.56 **Habitats Regulations**

6.57 The site is within the River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out in accordance with the Conservation of Habitats and Species Regulations. The main potential for effects upon the designated site are from foul and surface water, however the scheme has included adequate arrangements to manage this which ensure there would be no adverse impact upon the integrity of the designated site. Similarly any potential for impact during the construction phase can be managed through implementation of measures set out in the supplied CEMP. The Council's Ecologist has completed the required Appropriate Assessment and concludes that there would be no adverse impact upon the River Wye SAC, with the response received from the relevant statutory body Natural England agreeing with this conclusion. The scheme is hence acceptable with regards to the Habitats Regulations and there is no conflict found with policies LD2 or SD4

#### 6.58 **Ecology and Green Infrastructure**

6.59 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. These policies are all underpinned by Chapter 15 of the NPPF.

6.60 The application is supported by an Ecological Technical Note, which notes the site to be dominated by low diversity modified grassland which is of limited ecological value. This accords with the LPA's own observations of the site, which has evidently been sown to grass relatively recently after being used to support the development of the wider Holmer Point site. The nature of the site is such that the development is not likely to have any significant impact on species or habitats, however a range of risk avoidance measures are set out which will be secured by condition. An outline scheme of ecological enhancement is also suggested at Section 5.4 of the report and a further condition is recommended to secure a detailed specification for this which is tailored to the approved site plans. Subject to their imposition, there are no policy conflicts.

6.61 The site does not support any notable existing green infrastructure. New planting of hedgerows and trees can be secured as part of the landscaping scheme, which will contribute towards the achievement of the goals set out in policy LD3.



**6.62 Biodiversity Net Gain (BNG)**

- 6.63 The requirement for qualifying developments to deliver a mandatory 10% net gain to biodiversity value relative to pre-development conditions came into force on 12<sup>th</sup> February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The development proposed in this case does not meet any of the relevant exemptions and hence there is a statutory requirement to deliver a minimum 10% gain.
- 6.64 In delivering a strategy to achieve the mandatory gain, developers must have regard to the biodiversity gain hierarchy. As a first preference, biodiversity gains should be delivered on-site and within the red line boundary of the permission. If this cannot be achieved, then gains can be delivered off site – either by the developer themselves on land elsewhere or through the purchase of biodiversity units on the open market. If these options, either alone or in combination, are not sufficient to deliver a 10% gain then developer may purchase statutory biodiversity credits from central government. The PPG is however clear that reliance on statutory credits should be a last resort.
- 6.65 The application in this case has been supported by a BNG assessment by CSA Environmental. The assessment highlights that the scheme will deliver a net gain of 1.08 hedgerow units, however to account for impacts on grassland and secure the minimum 10% gain over baseline site condition 0.07 units from an off-site provider will be required. These will likely be purchased through an appropriate off-set provider. The LPA Ecologist has reviewed the strategy and offered no objections to the metric or proposed approach to delivering the required gain.
- 6.66 The ‘Stepped’ guidance of the PPG regarding the use of off-site units is clear that a purchase does not need to be secured at the point at which a planning application is made or at which permission is granted. The responsibility to find, purchase and secure appropriate off-site units falls to the developer and details of this must be supplied to the LPA as part of the Biodiversity Net Gain Plan when discharging the statutory condition. The Applicant is reminded that this is a pre-commencement condition and development cannot lawfully begin until the BNG Plan has been approved by the LPA.

**6.67 Sustainable Use of Energy and Resources**

- 6.68 Core Strategy policies SD1 and SD2 respectively deal with ‘Sustainable Design and Energy Efficiency’ and ‘Renewable and Low Carbon Energy Generation’. They encourage all developments to make provision for sustainable construction techniques, energy efficiency and renewable energy generation. The scheme in this case is supported by an Energy Strategy Statement which provides background on the techniques that have been considered for the development and confirms the final strategy, which comprises a highly insulated ‘Fabric Approach’ and installation of Solar Photovoltaics. These measures would contribute to reductions in energy demands and carbon measures, as sought by SD1 and SD2. Implementation of the measures prior to occupation will be secured through condition.
- 6.69 The Herefordshire Minerals and Waste Local Plan was made in March 2024 and this places additional emphasis upon the resources and waste associated with delivering development. Policy SP1 specifically deals with resource management and the supporting text to the policy at 4.5.16 sets out that all ‘major’ development will be required to supply a comprehensive Resource Audit to consider the source and end of life considerations for the materials used in the proposed development. This can be secured by way of pre-commencement condition.

**6.70 S106 Agreement and Planning Obligations**

- 6.71 As discussed earlier in this report, the scheme is accompanied by a S106 agreement which restricts occupation of the housing to military personnel and secures their use as affordable housing in perpetuity. The agreement passes the necessary tests in terms of being necessary

to make the development acceptable in planning terms; directly related to the development; and being fairly and reasonably related in scale and kind to the development.

- 6.72 The scheme in this case is considered ‘major’ development and therefore above the quantum threshold whereby developer contributions may be sought towards essential infrastructure through a S106 agreement. The Council’s has adopted a Planning Obligations SPD which sets out the obligations to be sought in respect of various kinds of development. There are however a number of exceptions outlined where contributions are not sought for specific types of development, which includes where development only provides one bedroom accommodation; is for specialist housing; or is delivered under affordable tenures. The application of the exceptions in this case is such that no financial contributions are sought and this has been confirmed by the Council’s Planning Obligation Manager.

#### 6.73 **Planning Balance and Conclusion**

- 6.74 Both Core Strategy policy SS1 and Paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the development plan without delay. 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 an economic objective; a social objective; and an environmental objective.
- 6.75 The application here is to be considered in the context of the presumption in favour of sustainable development as set out by Paragraph 11 d) of the NPPF. The preceding appraisal has not identified any harm relating to the matters identified at Footnote 7 and hence Paragraph 11 d) i. is not engaged. The proposal is instead to be considered with regards to the ‘tilted balance’ at 11 d) ii, which directs that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.76 The starting point for decision making however remains with the statutory development plan. The application site here forms part of a larger parcel of land that has been identified by policy HD4 of the CS as being a sustainable location for urban expansion and is within the settlement boundary defined by policy HS3 of the Holmer and Shelwick NDP. The principle of residential development is therefore supported by the development plan in locational terms.
- 6.77 The site is recognised as having a contextual relationship with the adjacent Park and Choose facility. The delivery of such a facility is a requirement of the allocation policy for Holmer West (Policy HD4), with the specific design and layout approved under application 201446/RM. While some representations have raised concerns that the current proposal could compromise the future use or function of the Park and Choose site, it is important to note that delivery of the transport facility is not dependent on the land within the current application site, and there are no policy or planning constraints that would prevent alternative uses—such as residential development—from coming forward. Moreover, the proposed scheme has been designed in a way that does not interfere with or undermine the operational function of the Park and Choose facility. On this basis, Officers are satisfied that the proposal would not result in any adverse impact on the delivery or functionality of the Park and Choose site.
- 6.78 The proposed development is to be delivered entirely as affordable rent accommodation, with an additional restriction that occupancy will be limited to military personnel - who are recognised as Essential Local Workers by the NPPF. The scheme would provide good quality, secure housing to meet the specific needs of this group, supporting both the retention of military sites within the county and helping to alleviate pressure on the wider rental market by freeing up other accommodation for general use. These are clear social and economic benefits, which Officers consider to attract significant weight in favour of the proposal. The sole use of the dwellings by military personnel and operation in accordance with ‘affordable rent’ criteria will be

secured through a Section 106 agreement, in accordance with the relevant legal tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 6.79 The scheme incorporates measures to ensure there would be no adverse impacts in respect of matters such as residential amenity, local character, highways safety, flood risk and drainage, ecology and green infrastructure. There are no objections received from relevant technical consultees in relation to these issues, subject to the imposition of conditions. The preceding appraisal has not identified any demonstrable harms which lead to tensions to policy.
- 6.80 As such, and notwithstanding the positive presumption of Paragraph 11 d), the scheme is considered to be in general accordance with the development plan. It is hence representative of sustainable development and recommended for approval accordingly.

## **RECOMMENDATION:**

**It is recommended 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 1) 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.**

## **APPENDIX 1 - Draft S106 Legal Agreement**

### **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-920F - DIO F
- Presentation Layout WE086-PD-0600E E
- Parking Strategy WE086-SL-9250A A
- External Works WE086-SL-9230B B
- Materials Layout WE086-SL-9220A A
- Visualisations Land Off Clubtail Drive, Holmer\_Visuals

##### **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-036f f
- Engineering:**
- Vehicle Tracking Plan WE086- DIO-003a a
  - Planning Engineering WE086-EN-DIO-001A A
  - Site Cross Sections WE086-EN-DIO-002
  -
- 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

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

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

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

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-001A 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 10 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.

### **Compliance and Monitoring Conditions**

#### **13. 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.

**14. 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-001A 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.

**15. Landscaping Implementation**

All planting, seeding or turf laying in the approved landscaping scheme (Landscaping Specification and Schedule WEO86-LS-036e) 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 housing. 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, 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.

**16. 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.

**17. 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.

**18. 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.

**19. 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.

**20. 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.

**21. 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.

**22. 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.

**STATUTORY CONDITION - 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.

Decision: .....

Notes: .....

.....

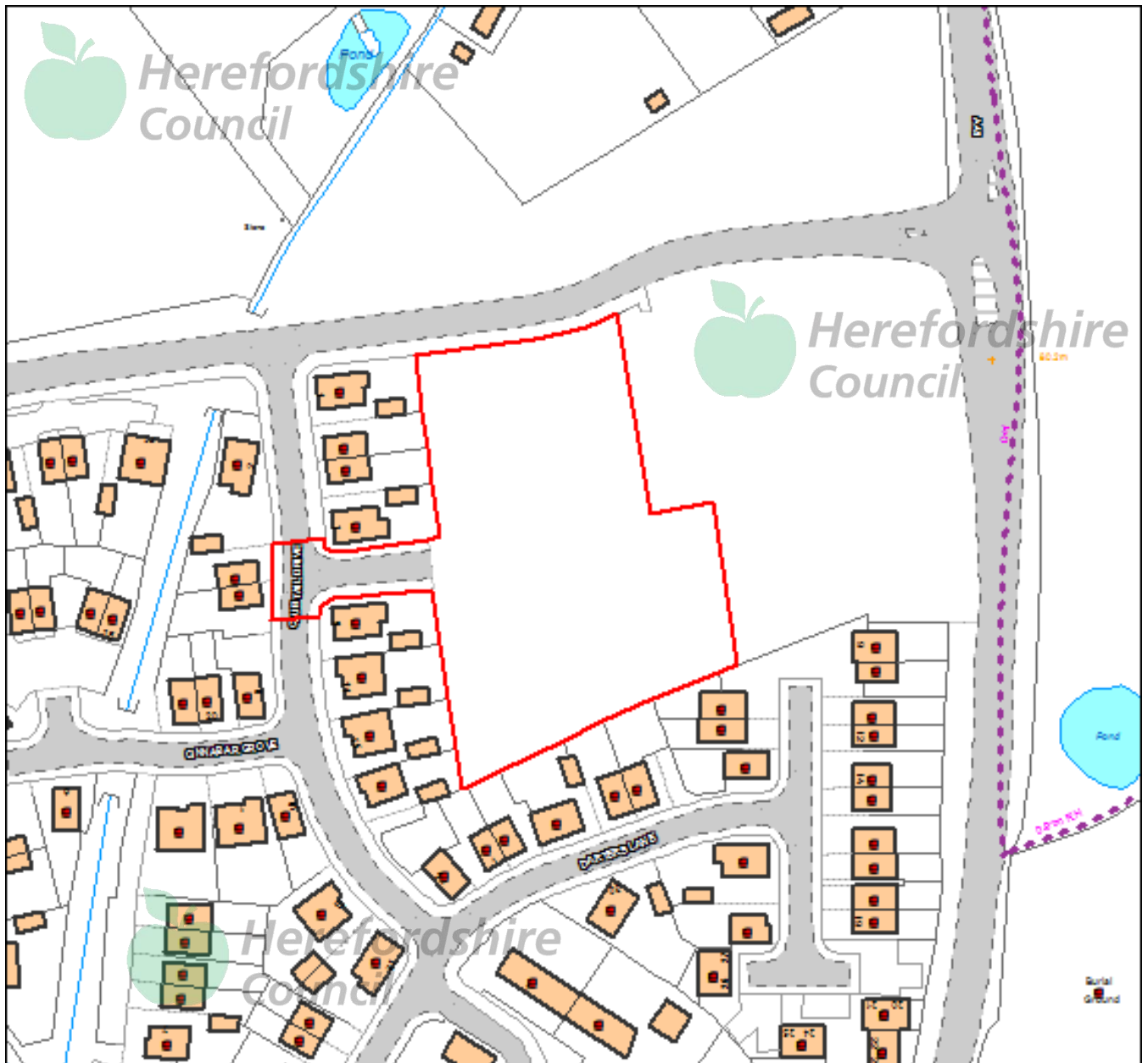
## **APPENDIX 1 - Draft S106 Legal Agreement**

### **Background Papers**

None identified.

