

MEETING:	PLANNING COMMITTEE
DATE:	2 APRIL 2014
TITLE OF REPORT:	P133262/O - SITE FOR ERECTION OF 3 DETACHED DWELLINGS AT LAND REAR OF WESTBURY, CUSOP, HAY-ON-WYE, For: Mr & Mrs Jones per Mr Andrew Bevan, 2a High Street, Crickhowell, Powys, NP8 1BW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133262

Date Received: 21 November 2013 **Ward: Golden Valley** **Grid Ref: 323677,241751**
North

Expiry Date: 21 January 2014
Local Members: Councillor PD Price

1. Site Description and Proposal

- 1.1 The application site is a 0.33 hectare site located at the heart of 'Thirty Acres', a circular development of 18 dwellings 90 metres to the east of the southern extent of Cusop. The site is of an open formal appearance and is the rear garden of Westbury, a dwelling immediately to the south. A ring of 18 dwellings surrounds the garden area with a looping road between the site and said dwellings. The site is bound by hedgerows on all sides with the occasional gap providing access to the road network and Westbury. A number of trees lie towards the edges and corners of the site.
- 1.2 The application seeks outline planning permission to erect three detached dwellings on the site with all matters save for access reserved for future consideration. Access to the site would be at the approximate midpoint of the west boundary of the application site. The widening of the road adjacent to the site access would be increased in width from 3 metres to 5 metres to allow 2 cars to pass. An indicative layout and designs have also been provided.

2. Policies

National Planning Policy Framework (NPPF)

- 2.1 The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

Herefordshire Unitary Development Plan 2007 (UDP)

- 2.2 S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H4 - Main Villages: Settlement Boundaries
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping
- NC1 - Biodiversity and Development
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity

Herefordshire Local Plan – Draft Core Strategy

- 2.3 SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Herefordshire's Villages
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Local Distinctiveness
- LD2 - Landscape and Townscape
- LD3 - Biodiversity and Geo-Diversity
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- ID1 - Infrastructure Delivery

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

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

- 2.5 The Core Strategy has recently passed through Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. Planning History

- 3.1 SH891790PO: Erection of four dwellings and garages: *Refused*
- SH901482PO: Erection of one dwelling and garage: *Refused*
- SH910915PO: Construction of one dwelling and garage: *Refused & Dismissed at appeal*
- SH950955PO: Construction of one dwelling with garage: *Refused*

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

DCSW2003/1898/O: Four houses with garages: *Refused*

DCSW2004/1919/O: Dwelling with disabled persons access and ground floor suite: *Refused*

DCSW2004/2869/O: Dwelling with disabled persons access and ground floor suite: *Refused*

4. Consultation Summary

4.1 The Council's **Transportation Manager** does not object to the proposal but recommends that conditions be attached to any permission given ensuring that works to the highways are completed to an adoptable standard and that visibility splays be retained in perpetuity.

4.2 **Welsh Water** do not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) foul and surface water is discharged separately from the site;
- b) surface water does not connect with the public sewerage system; and
- c) land drainage run-off is not permitted to discharge to the public sewerage system.

4.3 The Council's **Ecology Manager** accepts the content of the submitted ecology report and does not object to the proposal. Conditions are recommended to ensure that proposed mitigation works are carried out.

5. Representations

5.1 **Cusop Parish Council** provided comment on the application stating that:

At its last meeting on 15 January 2014 Cusop Parish Council considered the above application and resolved as follows:

"That the Parish Council supports the application, subject to: (a) the impact of the extra traffic on the Thirty Acres/Church Road and Church Road/Dingle junctions and of existing B and B traffic being assessed and found acceptable; and (b) the impact on water and surface run-off being found acceptable."