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



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**APPLICATION NO:** 243045

**SITE ADDRESS :** LAND OFF CLUBTAIL DRIVE, HOLMER, HEREFORD

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**Dated**

**2025**

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**AND**

**BLOOR HOMES LIMITED**

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

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**RELATING TO  
LAND OFF CLUBTAIL DRIVE HEREFORD**

Herefordshire Council

Legal Services

Plough Lane

Herefordshire

HR4 0LE

Council's Legal Ref: 104169

Council's Planning Ref: P243045/F

**THIS DEED** is made the \_\_\_\_\_ day of \_\_\_\_\_ 2025

## BETWEEN

- (1) **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL** of Plough Lane Offices, Plough Lane, Hereford HR4 0LE (the **Council**);
- (2) **BLOOR HOMES LIMITED** incorporated and registered in England and Wales with company number 02162561 whose registered office is at Ashby Road, Measham, Swadlincote, Derbyshire, DE12 7JP (the **Owner**)

## BACKGROUND

- A.** For the purposes of the 1990 Act the Council is the local planning authority for the area within which the Site is situated and the party who is entitled to enforce the obligations contained in this Deed.
- B.** The Owner is the freehold owner of the Site free from encumbrances and which is registered at HM Land registry with title absolute under title numbers HE57799 and HE68092.
- C.** The Owner submitted the Planning Application to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.
- D.** The Council is minded to grant Planning Permission subject to conditions and the prior completion of this Deed.
- E.** 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.

**F.** 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.

**G.** THIS DEED is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972 as amended, Section 1 of the Localism Act 2011 as amended and all other enabling powers and enactments which may be relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Site.

## **THIS DEED WITNESSES AS FOLLOWS:-**

### **OPERATIVE PROVISIONS**

#### **1. INTERPRETATION**

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

<b>“Act”</b>	means the Town and Country Planning Act 1990 (as amended);
<b>“Affordable Housing”</b>	means housing provided to eligible households whose needs are not met by the Open Market. Eligibility is determined with regard to local incomes and local house prices. Affordable Housing should remain at an affordable price for future eligible households or the subsidy recycled for alternative Affordable Housing provision. The descriptions of all types of Affordable Housing in Herefordshire are contained in the Technical Data;
<b>“Affordable Housing Units”</b>	means the 31 Affordable Private Rented Units and ancillary areas to be constructed on the Site pursuant to the Planning Permission and to the Development Standard and “Affordable Housing Unit” means any one of the said dwellings;
<b>“Affordable Private Rented Housing”</b>	means housing let as part of a Build to Rent scheme that is owned and managed by the Defence Infrastructure Organisation to persons

	who are eligible for Affordable Housing and Affordable Private Rented Housing is subject to rent controls that require a rent of no more than 80% of the Open Market rent (including service charges, where applicable) for which guideline target rents are determined through the Armed Forces Pay Review Body and “Affordable Private Rented Unit” means any Affordable Housing Unit designated for Affordable Private Rented Housing;
<b>"Armed Forces Pay Review Body"</b>	means the non-departmental public body established to review and recommend the pay and terms and conditions of employment of the armed forces;
<b>"Armed Forces Member"</b>	means a serving member of the Royal Navy the Royal Marines the British Army or the Royal Air Force;
<b>"Build to Rent"</b>	has the meaning given to it in Annex 2 of the National Planning Policy Framework;
<b>"Commencement Notice"</b>	means a written notice to be in the form set out in Third Schedule to be served by the Owner on the Council;
<b>"Commencement Date"</b>	<p>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:</p> <ul style="list-style-type: none"> <li>- site clearance,</li> <li>- demolition work,</li> <li>- environmental site investigations,</li> <li>- archaeological investigations,</li> <li>- site survey works;</li> <li>- investigations for the purpose of assessing ground conditions,</li> <li>- preparatory and remedial work in respect of any decontamination or other adverse ground conditions;</li> <li>- erection of any temporary means of enclosure and the temporary display of site notices or advertisements.</li> </ul> <p>The words “Commence”, “Commenced” “Commencement” shall be construed accordingly;</p>

<b>“Defence Infrastructure Organisation”</b>	means the part of the Ministry of Defence responsible for providing, managing and maintaining the infrastructure that supports the armed forces;
<b>“Development”</b>	means the development of the Site as authorised by the Planning Permission for the erection of 31 key worker dwellings including access;
<b>“Development Standards”</b>	means a standard to fully comply with the following: <ul style="list-style-type: none"> <li>(a) “Technical housing standards – nationally described space standards” published by the Department for Communities and Local Government in March 2015</li> <li>(b) All national construction standards and planning policy relating to design which may be published by the Secretary of State or by the Council from time to time</li> <li>(c) Part 2 of Secured by Design standards published by Police Crime Prevention Initiatives Limited</li> <li>(d) Optional requirement M4(2) of Building Regulations 2010 (Part M) (Accessible and Adaptable Dwellings);</li> </ul>
<b>“Interest”</b>	means interest at 4.5% above the base lending rate of National Westminster Bank PLC from time to time;
<b>“Local Connection”</b>	means an Armed Forces Member based in the County of Herefordshire;
<b>“Military Housing”</b>	means housing that is: <ul style="list-style-type: none"> <li>• owned by the Defence Infrastructure Organisation, Ministry of Defence or any other organisation which is responsible for the provision of built estate for Armed Forces Members.</li> <li>• to be exclusively used and Occupied by Armed Forces Members (and which shall not include dependent children);</li> </ul>
<b>“Occupation”</b>	means occupation for residential purposes for which Planning Permission has been granted but not including occupation by personnel engaged in the construction, fitting out or occupation for

	marketing or display purposes and for security purposes and “Occupied” “Occupy” and “Occupier” shall be construed accordingly;
<b>“Open Market”</b>	means the open market for the sale or letting of housing by a person or body other than: (a) a local housing authority; (b) a Registered Provider; or (c) any other person or body offering housing accommodation to the public at less than the prevailing market sale/rent price;
<b>“Plan”</b>	means the plan annexed hereto;
<b>“Planning Application”</b>	means the application for planning permission under the Planning Reference and validated by the Council on 5 December 2024, for planning permission for the full permission for the Development;
<b>“Planning Obligations Manager”</b>	means the Council employee who manages, implements and monitors Section 106 agreements;
<b>“Planning Permission”</b>	means the planning permission under the Planning Reference subject to conditions which may be granted in respect of the Planning Application;
<b>“Planning Reference”</b>	means planning reference <b>P243045/F</b> ;
<b>“Reasonable Endeavours”</b>	means that the party under the obligation shall not be required to take proceedings (including any appeal) in any court public inquiry or other hearing (unless specified to the contrary) but subject hereto such party shall be bound to attempt to fulfil the relevant obligation by the expenditure of such effort and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable;
<b>“Site”</b>	means the land at Clubtail Drive Hereford shown edged red on the Plan against which this Deed may be enforced and registered at HM Land Registry under title numbers HE57799 and HE68092;



<b>“Supplementary Planning Document “</b>	means the Supplementary Planning Document dated 1 April 2008 which is the Council's guidance for planning obligations in Herefordshire, for all those involved in the submission and determination of planning applications;
<b>“Technical Data”</b>	means the data updated annually by the Council entitled ‘Provision of Affordable Housing Technical Data to Support the Affordable Housing Supplementary Planning Document June 2021 (or any technical data published by the Council in support of any replacement planning policy document);
<b>“Working Day(s)”</b>	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 the headings in this Deed are inserted for convenience only and shall not affect the construction or interpretation of this Deed;

1.2.5 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;

- 1.2.6 references to the Site include any part of it;
- 1.2.7 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 Act;
- 1.2.8 “including” means “including, without limitation”;
- 1.2.9 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;
- 1.2.10 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;
- 1.2.11 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;
- 1.2.12 words importing the singular shall include the plural and vice versa;
- 1.2.13 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 This Deed shall not be enforceable against a statutory undertaker, service company, or any other entity to whom any part of the Site may be transferred, let or otherwise disposed of for the provision of service media, electricity sub-stations, pumping stations, gas governor stations or similar matters, 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 service company, or other such entity;
- 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; and
- 1.8 Entry into this Deed does not constitute a transaction for a chargeable consideration for which Stamp Duty Land Tax is required.

## **2. EFFECT OF THIS DEED**

- 2.1 This Deed is made pursuant to section 106 of the 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 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 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 intend to bind the Owners 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.

### **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 Deed, 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 the First and Second Schedules of this Deed.

## **6. TERMINATION OF THIS DEED**

6.1 This Deed will cease to have effect (insofar only as it has not already been complied with) if:

6.1.1 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;

6.1.2 the Planning Permission expires prior to the Commencement Date.

6.2 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 6.1 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.

## **7. NOTICES**

7.1 A notice under this Deed is valid only if it is given by hand or 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.

7.2 A notice sent to the Council:

7.2.1 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 the Planning Reference.

7.3 A notice:

7.3.1 if delivered by hand, it to be treated as served 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

7.3.2 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;

## **8. CHANGE IN OWNERSHIP**

8.1 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.

8.2 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.

## **9. ENFORCEMENT**

9.1 This Deed is to be governed by and interpreted in accordance with the law of England;

9.2 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.

## **10. 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.



## **11. COUNCIL'S COSTS**

- 11.1 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; and
- 11.2 The Owner covenants and agrees with the Council that prior to Commencement to pay to the Council the Council's reasonable Planning Obligations Manager monitoring costs in the sum of 2% of the total Contribution.

## **12. 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

## **13. 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.

## **14. VAT**

- 14.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.
- 14.2 The Owner hereby acknowledges and agrees that if at any time VAT is required to be paid in respect of the Site and the Contributions then to the extent that VAT had not been previously charged in respect of that payment the Council shall have the right to issue a VAT invoice to the Owner and the VAT shall be paid accordingly.

## 15. RIGHT OF ACCESS

Without prejudice to the Council's statutory right of entry the Owner shall permit the Council and its authorised employees and agents upon reasonable written notice to enter the Site at all reasonable times for the purpose of verifying whether or not any obligation arising under the Deed has been performed or observed.

## 16. RESERVATIONS

For the avoidance of doubt, nothing in this Deed shall prevent the Council from exercising any of its statutory powers or functions in relation to the development of the Site.

## 17. SECTION 73 VARIATION

17.1 In the event that any new planning permission(s) are granted by the Council pursuant to Section 73 of the 1990 Act and unless otherwise agreed between the parties, with effect from the date that the new planning permission is granted pursuant to Section 73 of the 1990 Act:

17.1.1 The obligations in this Deed shall (in addition to continuing to bind the Site in respect of the Planning Permission) relate to and bind all subsequent planning permission(s) in respect of the Site granted pursuant to Section 73 of the 1990 Act and the Site itself without the automatic need to enter into any subsequent deed of variation or new agreement pursuant to Section 106 of the 1990 Act;

17.1.2 The definitions of Application, Development and Planning Permission in this Deed shall be construed to include references to any applications under Section 73 of the 1990 Act, the planning permissions granted thereunder and the development permitted by such subsequent planning permission(s); and

17.1.3 This Deed shall be endorsed with the following words in respect of any future Section 73 application:

*“The obligations in this Deed relate to and bind the Site in respect of which a new planning permission reference [ ] has been granted pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended)”*

ALWAYS PROVIDED THAT nothing in this clause shall fetter the discretion of the Council in determining any application under Section 73 of the 1990 Act or the appropriate nature and/or quantum of Section 106 obligations insofar as they are materially different to those contained in this Deed and required pursuant to a determination under Section 73 of the 1990 Act whether by way of a new deed or supplemental deed pursuant to Section 106 of the 1990 Act.

## **18 COUNCIL'S POWERS**

Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes bye-laws statutory instruments orders and regulations in the exercise of their functions as local authority.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

**FIRST SCHEDULE**  
**(Commencement)**

**1. Notice of Commencement**

The Owner hereby covenants as follows:

- 1.1 not less than five Working Days prior to Commencement Date to serve the Commencement Notice on the Council;
- 1.2 Not to permit or cause or allow the Commencement of Development until the Commencement Notice has been served upon the Council.

## **SECOND SCHEDULE**

### **(Affordable Housing)**

#### **1. Affordable Housing**

The Owner covenants and agrees with the Council:

- 1.1. Not to Commence Development unless and until the Owner has entered into a legally binding contract with the Defence Infrastructure Organisation to transfer the Affordable Housing Units to the Defence Infrastructure Organisation for use as Military Housing for Occupation by Armed Forces Members.
- 1.2. Following the Commencement of Development to construct or procure the construction of the Affordable Housing Units at no cost to the Council to the Development Standards and in accordance with the Planning Permission and to ensure the Occupation in accordance with the provisions of this Second Schedule.
- 1.3. Not to Occupy or cause or permit the Occupation of any of the Affordable Housing Units unless and until the Affordable Housing Units have been transferred by freehold transfer with title absolute and full title guarantee to the Defence Infrastructure Organisation subject to covenants by the Defence Infrastructure Organisation not to use the Affordable Housing Units other than as Military Housing for Occupation by Armed Forces Members in perpetuity.
- 1.4. The transfer of the Affordable Housing Units to the Defence Infrastructure Organisation shall include the following provisions:-
  - 1.4.1. the grant to the Defence Infrastructure Organisation of all rights of way access and passage of services and all other rights reasonably necessary for the beneficial enjoyment of the Affordable Housing Units; and
  - 1.4.2. a reservation of all rights of access and passage of services and rights of entry reasonably necessary for the purposes of the Development.
- 1.5. not to let or manage or allow the Affordable Housing Units to be let or managed other than as Affordable Private Rented Housing Units for the purposes of providing Military Housing to Armed Forces Members who have a Local Connection and who are eligible for Affordable Housing in accordance with the allocation policies of the Defence Infrastructure Organisation.

**THIRD SCHEDULE**  
**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



**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  
**BLOOR HOMES LIMITED**  
acting by:

.....  
Director

.....  
Director / Company Secretary

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>4 JULY 2025</b>
<b>TITLE OF REPORT:</b>	<p><b>242911 - PROPOSED EXTENSIONS TO THE EXISTING PRIMARY SCHOOL TO PROVIDE 2 ADDITIONAL CLASSROOMS AND ASSOCIATED LEARNING RESOURCE AND SUPPORT SPACES, EXTENSION OF THE EXISTING CAR PARK AREA, RELOCATION OF 2 NO. STORAGE SHEDS, AND ASSOCIATED HARD AND SOFT LANDSCAPING AND BIODIVERSITY IMPROVEMENTS AT HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HERFORD, HEREFORDSHIRE, HR1 1RT</b></p> <p><b>For: Mrs Marshall per Mr Nathan Liu, DB3 Architecture And Design, 3rd Floor, 2 Callaghan Square, Cardiff, South Glamorgan, CF10 5BT</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242911">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242911</a>
<b>Reason Application submitted to Committee – Council Application/Owned Land</b>	

**Date Valid: 20 February 2025**  
**Expiry Date: 17 April 2025**

**Ward: Eign Hill**

**Grid Ref: 353010,239780**

Local Member: Cllr Elizabeth Foxton  
 Adjoining Member: Cllr Jim Keynon

## **1. Site Description and Proposal**

- 1.1 The application site relates to an established primary school with associated amenity/playing field areas, outbuildings and parking. It is located north-west of the Church Road (U80129) with Hampton Dene Road (U80137) mini-roundabout in the Eign Hill area of Hereford. Boundary treatments comprise mesh security fencing to three sides with hedgerow, trees and high-close board fencing forming the north-west site boundary. Topography very gently falls across the site from north-west to south-east. Land uses hereabouts are predominately residential although other educational establishments are in close proximity including St. Paul's C of E Primary School to the east and Bishops' High School further north-east.
- 1.2 Vehicular and pedestrian access is taken directly off Church Road. There are no heritage or landscape designations affecting the site. The 'Church of St Paul' (Grade II Listed Building) and 'Hampton Manor and Attached Walls and Gate Piers (Grade II Listed Building) are nearby, although the application site lies beyond their respective 'settings'. The site also lies in Flood Zone 1 and is not constrained by pluvial flooding on mapping.
- 1.3 The school itself is broken down into two distinct elements. At the north-east of the site and to the immediate south of the existing staff/visitor car park is the main school building which comprises brick walling under a mixture of a bitumen flat roof and concrete tiled roof. Linked by way of an L-shaped open canopy, the other school building comprises a single-storey element of similar

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

materials which has been previously extended to facilitate a new language and communication centre. The existing playing fields, including marked-out sports fields, encompasses the west and south-west of the site, with existing playing equipment found to the south-east and north-east of site, the latter of which has extensive hard surfacing as a playground area.

- 1.4 This application seeks full planning permission for a proposed extension to the south-east of the existing languages and communication centre, with a focus on Special Educational Needs and Disabilities (SEND) students. This includes 2 new classrooms with group rooms/learning resource/support spaces, offices, a therapy room, quiet room, additional toilets, covered external play areas and sensory gardens. The classrooms would be finished in yellow brick in stretcher bond and soldier course and timber effect cladding under an anthracite grey zinc standing seam roof and bitumen flat roof.
- 1.5 To facilitate the 16 extra school places created, a proposed extension to the south-west of the existing staff/visitor car park will provide additional parking, finished in tarmac to match existing.
- 1.6 As a result of the proposed car park extension, the application also proposes the relocation of 2 existing storage sheds further south-west. Associated hard and soft landscaping and biodiversity enhancements are also sought within the application including learning and play areas, such as covered soft play areas being accessible through the new classrooms, sensory gardens and planters for outdoor learning.
- 1.7 A copy of the proposed site plan and elevations of the new classroom extension is provided in Figures 1 and 2 below:



*Figure 1 – Proposed Site Plan*



Figure 2 – Proposed South-West, North-East and South-East elevations in relation to proposed classroom extension

- 1.8 Following validation, a re-consultation period has been undertaken in relation to an amended location plan. The re-consultation period expires on 20 June 2025. Any representations received following publication of the officer report will be provided through the publicised Schedule of Updates along with any changes to the officer recommendation that may result from any further representations received.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy 2011-2031 adopted October 2015 (CS)

- SS1 – Presumption on favour of sustainable development
- SS4 – Movement and transportation
- SS5 – Employment provision
- SS6 – Environmental quality and local distinctiveness
- SS7 – Addressing climate change
- SC1 – Social and community facilities
- OS1 – Requirement for open space, sport and recreation facilities
- OS2 – Meeting open space, sport and recreation needs
- OS3 – Loss of open space, sport and recreational facilities
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Landscape and townscape
- LD2 – Biodiversity and geodiversity
- LD3 – Green infrastructure
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- SD4 – Waste water treatment and river water quality

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 34 of the revised National Planning Policy Framework (NPPF) require a review of local plans be undertaken at least every five years. In order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The 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. The CS policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

[https://www.herefordshire.gov.uk/downloads/download/123/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/downloads/download/123/adopted_core_strategy)

## 2.2 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP)

SP1 – Resource Management

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

<https://www.herefordshire.gov.uk/local-plan-1/minerals-waste-local-plan/5>

## 2.3 National Planning Policy Framework (NPPF) – revised on 12 December 2024

*(Please note that the NPPF was subsequently amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024):*

- 2. Achieving sustainable development
- 4. Decision-making
- 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

The NPPF sets out the government's planning policies for England and how these are expected to be applied in both plan-making and decision-making. The revised NPPF can be viewed using the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## 2.3 National Planning Practice Guidance (NPPG)

The associated 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 S113005/CD - Provision of new language and communication centre. additional roof lights, sun pipes, windows and canopy, also new extension for new classrooms, toilets, offices, plant room, stores, canopies and fencing for play areas, link canopy between existing – Approved with conditions
- 3.2 S101334/CD - Replace existing pre-school nursery mobile accommodation with a new mobile in same location, and provide signage at pedestrian gate entrance – Approved with conditions
- 3.3 CE092177/CD - Remove 2 existing mobile classrooms, and make good with hard & soft landscaping, and provide 2 new mobile classrooms in new location – Approved with conditions
- 3.4 DCCE2008/0614/F - Proposed Cycle Shelter – Approved with conditions
- 3.5 CE2002/2411/F - Formation of an additional playground area – Approved with conditions
- 3.6 CE1999/2139/F - Erection of single storey classroom extension – Approved with conditions



- 3.7 SC990076QZ - Formation of Proposed Pedestrian Access Gate to Hampton Dene Road – Approved with conditions
- 3.8 HC940263JZ - Provision of a Double Mobile Classroom Unit for a Period up To 5 Years – Approved with conditions
- 3.9 HC910287JZ – Alteration of Existing School Buildings to Provide Additional Administrative Accommodation – Approved with conditions

#### 4. Consultation Summary

##### 4.1 Statutory Consultations

##### 4.1.1 **Sport England – Objection**

1<sup>st</sup> consultation 12 March 2025

*“Thank you for consulting Sport England on the above application.*

*Sport England – statutory consultee role and policy*

*We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England’s Playing Fields Policy, which is presented within our ‘Playing Fields Policy and Guidance Document’: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

*Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:*

- all or any part of a playing field, or*
  - land which has been used as a playing field land remains undeveloped, or*
  - land allocated for use as a playing field*
- unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.*

*The proposal and impact on playing field*

*The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth image. It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).*

*Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land, which appear to encroach on the athletics track displayed in the submitted site plan. It may also impact on the playing pitch which has been marked out at the site to.*



### *Assessment against Sport England's Playing Fields Policy and NPPF*

*The proposed school building, which is for a non sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different football pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.*

*No details have been submitted demonstrating that the playing field land proposed to be lost is surplus to requirement (for both curricular and community usage) with the Council's Playing Pitch Strategy demonstrating that there are deficits in pitch provision. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4. In relation to the biodiversity improvements at the site Sport England consider the provision will partially impact on the ability to mark out pitches (winter and summer pitch markings), with there being alternative options for the provision elsewhere on the site.*

### *Sport England's position*

*Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF.*

### *Potential to overcome the statutory objection*

*Sport England consider that there are alternative locations (purple area displayed in the Google Earth image below) for the new build which would not result in the loss of playing field land capable of accommodating pitches. Similarly, the areas shaded blue displayed below would be acceptable locations for biodiversity improvement which would not impact on the ability to mark out pitches.*



*In terms of the car park extension and relocated sheds Sport England would welcome a plan indicating that U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track*

displayed in the image below can still be accommodated, albeit moved to the west slightly. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

## Annex

### *The Five Exceptions to Sport England's Playing Fields Policy*

#### *Exception 1*

*A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

#### *Exception 2*

*The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.*

#### *Exception 3*

*The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

#### *Exception 4*

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

#### *Exception 5*

*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

*The full 'Playing Fields Policy and Guidance Document' is available to view at:*

*[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

*2<sup>nd</sup> consultation 21 May 2025*

*"Thank you for consulting Sport England on the above application."*

### *Sport England – statutory consultee role and policy*

*We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':*  
*[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

*Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field land remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.*

#### *The proposal and impact on playing field*

*The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth images (noting flexibility of the site to contain 2no U9/10s football pitches). It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).*

*Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land, which appear to encroach on the athletics track displayed in the submitted site plan. It may also impact on the playing pitch which has been marked out at the site to.*



#### *Assessment against Sport England's Playing Fields Policy and NPPF*

*The proposed school building, which is for a non sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.*



*The additional information submitted by the applicant states that the mini pitch is not used by the school and that PE/sports can be accommodated by using the other football pitch, athletics track and hard courts (facilities not available for community use with other sites available for such use). The applicant also highlights that the Playing Pitch and Outdoor Sports Strategy (PPOSS) identifies that the Hereford analysis, where the site is located within, has sufficient provision for 7v7 and 5v5 football provision, with the larger pitch sizes being where there is a shortfall.*

*In relation to the car parking encroachment on to usable playing field land, Sport England requested a plan which indicated that a U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track can still be accommodated, albeit moved to the west slightly. The applicant response states that the car park extension and relocation of the sheds will not affect the existing playing fields, and that a minimum 2-meter gap between the car park and the pitches for a runoff zone.*

*Sport England note the playing field site will be encroached upon by the development, the areas impacted have been used for sport/physical activity with the playing field being marked out for different activities throughout the years to meet demand i.e. U9/10s and a mini pitch marked out where the building is proposed. The location of the development will encroach on usable playing field land marked out for sport/physical activity*

*Sport England acknowledge that the Council's PPOSS identifies that there is sufficient capacity for mini soccer within the Hereford analysis area. It is also noted that the Council's Open Space Planning Officer consultee comment highlights that there are sites within the analysis area which could accommodate pitches to meet current and future demand. However, it should be noted that football team numbers have increased within the authority since the PPOSS was published from 287 to 413 teams (2024/25 season). Further to this, some of the sites which were identified as having additional capacity are either within flood zones (supply discounted due to this in PPOSS), reduction in capacity (impact of the introduction of a cycle route) or no additional pitches being provided at sites as envisaged i.e. Belmont Wanderers.*

*The applicant has also not provided details as to whether the retained playing field land would meet the requirements of the school (i.e. minimum BB103 outdoor soft PE areas still being achieved following development) and whether playing pitches (for example two U9/10s football pitches) with the appropriate run off areas can still be accommodated.*

*For playing pitch dimensions please view:*

*<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fpublic/comparative-sizes-outdoor.pdf>*

*Based on the above, it is considered that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4.*

#### *Sport England's position*

*Given the above, Sport England raises a statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF. If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).*

#### *Annex*

#### *The Five Exceptions to Sport England's Playing Fields Policy*

#### *Exception 1*

*A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

#### *Exception 2*

*The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.*

#### *Exception 3*

*The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

#### *Exception 4*

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

#### *Exception 5*

*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

*The full 'Playing Fields Policy and Guidance Document' is available to view at:*

*[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

*3<sup>rd</sup> consultation 13 June 2025*

*"Thank you for consulting Sport England on the above application.*

#### *Sport England – statutory consultee role and policy*

*We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document':*  
*[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)*

*Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:*

- all or any part of a playing field, or*
- land which has been used as a playing field land remains undeveloped, or*
- land allocated for use as a playing field*

*unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. The exceptions are provided in the Annex to this response.*

#### *The proposal and impact on playing field*



The proposal entails a car park extension and an extension to the existing language and communications centre at Hampton Dene Primary School. The proposed development will be sited on playing field land which has been marked out for pitches as displayed in the below Google Earth images (noting flexibility of the site to contain 2no U9/10s football pitches). It should be noted that the mini pitch where the proposed building is to be sited was identified replacement pitch provision for the approved planning application (S113005/CD) for the language and communication centre (image below).

Sport England notes that there are proposed biodiversity improvements which will be sited on playing field land. Previously this appeared to encroach on the athletics track displayed though the updated plan now removes this area with further biodiversity improvements to the north of the playing field site. The retained area to the south may impact on the ability to mark out an u9/10s football pitch, which has previously been marked out alongside the pitch to the north.



#### *Assessment against Sport England's Playing Fields Policy and NPPF*

The proposed school building, which is for a non-sporting use and not an ancillary facility supporting the use of the playing field, will result in the loss of a mini pitch and the proposed car park extension will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. Given the above, the proposal does not meet Sport England Exception Policies E2, E3 and E5.

The previously submitted additional information stated that the mini pitch is not used by the school and that PE/sports can be accommodated by using the other football pitch, athletics track and hard courts (facilities not available for community use with other sites available for such use). The applicant also highlighted that the Playing Pitch and Outdoor Sports Strategy (PPOSS) identifies that the Hereford analysis, where the site is located within, has sufficient provision for 7v7 and 5v5 football provision, with the larger pitch sizes being where there is a shortfall.

*Sport England note the playing field site will be encroached upon by the development, the areas impacted have been used for sport/physical activity with the playing field being marked out for different activities throughout the years to meet demand i.e. U9/10s and a mini pitch marked out where the building is proposed. The location of the development will encroach on usable playing field land marked out for sport/physical activity.*

*Sport England acknowledge that the Council's PPOSS identifies that there is sufficient capacity for mini soccer within the Hereford analysis area. It is also noted that the Council's Open Space Planning Officer consultee comment highlights that there are sites within the analysis area which could accommodate pitches to meet current and future demand. However, it should be noted that football team numbers have increased within the authority since the PPOSS was published from 287 to 413 teams (2024/25 season). Further to this, some of the sites which were identified as having additional capacity are either within flood zones (supply discounted due to this in PPOSS), reduction in capacity (impact of the introduction of a cycle route) or no additional pitches being provided at sites as envisaged i.e. Belmont Wanderers.*

*The applicant has failed to provide details as to whether the retained playing field land would meet the requirements of the school (i.e. minimum BB103 outdoor soft PE areas still being achieved following development) as previously requested by Sport England. The applicant has also failed to demonstrate that two U9/10s football pitches) with the appropriate run off areas can still be accommodated following the development.*

*In relation to the car parking encroachment on to usable playing field land, Sport England requested a plan which indicated that a U9/10s mini soccer pitch (61x43m inclusive of run off area) and athletics track can still be accommodated, albeit moved to the west slightly. The revised plan now displays a U9/10s mini soccer pitch albeit the dimensions appear to be short by 1m in width when measuring from the plan. Though Sport England acknowledges that is likely to be capable of being accommodated, though it would assist if the applicant confirmed this point alongside the provision of a further U9/10s mini soccer pitch and athletics provision. For playing pitch dimensions please view:*

*<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fspublic/comparative-sizes-outdoor.pdf>*

*Based on the above, it is considered that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed. As such, the proposal fails to meet Sport England Sport England Exception Policies E1 and E4.*

#### *Sport England's position*

*Given the above, Sport England maintains its statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF.*

*As previously requested, Sport England would welcome the submission of a Plan which demonstrates that the retained playing field would still be capable of accommodating 2no U9/10s football (inclusive of run off areas) and summer pitch markings; and details as to whether BB103 outdoor PE space would be met following the development.*

*If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).*

#### *Annex*

#### *The Five Exceptions to Sport England's Playing Fields Policy*

*Exception 1*

*A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.*

*Exception 2*

*The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.*

*Exception 3*

*The proposed development affects only land incapable of forming part of a playing pitch and does not:*

- reduce the size of any playing pitch;*
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);*
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;*
- result in the loss of other sporting provision or ancillary facilities on the site; or*
- prejudice the use of any remaining areas of playing field on the site.*

*Exception 4*

*The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:*

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.*

*Exception 5*

*The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.*

The full 'Playing Fields Policy and Guidance Document' is available to view at:

[www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

#### **4.1.2 Dwr Cymru Welsh Water – No objections; conditions recommended**

1<sup>st</sup> consultation 19 March 2025

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

**FOUL WATER**

*We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.*

**SURFACE WATER**

*Turning to surface water drainage, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. However, in this instance, we would advise that there is no agreement to communicate surface water flows into the public surface water or combined sewer and there has been little information submitted to show infiltration has been explored and exhausted. Furthermore, the National Planning Policy Framework highlights the need to help improve local*

*environmental conditions, including water quality (187), and ensure that risks can be managed through suitable adaptation measures, including through sustainable drainage systems (164).*

*Accordingly, as a material consideration within the planning process and notwithstanding the submitted application form, we recommend a condition that specifies no surface water flows shall communicate directly or indirectly to the public sewerage system. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:*

#### *Condition*

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

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

#### *Advisory Notes*

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

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

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

*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."*

#### 2<sup>nd</sup> consultation 19 May 2025

*"We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. Having reviewed the submitted Technical note reference 50804-BUR-XX-XX-T-C0002\_DCWW\_SurfaceWaterDrainage we can see that the surface Water Hierarchy as per Part H Building regulations has been explored and exhausted. With this in mind we are content for the proposed connection of surface water flows from the proposal to discharge into the surface water sewer at a maximum rate of 2.5l/s and therefore provided the below amended response.*



**FOUL WATER**

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. Accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

**Condition**

Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 l/s.

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

**Advisory Notes**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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](mailto:developer.services@dwrcymru.com). Please quote our reference number in all communications and correspondence."

## 4.2 Internal Council Consultations

### 4.2.1 **Area Engineer (Transportation)**

#### 1<sup>st</sup> consultation 19 March 2025

"The Local Highway Authority (LHA) has reviewed the proposed extension to Hampton Dene Primary School, which seeks to accommodate an additional 16 pupils with SEND and 10 additional staff members. The proposal includes an extension to the car park to provide 4

additional spaces; however, based on the submitted plans, the actual increase appears to be 3 spaces.

Given the increased pupil and staff numbers, further clarification is required to ensure the site can safely accommodate the additional transport demand. Please provide further details on the following:

- *Pupil Transport Arrangements* – How will the additional pupils travel to and from school? Given the nature of the provision, it is likely that many pupils will not live within walking distance and may require dedicated transport.
- *Minibus Provision* – Will a minibus be used for pupil transport? If so, how many vehicles are anticipated, and is there sufficient on-site space for safe turning, drop-off, and pick-up?
- *Parking Provision* – How has the proposed level of parking been determined? With 10 additional staff, an increase of only 3 spaces may be insufficient. Clarification is required on staff travel patterns and any measures to manage on-site parking demand.
- *Site Circulation and Drop-off Arrangements* – If multiple vehicles are expected to arrive at peak times, how will these be accommodated on-site to avoid congestion on surrounding roads?

Additionally, the submitted Construction Traffic Management Plan (CTMP) has been reviewed. While the measures proposed aim to minimise highway impacts, the following points require further confirmation:

- *Delivery & Parking Management* – Further details on the on-site parking plan for construction operatives and assurances that no waiting will occur on public roads.
- *Temporary Traffic Restrictions* – Confirmation that required applications for a Section 184 Agreement (for temporary access adjustments) and a TTRO (to prevent obstructive parking near the site) will be submitted in a timely manner.

*Summary of Required Actions:*

- *Provide clarification on pupil transport arrangements, including the need for and management of minibuses.*
- *Justify the proposed parking provision and consider whether further spaces are required.*
- *Confirm site circulation and drop-off arrangements to prevent congestion.*
- *Submit further details on construction parking.*

*This additional information is required to ensure the development supports safe and efficient access without negatively impacting the local highway network.*

*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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>*

*2<sup>nd</sup> consultation 8 May 2025*

*“Thank you for the additional information submitted in response to the Local Highway Authority's (LHA) previous comments. Upon review, the LHA provides the following updated response:*

*Pupil Transport Arrangements*

*The applicant has stated that they are unable to confirm how the additional pupils will travel to and from the school. Given the specific nature of the provision—catering for pupils with SEND—it is reasonable to expect that a significant proportion will require dedicated transport, such as school transport minibuses or taxis. While exact details may not be known at this stage, a broad assessment or anticipated scenario should have been provided to enable the LHA to assess the impact on the local highway network.*

*Minibus Provision*



*The applicant has confirmed that minibuses will use the existing lay-by outside the school gates for drop-off and collection. However, no details have been provided regarding the number of vehicles anticipated or how their use will be coordinated. It must therefore be presumed that on-the-ground management by the school will be essential to avoid congestion or unsafe conditions at peak times.*

#### *Parking Provision*

*The applicant has now clarified that the proposed staff increase is 8 (not 10), and the amended site plan confirms a total of 9 additional car parking spaces. The LHA is therefore satisfied that this element of the proposal is acceptable and adequately addressed.*

#### *Site Circulation and Drop-Off Arrangements (Pupils)*

*The applicant has misunderstood this request and provided information relating to construction-related deliveries. To clarify, the LHA sought details on pupil drop-off arrangements, particularly for those SEND pupils who may be unable to access the school from the public highway and require on-site drop-off. The applicant has confirmed that there is no facility for this on-site. The LHA is concerned that the absence of on-site drop-off provision may present access and safety challenges for pupils with more complex needs. Clarification is requested on how this will be accommodated and whether any areas within the car park could be temporarily allocated for this purpose without impacting staff parking capacity.*

#### *Construction Traffic Management Plan (CTMP)*

*The applicant has stated that contractor parking cannot be accommodated within the site and that public highway parking will comply with local authority and police requirements. The LHA does not consider this acceptable. Parking on the public highway during school hours, particularly near a SEND facility, risks obstructing visibility, pedestrian access, and general highway safety. Contractor parking must be managed within the site or an appropriate off-site arrangement must be identified and secured in advance.*

#### *Summary of Required Actions:*

- *A general assessment of expected pupil transport modes, including likely use of dedicated transport, should be provided.*
- *Clarification is required on how drop-off for SEND pupils unable to access from the highway will be managed on-site, and whether this will interfere with staff parking.*
- *The CTMP must be updated to ensure that all contractor parking is accommodated on-site or an appropriate, managed off-site solution is identified.*

*This additional information is required to ensure the development supports safe and efficient access without negatively impacting the local highway network.”*

#### 3<sup>rd</sup> consultation 5 June 2025

*“Thank you for the additional information submitted in response to the Local Highway Authority’s (LHA) comments. Upon review, the LHA offers the following updated response:*

#### *Pupil Transport Arrangements*

*The applicant has now provided a useful breakdown of current and projected pupil transport modes. Based on the data, the proportion of pupils requiring dedicated taxi or minibus transport is expected to remain broadly similar, with an anticipated increase of two additional dedicated vehicles. While this is not a significant uplift, the LHA welcomes the clarification and the commitment to staggering arrival times and staff assistance to support efficient drop-off. The existing layby appears to have some operational capacity to accommodate this increase, provided on-site management remains in place.*

#### *SEND Drop-Off Provision*

*The updated response confirms that up to five parents of SEND pupils are currently permitted to use the school car park for drop-off and pick-up, with additional accessible spaces proposed as*

part of the extension. The LHA acknowledges the explanation provided regarding staff parking being completed before pupil arrivals and the on-site barrier system that enables real-time car park management. This is a welcome clarification and is considered a workable arrangement, provided it continues to be actively managed by the school.

#### Construction Traffic Management Plan (CTMP)

The revised CTMP now confirms that contractor parking will be accommodated within the site compound, using ground protection matting to enable temporary use of grassed areas. The LHA welcomes this revision, which addresses previous concerns regarding parking on the public highway. The commitment to just-in-time deliveries and encouraging car/van sharing is also noted and supported.

#### Conclusion

The LHA is now satisfied that the applicant has addressed the key issues raised in the previous response. Subject to the following conditions, the LHA raises no objection to the proposed development:

- Re-instate the temporary access to an agreed standard either by completion of building works or within 12 months.
- Provide an updated Travel Plan
- CB2 – Secure, covered cycle storage”

#### 4.2.2 **Ecologist – No objections; conditions recommended**

1<sup>st</sup> consultation 15 April 2025

*“Habitat Regulation Assessment*

*The application site lies within the hydrological catchment 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. 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 to for a extension of two class rooms, office, therapy room, a quiet room, additional toilets, covered external play areas and sensory gardens, including extension to the existing car park area and relocation of 2no. lightweight storage sheds*
- *As agreed with Natural England where commercial/industrial 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.*

*Any nutrients created by staff/visitors and pupils to the school can be considered as already being ‘accommodated’ and accounted for within the residential foul water flows of those staff/visitors that are considered for this specific ‘local’ commercial operation as being existing residents of the local area/catchment. Therefore, no additional or expedited nutrient pathways are expected as a result of the proposed development and this application can be considered as ‘screened out’ at Stage 1 of HRA appropriate assessment.*

#### *Ecology*

*I have read the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated November 2024. The survey found no evidence of protected species however,*

*recommends avoidance measures in Section 4.5 which should be followed and this will be secured via condition*

#### *Biodiversity Net Gain*

*I have looked through the BNG Metric and Biodiversity Net Gain Report undertaken by Aware Ecology dated November 2024, I am happy that this provides the required minimum of 10% gain across the site, this will be secured via standard condition*

#### *Conditions*

*Please include the following conditions on the decision notice*

#### *Nature Conservation – Implementation*

*The recommendations set out in the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated November 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, ONE House Martin/Swallow cups, ONE House Sparrow terrace and TWO bat roost features as well as hedgehog highways and boxes, 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.*

#### *Details of external lighting*

*Details of any external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.*

*Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework."*

#### 2<sup>nd</sup> consultation 13 June 2025

*"The supplied plans amending the proposed development including area of new parking/sealed surface and formal creation of two sports pitches on existing general playing field are noted. The ecology plans have been updated but these do not appear to consider the degradation of existing*

grassland when it is formally managed as proposed sports pitches. A full revised Statutory BNG scheme and Metric should be undertaken based on final approved development plans. This updated scheme and metric with full details of how the required minimum 10% gain will be delivered and managed for 30 years within the development boundary (or by use of off-site habitat units that are legally secured and on the national register) must be supplied and approved by the LPA subsequent to planning permission being granted but PRIOR to any permitted works commencing onsite. No ecology objection is raised and planning permission can be granted although the applicant must be aware of the requirements to update the final statutory BNG submission made to 'discharge' the statutory BNG condition that applies on any grant of planning permission."

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

1<sup>st</sup> consultation 6 May 2025

"Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies are relevant.

National Planning Policy Framework (NPPF):

Paragraph 103: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

Paragraph 104: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Core Strategy(CS)

OS3: Loss of an Open Space/Sports and Recreation Facilities.

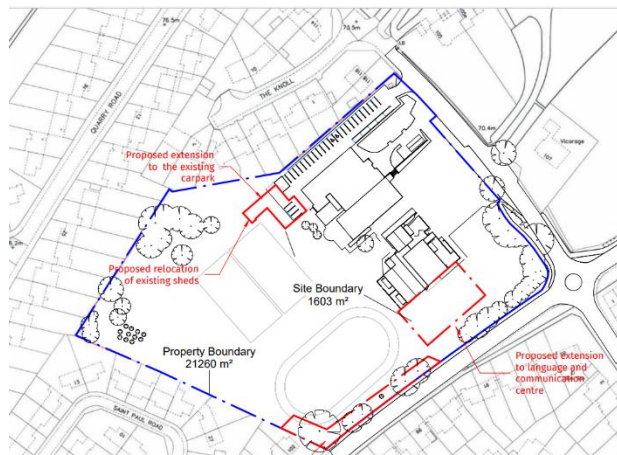
Core Strategy Evidence Base

- Herefordshire Playing Pitch and Outdoor Sports Assessment September 2022 (PPOS)
- Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 (PPOS)

Loss of Playing field:

The proposal is for an extension to the existing school accommodation at Hampton Dene Primary school to accommodate both indoor and outdoor facilities and classrooms for Special Education Needs. It also proposes an extension to the existing car parking area in support of the staffing requirements. The proposal will affect existing school playing field as shown edged in red below on the site plan drawing no. 17517-DB3-B01-00-DR-A-90001 submitted with the application.





*I attach a screenshot of Google earth maps showing summer track and field markings.*



*To assess the level of harm the proposed development will have upon the existing playing field provision the impact of its loss will be considered at two levels, firstly school use and secondly community use.*

*In accordance with both the NPPF paragraph 104 and CS policy OS3 criteria 1) clear evidence is required to demonstrate that the open space is surplus to all applicable standards and latest evidence bases for open space, sport and recreation. The relevant Core Strategy (CS) evidence is the Herefordshire Playing Pitch and Outdoor Sports Assessment September 2022 (PPOS) and Herefordshire Playing Pitch and Outdoor Sports Strategy and Action Plan Feb 2023 (PPOS). The evidence base is compliant with Sport England Playing Pitch Strategy Guidance Stage E – Keep the strategy robust and up to date.*

#### **1) School Use: Hampton Dene Primary School**

*In respect of school use: The Google Earth map shows summer sport track and field usage and from the proposed plan it looks like it can still be accommodated but regarding winter sports it is not clear.*

*Whilst the school has confirmed in the submitted supporting information supplied by the applicant that the car park extension and relocation of the sheds will not affect the existing playing fields suggesting that a minimum 2-meter gap between the car park and the pitches for a runoff zone can be provided, I can see no detail of this.*

*Whilst the school has confirmed in the submitted supporting information that the area proposed for the school extension is not currently used by the school for PE / sports confirming that the school curricula use is accommodated on the remaining playing field and hardcore courts the resulting loss is an area which could accommodate a small sided 5 v 5 mini football pitch and I*

am concerned that the school has not demonstrated with supporting evidence that it is not required for school use.

*Conclusion: I would recommend that confirmation is sought from the school that the football pitches required for school curricula use including run offs can be accommodated on the remaining school playing fields as pitch sizes are not shown on the site plan drawing no.17517-DB3-B01-00-DR-A-90001. The pitch size for u9 and u10s (7 v 7) is 66 x 46 yards and for u7s (5 v 5) is 46 x 36 yards including run off safety areas as recommended by the Football Association. The school use should also consider the quality of the pitches. The PPOS - see table below – indicates existing provision to be of poor quality which could be a result of high usage.*

## **2) Community Use: Wider Community Needs**

*Hampton Dene Primary School is included in the CS evidence base for playing pitches (PPOS). The school falls within the Hereford Analysis area. The findings of the PPOS show that the school pitches are not available for community use, and that using Sport England methodology, there is sufficient capacity to provide 7 v 7 and 5 v 5 community use football pitches within existing community use provision. The findings are detailed below:*

### *PPOS Hampton Dene Primary School Mini Football Pitch Provision.*

Community Use	Management	Security of tenure	Pitch Type/Size	No of pitches	Agreed Quality Rating	Current Play	Site capacity	Capacity balance	Spare Capacity Peak times
No	Education	Unsecure	7 v 7	2	Poor	0	4	4	2

*The pitches are of poor quality and non-community use.*

*The PPOS indicates that most poor-quality pitches are generally located at education sites. Education pitches are heavily used for, curricular and extracurricular activities meaning they have less time to remediate and are not deemed to have actual spare capacity due to the low carrying capacity of the pitches.*

*The supporting information confirms that the school has no has no intention to make school pitches available for community use. The PPOS confirms that community use agreements are reliant on the school. The reasons for not allowing community use varies: the most common example is that the schools want to protect pitches for curricular and extra-curricular purposes due to existing quality issues.*

### *PPOS Supply and Demand Hereford Analysis Area:*

*Non community use facilities are not included in the supply and demand modelling.*

*Supply: Summary of grass football pitches available to the community – youth players u7s, u9s and u10s*

Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	17	15

*Demand: Summary of competitive teams currently playing in Hereford Analysis Area*

Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	30	27

*Capacity: Summary of actual spare capacity - a pitch can only be said to have actual spare capacity if it is available for community use and available at the peak times.*

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



Analysis Area	Mini 7 v 7	Mini 5 v 5
Hereford	0.5	1

*Overplay and Capacity: This is when there is more demand (teams) accommodated on a pitch than it can sustain. Taking into account Gorsty Lane which provides 1 x 7 v 7 pitch which is overplayed by 0.5 match equivalent sessions (MES) per week, there is sufficient capacity for 7 v 7 pitch demand and space capacity for 5 v 5 pitch demand including both current and future demand. This is set out in the table below.*

Sport	Analysis Area	Current Demand		Future Demand
		Pitch Type	Current Capacity total in MES	Future Capacity total in MES
Grass Football Pitches	Hereford	Mini 7 v 7	Sufficient quantity	Sufficient quantity
		Mini 5 v 5	Spare capacity of 1 match equivalent session	Spare capacity of 1 match equivalent session

*Unmet or Latent Demand: The PPOS concludes that any unmet or latent demand can be met through existing sites with community use and identifies unused provision within the Hereford Analysis area, including sites that have previously been marked with more football pitches than they currently provide, or no longer have football pitches on-site. These include Hereford Leisure Pool (King George V Playing fields which in recent years has accommodated two youth pitches which are not currently marked out and Belmont Wanders FC who are currently working towards the development of its home site at Newton Farm. There are also opportunities at Hereford Leisure Centre.*

*Conclusion: The school site does not provide community use of its football pitches. In considering the wider community needs there is sufficient capacity in the existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1)*

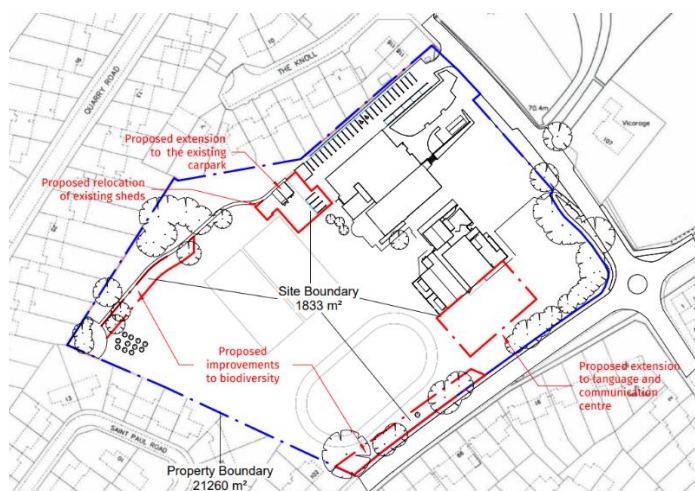
*Further Information Required: In support of school curricula requirements, and to demonstrate that provision can be provided on the remaining school playing fields, a plan showing proposed football pitch layout use for school uses should be submitted. Details should accord with the recommended pitch size including run off safety areas as recommended by the Football Foundation for the appropriate age groups (u9 and u10s and u7s).*

*In addition, given the PPOS findings on existing quality at the school, they should provide supporting information to demonstrate that usage would not result in overplay and poor quality. As recommended in the PPOS the FA has set a standard number of matches that each grass pitch type should be able to accommodate without adversely affecting its quality, this is set out below for mini pitches. For example, a good quality mini pitch can sustain 6 matches per week, but a poor quality only 2 per week.*

Pitch Quality	Matches per week
Good	6
Standard	4
Poor	2

## 2<sup>nd</sup> consultation 17 June 2025

*“Existing site plan: It is noted that some changes have been made to the site plan as shown on the submitted amended plan to accommodate the proposed extensions for classrooms, car-parking, re-location of sheds and biodiversity net gain.*



*School Use: In respect of school curricula use further information was requested from the applicant to demonstrate that provision can be provided on the remaining school playing fields with a plan showing these details. The applicant has submitted the amended plan shown below as requested.*



*The amended plan demonstrates that 2 pitches can be accommodated to meet the Football Association recommended sizes including run off safety areas for u9 and u10s (7 v 7) is 66 x 46 yards (60.350m x 40.062m) and for u7s (5 v 5) is 46 x 36 yards. (40.062m x 32.918m)*

*I can find no supporting information regarding school usage to demonstrate that they can sustain the amount of use in support of the PPOS findings on existing quality at the school. Information was previously requested from the applicant to demonstrate that usage would not result in overplay and poor quality. As recommended in the PPOS the FA has set a standard number of matches that each grass pitch type should be able to accommodate without adversely affecting its quality, this is set out below for mini pitches. For example, a good quality mini pitch can sustain 6 matches per week, but a poor quality only 2 per week.*

Pitch Quality	Matches per week
Good	6
Standard	4
Poor	2

*Community Use: My previous comments concluded that in considering the wider community needs the PPOS Strategy 2023 clearly demonstrates that there is sufficient capacity in the*

existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1).

Whilst I do not change my position, I note the objection submitted by Sport England and in particular the issue raised by them regarding the football teams from the time of the PPOS assessment 2022 was produced to March 2025 when new data became available in the latest Local Football Facilities Plan (LFFP) for Herefordshire. The LFFP is prepared by the Football Association in March 2025 in consultation with key stakeholders including the Local Authority and Sport England. This data shows an increase in team number from 287 to 412. Whilst this data is the most up to date, the LFFP is clear in that this is the number of teams countywide and of all ages from senior down to mini.

In relation to the application site and the issue of community use mini football pitches, the LFFP also provides the latest data on mini soccer and shows that there has only been a slight increase from the 2022 data from 97 to 122 teams. However, with no detail as to where the 25 mini soccer teams are based the LFFP cannot be used further to provide an analysis of supply and demand associated with the application site. The LFFP is clear in that it does not provide supply and demand detail and cannot be used as a replacement for a PPOS and as such cannot be used as an evidence base for a site change of use or disposal.

The PPOS provides this evidence based on a robust assessment of need which considers future growth in line with the Core Strategy. The PPOS show 57 mini soccer teams based within the Hereford Analysis Area, which may have sustained a small increase in accordance with latest LFFP data, which would be expected in accordance with the population growth arising from new housing.

Herefordshire Sports Partnership (HSP) is the body responsible for overseeing the delivery of the PPOS and its recommendations and for providing up-to-date information on clubs and facilities on a bi-annual basis. Wessington Junior Football Club are one such club that has sustained growth. They are based at Victoria Park Hereford and are seeking additional facilities to accommodate their growing club and junior team numbers. Supported by the Herefordshire Football Association (HFA) who sit on the HSP, the club has recently secured a lease for 1 year initially to play at Withington Playing Fields which is owned and maintained by the Parish Council. As a facility impacted by Covid and the loss of a senior team, the use of this facility is of benefit to both the club, the Parish Council and local community. The 2 sites are less than 4 miles apart and both are within the Hereford Analysis Area. The HSP through the HFA are not aware of any other clubs seeking additional junior facilities in the Hereford Analysis Area currently and as demonstrated by the PPOS other sites would be potentially available if clubs came forward."

#### 4.2.4 **Environmental Health (Contaminated Land) Technical Officer – No objections; conditions recommended**

1<sup>st</sup> consultation 7 May 2025

"Context

We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

The report below has been submitted by the applicant:

"Geotechnical and Geoenvironmental Report. Site: Hampton Dene Primary School." Prepared by Terra Firma, Issue Date: August 2024, Job No.: TF-24-277-CA

Comments

The overarching conclusions of the report are that 'all substances tested for were found to be at concentrations below their respective human health threshold levels.' It goes on to advise that

*any imported soils be demonstrably clean and suitable for use but makes no recommendations for further assessment with regard to contamination at the site.*

*There are minor uncertainties with regard to ground gases outlined in the report which should be addressed (as only a single round of monitoring had been completed at the time of issue). We would also mention that it has been commissioned and drafted as a combined desk study and site investigation and does not fully accord with good practice guidance.*

*It is recommended that addendum reporting be submitted with regard to ground gases and that the LPA ensure any soils imported to site accord with the reports recommendations.*

#### *Recommendation – Additional Information*

*Given the date of the report, we would anticipate that the outstanding ground gas monitoring has now been completed and reporting issued to that effect. As such, we would advise that this be submitted prior to determination to potentially negate the requirement for pre-commencement conditions (albeit a condition could be appended if required)."*

#### 2<sup>nd</sup> consultation 16 June 2025

*"We refer to the above application and would make the following comments in relation to contaminated land and human health issues only.*

*Our advice of 7<sup>th</sup> May recommended addendum reporting to address minor uncertainties around ground gases and proposed validation of imported soils. Further to this additional ground gas monitoring data has been submitted. This should be accompanied by interpretative reporting alongside the proposed validation plan – albeit it is recognised validation does not constitute a remediation scheme and is considered good practice rather than essential to the project.*

*As such, we'd recommend the condition below be appended to any approval. The condition is recommended in the absence of addendum reporting and includes the desk study element given the scope of the report submitted. However, we do not anticipate this will require a revisit of the originally submitted report(s)*

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a Preliminary Risk Assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.  
Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in



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

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

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

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

*Technical notes about the condition*

1. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.
2. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.”

## 5. Representations

- 5.1 Hereford City Council – No response received; no extension of time for comments requested.
- 5.2 At the time of publication, no other third party representations have been received. Please note that the re-consultation period in relation to an amended location plan expires on 20<sup>th</sup> June 2025. Any additional representations received will be provided through the publicised Schedule of Updates along with any changes to the officer recommendation that may result from any further representations being received.
- 5.3 All consultation responses received 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=242911](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242911)

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

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

## 6. Officer’s Appraisal

### **Policy Context**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In this instance, the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Herefordshire Minerals and Waste Local Plan (MWLP). The National Planning Policy Framework (NPPF) is a significant material consideration.

- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the NPPF also 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.
- 6.4 In reaching a decision, the level of consistency of policies in the adopted development plan with the NPPF will need be taken into account by the decision-maker. From reviewing those policies within the CS which are applicable to the determination of this application, these are consistent with the guidance contained within the NPPF. As such, and in accordance with Paragraph 232 of the NPPF, significant weighting should still be afforded to these policies.
- 6.5 Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS, sets out a presumption in favour of sustainable development. For decision-taking on planning applications, Paragraph 11d 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', 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 (Paragraph 11di); or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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 (Paragraph 11dii).
- 6.6 Paragraph 12 of the NPPF states 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. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### ***Principle of development***

- 6.7 The UK Government's Policy Statement on Planning for Schools Development and Paragraph 100 of the NPPF is supportive of the expansion and/or alteration of schools. Paragraph 100 of the NPPF states that, *'it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.'*
- 6.8 Policy SC1 of the CS recognises that proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported in principle. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport. Proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets (including facilities for disabled people and baby changing).
- 6.9 The proposal is considered to create a sustainable and well-integrated environment which enhances existing educational and community infrastructure, improving facilities through the provision of a new educational environment. The proposal would extend the existing primary school to provide 2 new classrooms which is specifically tailored for SEND provision and accommodate 16 additional pupil places, together with associated play spaces, landscape/biodiversity enhancements and additional parking spaces. The proposal would, by virtue of its proposed siting, result in the loss of two parts of existing playing field at the school.



- 6.10 The application site is a long-established school in this part of the east of Hereford. The proposed SEND classrooms would meet an identified need for SEND provision within the area where Herefordshire more widely has a significant shortfall in places. Herefordshire Council also has a commitment to delivery of the special educational needs and disabilities (SEND) strategy 2023-26. It would serve as a valuable teaching resource for the school and thereby contribute to the school's role as a community facility. This is considered to be a significant benefit in favour of the proposal, namely in providing places which addresses some of the critical SEND shortfall.
- 6.11 The principle of development is established through Paragraph 100 of the NPPF and CS Policy SC1, subject to technical considerations when assessed against the development plan policy, the NPPF and other material considerations.

### ***Proposed loss of playing fields***

- 6.12 Paragraph 103 of the NPPF states that *'Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.'*
- 6.13 Paragraph 104 of the NPPF states that *'Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*
- 6.14 Policy OS3 of the CS states that,
- "In determining the appropriateness of proposals which results in the loss of an open space, sports or recreation facility, the following principles will be taken into account:*
- 1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;*
  - 2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;*
  - 3. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;*
  - 4. the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor."*

6.15 In terms of background to Policy OS3, there are two relevant paragraphs,

*"5.1.49 Any proposals resulting in a loss of an open space, sports or recreation facility should be able to clearly demonstrate that the facility is not only surplus currently, but taking into account the population needs of the community over the plan period. Proposals which also lead to the 'thinning out,' isolation or fragmentation of green infrastructure networks will also be resisted. "Equally beneficial replacements" of open space refers to quantity and quality in a suitable location.*

*5.1.50 In some cases, the loss of an open space sports and recreation facility may be appropriate where a proposal is for the purpose of providing ancillary open space, sports and recreation uses which are necessary to enable the continued viability, functionality or useability of the facility.*

*Ancillary facilities will also need to meet applicable policies regarding appropriateness and siting of the development.”*

- 6.16 The proposed development would be sited on playing field land which in part has been marked out for pitches, noting the flexibility of the application site to contain 2no U9/10s football pitches but also to accommodate different sports throughout the school year e.g. athletics track, ball sports or rounders. It should be noted that the mini pitch where the proposed classroom extension is to be sited was identified as replacement pitch provision for the previously approved language and communication centre (S113005/CD).
- 6.17 There are also proposed biodiversity improvements, required as part of delivering on-site mandatory biodiversity net gain, which will be sited on playing field land. Based on the submitted plans, the total area of playing field which would be lost by virtue of the proposed development sought would be approximately 1030 square metres. To provide some context as to the current status and use of the land, a couple of photographs of the area of the proposed classroom and car park extension are provided below (taken on 17 June 2025):



*Figure 3 – Photograph of existing storage sheds and playing field where proposed car park extension would be located*



*Figure 4 – Photograph of south elevation of Hampton Dene Primary School where the proposed classroom extension would be located*

- 6.18 Sport England are a statutory consultee. They have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 104, as well as Sport England’s Playing Fields Policy, which is presented within their ‘Playing Fields Policy and Guidance Document’: [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy). They have raised an objection to the application due to the proposed loss of playing fields which is not considered to accord with

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

any of Sport England's' exceptions as outlined within their Playing Fields Policy and consider the application to be contrary to Paragraph 104 of the NPPF.

- 6.19 They opine that the proposed school building is for a non-sporting use and is not an ancillary facility supporting the use of the playing field. As such they advise that this will result in the loss of a mini pitch, as well as the proposed car park extension which will encroach onto usable playing field land which has formed part of range of different pitch marking throughout the years and a running track. This is also the case for loss of existing playing field which is proposed to be secured as part of mandatory Biodiversity Net Gain commitment (discussed separately under the relevant header). It is viewed by Sport England that it has not been demonstrated that the playing field land (which has been incrementally encroached upon in recent years) is surplus to requirement for both curricular and community usage. Similarly, no replacement provision is proposed and accordingly, an objection has been raised.
- 6.20 The Council's Open Spaces Planning Officer has also been consulted given the nature of the proposal. The applicant has proposed amendments to the site location plan and proposed site plan which demonstrates that 2 pitches can be accommodated to meet the Football Association recommended sizes including run off safety areas for u9 and u10s. Turning to community use, in considering wider community needs, the Playing Pitch and Outdoor Sports Strategy 2023 demonstrates that there is sufficient capacity in the existing supply of community use 7 v 7 and 5 v 5 football pitches within the Hereford Analysis Area to meet both current and future needs. In this respect, the Council's Open Spaces Planning Officer views that the proposal is not contrary to NPPF paragraph 104 or CS policy OS3 criteria 1), however one must note the objection received from Sport England as the statutory consultee.
- 6.21 In the view of officers and applying Paragraph 104 of the NPPF, there is a lack of assessment undertaken to demonstrate the open space is clearly surplus to requirements. Furthermore, the proposed loss resulting from the development would not be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The development is not for alternative sports and recreational provision. It is therefore acknowledged that the proposal, as submitted, does not comply with the requirements of Paragraph 104 of the NPPF. However, having regard to the comments of the Council's Open Spaces Planning Officer, it is not considered that the proposed loss of the playing field would negatively impact on the vitality and viability of the local area.
- 6.22 In the balance also is the fact the proposal would represent a significant enhancement to the existing school facilities, whilst helping to meet an identified need for SEND facilities and providing a greater variety of facilities in the local area. This needs to be weighed against the proposed loss of playing field.
- 6.23 As the proposed development would result in the loss of part of a playing field, and has attracted an objection from Sport England, the application falls within the scope of the Town and Country Planning (Consultation) (England) Direction 2024. Under this Direction, local planning authorities are required to consult the Secretary of State before granting planning permission for development that is likely to lead to the loss of land currently used as a playing field and there has been an objection from Sports England. This safeguard allows the Secretary of State the opportunity to consider whether the application should be called in for their own determination, in view of the potential wider public interest or impact on national planning policy objectives. This procedural matter is reflected in the recommendation below.

### ***Design and impact on character and appearance of area***

- 6.24 Relevant policies for consideration on design and impacts upon the townscape and character and appearance of the area are Policies SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF.
- 6.25 The proposal involves the extension to the existing communication and language centre. The proposed extension has a total floor area of 374.76 square metres though this excludes the hard landscaping around the buildings and sensory gardens. It measures 2.86 metres to eaves and has a ridge height at 5.14 metres. Materials comprise a mixture of a standing seam pitched roof and bitumen flat roof over yellow multi brick, timber effect cladding and white curtain walls with blue solid panels to match existing. The proposed building would have enclosed areas surrounding it providing SEND play space.
- 6.26 The proposed classroom extension would be set within the school site and given its location, would be visible from the public realm from both Church Road and Hampton Dene Road and visible from residential properties on Hampton Dene Road. With its simple and contemporary response, the proposal is not considered to adversely harm the character and appearance of the area, reinforcing local distinctiveness. The proposal is considered to sit comfortably within the site and is sympathetic to the character and appearance of the area in accordance with the aforementioned policies and guidance.
- 6.27 It is noted that as part of the required construction works, a temporary access onto Hampton Dene Road will need be created. The proposed Construction Traffic Management Plan shows that the access is to be located adjacent to several well established trees along the southern boundary. Impacts to the trees can be limited by the use of temporary tree protection fencing to restrict construction activities within the root protection area. A tree protection plan, which includes setting out measures for protection during construction can be secured by condition, together with further details of the reinstatement of the land following completion of the development.

### ***Impact on residential amenity***

- 6.28 Having regard to Policy SD1 of the CS and Paragraphs 135f and 198 of the NPPF, the site shares a boundary with residential properties on The Knoll, Quarry Road, St. Paul's Road and opposite Hampton Dene Road. The school is some distance from the boundaries of these properties. The proposed classroom extension would bring development closer to residential properties on Hampton Den Road although approximately 32.5 metres away from the dwellinghouses principal elevations. The existing boundary treatments between the site and residential properties is a mixture of security fencing with a modest tree screen between the proposed classroom extension and residential properties.
- 6.29 Whilst there are several openings at the proposed south-east elevation with proposed windows and doors facing residential properties, having regard to the potential for overlooking and loss of privacy, it is considered that given the separation distances, the safeguarding of residential amenity would be maintained.
- 6.30 Both the classrooms and car park extension are likely to result in an increase in noise and disturbance post-construction. However, given that it is an existing playing field area in relation to the wider use as an educational establishment, it is considered that this impact would not be unacceptable. The proposal accords with the aforementioned policies.

### ***Highway and pedestrian safety***

- 6.31 Turning to highway and pedestrian safety, Policies SS4 and MT1 are relevant to the consideration of such matters, which is consistent with Section 9 of the NPPF. The proposal would continue to use the existing vehicular and pedestrian access to the school off Church Road with provision



made by way of a modest extension to the existing car park to accommodate the inevitable increase in staff. The proposal would provide a net 8 additional parking spaces. Their layout and scale comply with the requirements of the Herefordshire Highways Design Guide for New Developments 2006.

- 6.32 Following a request from the Area Engineer, the applicant has provided a useful breakdown of current and projected pupil transport modes. Based on the data, the proportion of pupils requiring dedicated taxi or minibus transport is expected to remain broadly similar, with an anticipated increase of two additional dedicated vehicles. While this is not a significant uplift, the Local Highway Authority has acknowledged the clarification and the commitment to staggering arrival times and staff assistance to support efficient drop-off. The existing layby appears to have some operational capacity to accommodate this increase, provided on-site management remains in place.
- 6.33 Up to five parents of SEND pupils are permitted to use the school car park for drop-off and pick-up, with additional accessible spaces proposed. The Area Engineer acknowledges the explanation provided regarding staff parking being completed before pupil arrivals and the on-site barrier system that enables real-time car park management. This is considered a workable arrangement, provided it continues to be actively managed by the school.
- 6.34 The revised Construction Traffic Management Plan confirms that contractor parking will be accommodated within the site compound, using ground protection matting to enable temporary use of grassed areas. This addresses previous concerns regarding parking on the public highway, which is appreciated to be very much an issue locally, particularly given the close proximity with both St. Paul's Primary and Bishops.
- 6.35 The Area Engineer is now satisfied that the applicant has addressed the key issues raised in previous responses and raises no concerns subject to conditions. As a result, the proposal is considered to be acceptable from a highway perspective and in accordance with Policy MT1 of the CS. Paragraph 116 of the NPPF is not considered to be engaged.

### ***Ecology and Biodiversity***

- 6.36 In having regard to Policies SS6 and LD2 of the CS which is consistent with Sections 12 and 15 of the NPPF, the applicant has submitted a Preliminary Ecological Appraisal & Biodiversity Net Gain Report. The survey found no evidence of protected species. However the report recommends avoidance measures which should be followed and will be secured by condition.
- 6.37 As identified in the NPPF, NERC Act, CS Policy LD2 and action within Herefordshire 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, together with details of any external lighting proposed to illuminate the development.
- 6.38 In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 6.39 Full details of how the required minimum 10% gain will be delivered and managed for 30 years within the development boundary (or by use of off-site habitat units that are legally secured and on the national register) must be supplied and approved by the Local Planning Authority subsequent to planning permission being granted but PRIOR to any permitted works commencing

onsite. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. As raised by the Council's Ecologist, the supplied plans do not appear to consider the degradation of existing grassland when it is formally managed as proposed sports pitches. A full revised Statutory BNG scheme and Metric should be undertaken based on final approved development plans although this should not prevent the determination of the application by the committee.

### ***Habitat Regulations Assessment***

- 6.40 The application site lies within the hydrological catchment 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. The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.
- 6.41 As agreed with Natural England where commercial/industrial 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. Any nutrients created by staff/visitors and pupils to the school can be considered as already being 'accommodated' and accounted for within the residential foul water flows of those staff/visitors that are considered for this specific 'local' commercial operation as being existing residents of the local area/catchment. Therefore, no additional or expedited nutrient pathways are expected as a result of the proposed development and this application can be considered as 'screened out' at Stage 1 of HRA appropriate assessment. Paragraph 195 of the NPPF is not engaged.

### ***Drainage and Flood Risk***

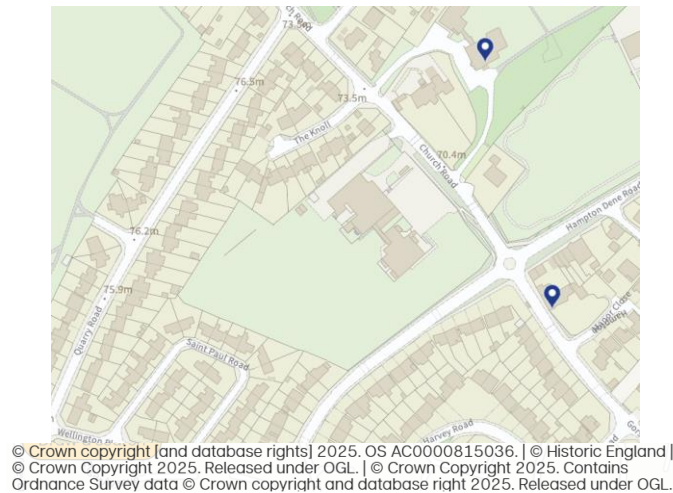
- 6.42 Having regard to Policies SD3 and SD4 of the CS, which is consistent with Section 14 of the NPPF, the site lies within Flood Zone 1 according to Environment Agency mapping, which has a less than a 1 in 1000-year chance of flooding each year. It represents the land least susceptible to flooding. In principle, the NPPF also prefers that any new development is directed to land in Flood Zone 1. For clarity, the site is less than 1 hectare, and it has not been identified as having critical drainage problems by the Environment Agency. There is no requirement for a site-specific Flood Risk Assessment in this instance.
- 6.43 The proposed Drainage Strategy proposes to deal with foul water with a connection to the mains sewer, in accordance with Policy SD4 of the CS. Turning to surface water, Welsh Water are content with a condition limiting surface water flows from the development with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 l/s. This is to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. The proposal provides a viable means of foul and surface water drainage, in line with CS Policies SD3 and SD4, which is consistent with Section 14 of the NPPF.

### ***Heritage***

- 6.44 In having regard to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, together with Policies SS6 and LD4 of the CS, which is consistent with Section 16 of the NPPF, the nature of the proposals are not considered to affect the setting, significance or experience of



'Church of St Paul' (Grade II Listed Building) or 'Hampton Manor and Attached Walls and Gate Piers' (Grade II Listed Building). For context, their location and proximity to the application site is shown below in Figure 5:



*Figure 5 – Historic England Map of identified designated heritage assets*

### **Other considerations**

- 6.45 As raised by Environmental Health (Contaminated Land), the applicant has provided additional supporting information to address minor uncertainties around ground gases and proposed validation of imported soils. Additional ground gas monitoring data has been submitted subsequently. This should be accompanied by interpretative reporting alongside the proposed validation plan – albeit it is recognised validation does not constitute a remediation scheme and is considered good practice rather than essential. It is advised a relevant pre-commencement condition is recommended in the absence of addendum reporting and includes the desk study element given the scope of the report submitted, to satisfy Policy SD1 of the CS. This is in the interests of human health and ensure new development does not contribute to contamination.
- 6.46 In accordance with the 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. The matter can be dealt with by way of condition.

### **Planning Balance/Conclusion**

- 6.47 In terms of decision-making, Paragraph 11d of the NPPF applies, though there is a need to remain mindful of Paragraph 12. Officers acknowledge that the proposal results in the loss of a modest portion of existing playing field provision. This carries a degree of harm, particularly in light of tension with Policy OS3 of the CS and Paragraph 104 of the NPPF. The loss, while not substantial in overall area, contributes incrementally to the erosion of recreational space at the school. Therefore, this harm is considered to be afforded moderate weighting. Mitigation measures, such as provision of SEND play space and quality of remaining spaces have been considered, but do not offset the proposed loss.
- 6.48 The primary driver for this application is the urgent need to expand and enhance SEND provision at Hampton Dene Primary School. Current facilities do not meet demand and the requirements of students with moderate complex needs, for which there is now a critical shortfall across Hereford and the county more widely. This aligns directly with the government's commitment to inclusive education and provision of appropriate facilities for vulnerable children.

- 6.49 The National Policy Statement on Planning for Schools Development emphasises that local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in planning decisions. In this case, the proposed development would directly contribute towards addressing some shortfall in SEND provision, enabling the school to provide a more supportive and effective learning environment for students. The need to provide appropriate and accessible education for vulnerable children is a paramount consideration, essential for wellbeing and development of students. The proposal will enable the school to foster inclusivity and promote educational attainment, providing considerable social and environment benefits, with additional biodiversity and landscape enhancements brought forward. This benefit is considered to be afforded substantial weight.
- 6.50 All other material considerations are viewed to be acceptable. No other tension with the adopted development plan has been identified with ability to mitigate the development to an acceptable degree through conditions.
- 6.51 The substantial benefits arising from enhanced SEND provision outweighs the moderate harm resulting from the loss of playing field provision. Whilst this would amount to a significant material consideration which would mean taking a decision which departs from the development plan and a statutory consultee who has objected, it would reiterate this Council's commitment to delivery of the Council's SEND strategy 2023-26. Subject to conditions, the application is recommended for approval.
- 6.52 Should Committee resolve to approve the proposal, then the Secretary of State will need to be consulted in accordance with The Town And Country Planning (Consultation) (England) Direction 2024. A resolution is required on which to base any decision.

## RECOMMENDATION

**That subject to there being no further representations raising material considerations prior to the reconsultation period, the Planning & Regulatory Committee resolve to approve the proposal subject to the following list of conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers and that the application is referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024.**

**The Local Planning Authority shall subsequently not grant planning permission until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the authority in writing they have received notification and if, before the expiry of the 21 day period, the Secretary of State has notified the authority that they do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the local planning authority may determine the application.**

### Standard Conditions

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

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

- 2. The development shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission and schedule of materials listed thereon:**

- 17517 - DB3 - B01 - 00 - DR - A – 90003 Revision P12 (Proposed Site Plan);**

- 17517 - DB3 - B01 - ZZ - DR - A – 20702 Revision P07 (Proposed Building Elevations);
- 17517 - DB3 - S01 - 00 - DR - A – 90005 Revision P05 (Proposed Ecology Plan);
- 17517 - DB3 - B01 - 00 - DR - A – 20103 Revision P04 (Proposed 00 Level Plan);
- 17517 - DB3 - B01 - RF - DR - A – 20104 Revision P04 (Proposed Roof Level Plan);
- 17517 - DB3 - B01 - 00 - DR - E - 63002 Revision P03 (External Lighting Layout);
- 17517-DB3-B01-XX-DR-A-40100 Revision P02 (Proposed External Finishes Palette);
- 17517-DB3-B01-00-DR-A-20106 Revision P01 (Proposed Car Park Plan);
- 50804-BUR-XX-XX-D-C-10101 Revision P3 (Proposed Car Park General Arrangement);
- 50804-BUR-XX-XX-D-C-10503 Revision P1 (Proposed Foul Water Drainage General Arrangement); and
- 50804-BUR-XX-XX-D-C-10502 Revision P1 (Proposed Surface Water Drainage General Arrangement)

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

### **Pre-Commencement Conditions**

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

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

4. 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.

5. No works, including any site clearance, shall take place until a tree protection plan is submitted to and approved in writing by the Local Planning Authority. The plan shall also include measures for protection during the construction phase of the development. The

approved plan shall thereafter be implemented for the duration of the construction phase of the approved development until the approved development is completed.

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

6. The development shall be carried out in accordance with the Outline Construction Traffic Management Plan by Burroughs dated 4 March 2025, as amended by further information received from Burroughs on 28 April 2025 and 27 May 2025, and shall be implemented throughout the duration of the construction phase of the development.

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

#### **Pre-Occupation Conditions**

7. The Remediation Scheme, as approved pursuant to condition 3 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

9. The recommendations set out in the Preliminary Ecological Appraisal & Biodiversity Net Gain Report written by Aware Ecology dated April 2025, shall be followed and implemented in relation to protected species.

**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.

10. Prior to first use of any development approved under this planning permission, evidence of the suitably placed installation on the approved classroom extension, or on other land under the applicant's control, of a minimum of TWO bird nesting features of mixed types, ONE House Martin/Swallow cups, ONE House Sparrow terrace and TWO bat roost features as well as hedgehog highways and boxes, shall be submitted to and acknowledged by the local authority; and shall be maintained thereafter.

**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.

11. Prior to the first use of the classroom extension hereby approved, an updated Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the approved development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented, in accordance with the approved details, within one month of the first use of the classroom extension.

A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the first use of the car park or classroom extension, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the application site 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 to which this permission relates to. Thereafter these facilities shall be maintained for the lifetime of the development.

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.

13. The classroom extension shall not be occupied until the foul and surface water drainage works have been completed in accordance with drawing numbers 50804-BUR-XX-XX-D-C-10503 Revision P1 (Proposed Foul Water Drainage General Arrangement) and 50804-BUR-XX-XX-D-C-10502 Revision P1 (Proposed Surface Water Drainage General Arrangement).

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

14. Details, including specification, of any additional external lighting proposed to illuminate the proposed classroom extension and/or car park, other than otherwise shown within drawing number 17517 - DB3 - B01 - 00 - DR - E - 63002 Revision P03 (External Lighting Layout) shall be submitted to and approved in writing by the local planning authority before first use of the classroom extension.

Development shall be carried out in accordance with the approved details.

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



15. The temporary construction access onto Hampton Dene Road shall be re-instated to an agreed standard within 12 months of first use of the car park extension or classroom extension, whichever is sooner.

Further details, including an annotated proposed site plan, of the agreed standard shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, in consultation with the Local Highway Authority.

The agreed standard shall thereafter be reinstated as per the timescales stated above.

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

#### On-going monitoring/compliance Conditions

16. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 2.5 litres per second.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SS1, SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. 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 “high 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 is 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. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.



4. 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'.
5. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.
6. Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

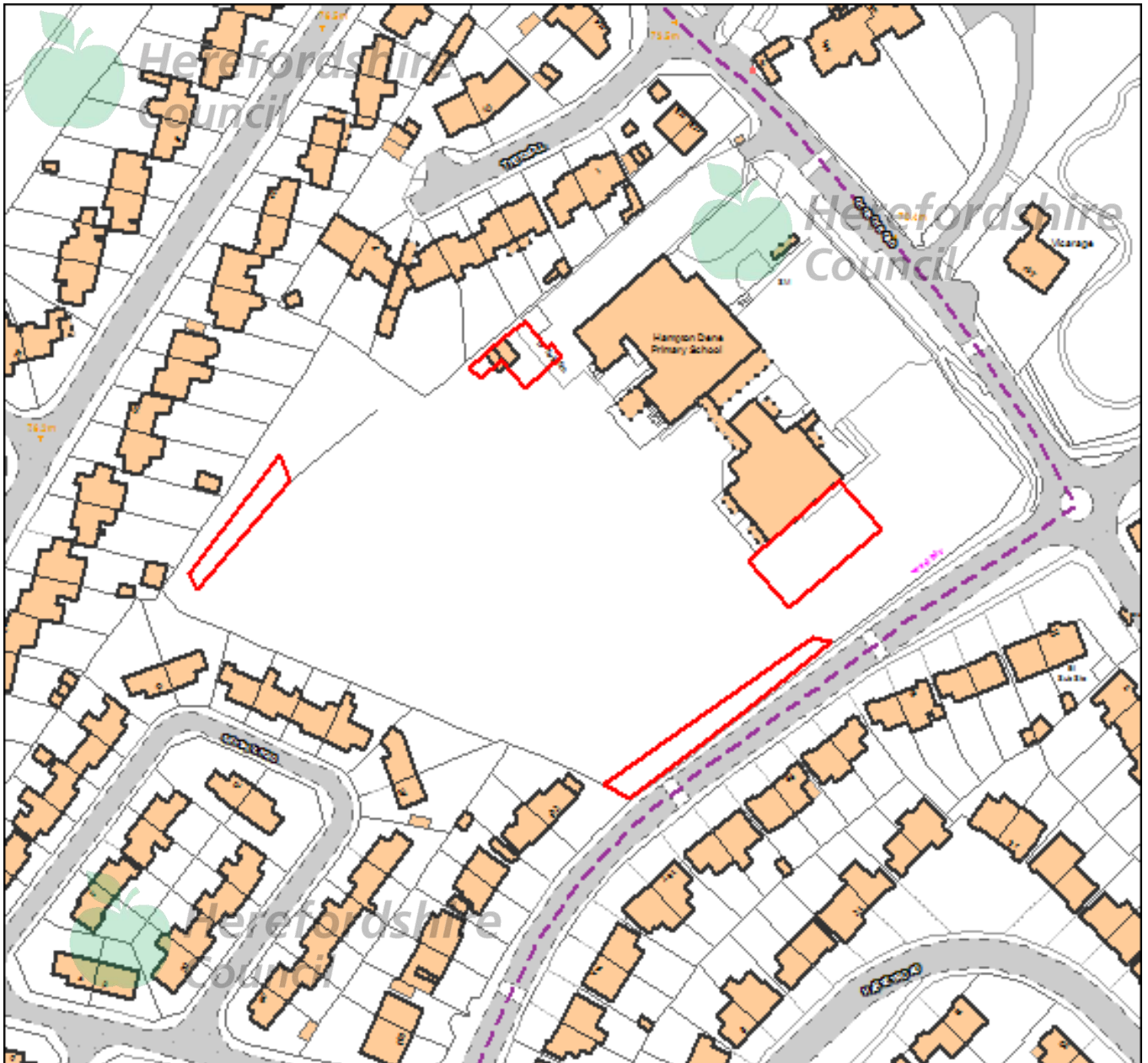
Decision: .....

Notes: .....

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## Background Papers

None identified.



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**APPLICATION NO:** 242911

**SITE ADDRESS :** HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD,  
HEREFORDSHIRE, HR1 1RT

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