5.2 There were 31 letters of objection to this application from members of the public. Many letters have been sent as supplemental information to initial representation. The below is a summary of public response. Copies of the each representation can be viewed in full at <https://www.herefordshire.gov.uk/>

- The application site lies outside of the designated boundary of Cusop;
- Proposal is contrary to local and national policies;
- Development would rip the heart out of the village as this is the only village green;
- The Victorian village of Thirty Acres has developed around this field and to develop this space would destroy the heart of the settlement;
- A covenant exists on this site restricting development to one unit;
- There is a slope from front to back of the site
- An increase in stress and demands on local roads from the site to th B4348;
- The highways assessment has not considered the effect on Thirty Acres only B4348;
- Concern for emergency vehicle access;
- Excessive pollution would give rise to noise pollution;
- Thirty Acres is not wide enough for two cars to pass with damage often caused to roadsides;
- Dangers to walkers should not be underestimated;
- No links to alternative methods of transport;

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- Gradients of roads make it a vigorous walk to Hay-on-Wye, not practical when carrying shopping;
- Concerns for the outline nature of the application. Decision makers and those making representations should have the full information of the scheme to make a decision;
- Cusop could be changes forever if application approved;
- The field was not designed to be built on and should save the very special aspect of Thirty Acres by staying green and open for all;
- Impact on the landscape as a site which is made up of special houses surrounded by farmland;
- If approved, the proposal will create a precedent for further development
- Proposed dwellings not affordable to those living in Hay and will not meet local needs;
- A strain would be placed on all amenities;
- Proposal would have impact on light and noise intrusion;
- Would have impact on natural habitat for wildlife;
- Decision should be deferred until local plan and Parish plan adopted;
- Building design is overbearing and overshadowing Cefn Bryn and Trigfan;
- Kitchen Garden of Cefn Bryn would be overshadowed by 'plot 2';
- Building design does not fit with the locality and causes privacy and overlooking issues;
- The site could be a wonderful ecological site for the local area;
- The site has ecological importance and provides a habitat for many birds, mammals and reptiles.
- Scheme should include rainwater harvesting;
- The scheme will encourage more retired couples to the area in an already ageing population;
- Household waste is collected from wheelie bins on the side of the road. It is not clear where occupiers of each dwelling would put wheelie bins on the road or whether the lorry would enter the site;
- Development has been turned down on the site numerous times before;
- The need for further housing is questionable;
- Concerned that potential effects of groundwater escaping from the site during periods of heavy rain;
- Dwellings should be built in keeping with the surrounding properties.

5.3 8 letters of support were received. Copies of the each representation can be viewed in full at <https://www.herefordshire.gov.uk/>

- Proposal would enhance the surrounding area;
- An ideal site for the provision of houses;
- A timely infill which will support the local area;
- In 109 years only 8 houses have been built in Thirty Acres, which is low for the area covered with the proposed three dwellings taking the amount to not unreasonable 21 houses;
- Small village like Cusop needs more families to make it flourish and give more heart to the village;
- In favour of development of such sites where infrastructure already in place rather than agricultural land;
- Care has been taken with a sympathetic layout;
- Community should be consulted at design stage;
- Considerable need for housing in the area;
- Natural infill which will complement the area;

5.4 2 letters were received neither in support nor objection to the proposal. Copies of the each representation can be viewed in full at <https://www.herefordshire.gov.uk/>

- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

Principle of Development

- 6.1 The application site is located outside of the settlement boundary of Cusop as defined under UDP Policy H4, 85 metres to the east of the southern most part of the village. Being outside of a defined settlement, the principle of development falls to be considered firstly against local policies relating to residential development within the open countryside, UDP Policy H7.
- 6.2 The intent of UDP Policy H7 accords with the aims and objectives of the NPPF with paragraph 55 being of particular relevance in this instance and indicates that unless exceptional circumstances can be demonstrated, housing outside of defined settlements will not be permitted. This proposal does not appear to satisfy any of the exceptional criteria under which housing in the open countryside could be considered acceptable as listed under Policy H7 and therefore conflicts with it.
- 6.3 Contrary to the content of chapter II of the design and access statement accompanying this application, the proposed residential development of this site has been rigorously tested through the submission of seven previous applications for residential development of the site:
- SH891790PO: Erection of four dwellings and garages
 - SH901482PO: Erection of one dwelling and garage
 - SH910915PO: Construction of one dwelling and garage
 - SH950955PO: Construction of one dwelling with garage
 - DCSW2003/1898/O: Four houses with garages
 - DCSW2004/1919/O: Dwelling with disabled persons access and ground floor suite
 - DCSW2004/2869/O: Dwelling with disabled persons access and ground floor suite
- 6.4 All of the above listed applications were refused with the principal reason for refusal being that the application site was outside the settlement boundary of Cusop as defined by the local plan in place at the time of each respective decision. Although none of the above applications were held against the encumbent UDP, both the village boundary itself and the local policy stance towards residential development outside of that boundary have remained consistent between the date of the original application (1989) and today. Furthermore, the refusal of application SH910915PO was appealed and dismissed by The Secretary of State.
- 6.5 Whilst the above listed site history and the content of the UDP appear to suggest that the proposed development is unlikely to be acceptable, it is necessary to determine whether there are any other material planning considerations which indicate otherwise. One such material consideration is the national policy against which this application falls to be considered.
- 6.6 The National Planning Policy Framework (NPPF) was adopted on 27 March 2012 and became the sole planning policy document at national level, replacing the series of PPS and PPG documents which were in place when the previous applications were made on the site. Paragraph 215 of the NPPF states that 12 months from the publication of the NPPF, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework". This 12-month period expired on 27 March 2013. Consequently the weight which can be attributed to individual policies of the UDP must

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therefore be assessed through their level of conformity with the NPPF. The closer the UDP policies are to the policies of the NPPF, the greater the weight that may be given.

- 6.7 Paragraph 47 of NPPF requires all local authorities to provide a 5 year supply of land for housing plus a 5% or 20% “buffer”, dependent on the each local planning authority’s record for housing delivery. A recent appeal decision at Home Farm, Belmont (APP/W1850/A/13/2192461) considered Herefordshire Council an authority requiring a 20% buffer to their 5 year Housing Land Supply.
- 6.8 Herefordshire Council are currently failing to meet this requirement and consequently ‘relevant policies for the supply of housing should not be considered up to date’ as stated in Paragraph 49 of the NPPF. On this basis, the council’s housing policies (H4 in this instance) which define the geographical limits of residential development can be attributed little weight in the determining of an application for residential development.
- 6.9 As the Council’s housing policies can no longer be relied upon to determine the principle of residential development, applications shall be considered ‘in the context of the presumption in favour of sustainable development’, as prescribed by paragraph 49 of the NPPF. Sustainable development is defined in paragraph 7 of the NPPF as a three pronged notion encompassing its economic, social and environmental roles.
- 6.10 The ‘social role’ of development places particular emphasis on the location of development with respect to local services and facilities. In this instance, the closest facilities and services to the site are located at the market town of Hay-on-Wye, 700 metres to the north-west of the site. Hay-on-Wye provides amenities which one would associate with a market town including a number of pubs & restaurants, shops, a supermarket, a library, a church, leisure facilities, a primary school and a regular bus service to the more extensive range of facilities and services at the city of Hereford.
- 6.11 To access Hay-on-Wye from the application site on foot, one would be required to travel 100 metres along Church Road (U75242), 615 metres along Cusop Dingle (U75246) and 175 metres along the B4348 over Black Lion Bridge. The total distance of the journey would be 890 metres, the majority of which is flanked by a pavement (with the exception of the 100 metre stretch along Church Road) and is unlit (with the exception of the 175 metre stretch along B4348). On balance, pedestrian travel between the application site and Hay-on-Wye would be both likely and safe and as such the application site is considered to be sustainably located.
- 6.12 Despite the proposal being contrary to the housing policies of the UDP and an extensive application history indicating that residential development of the site was not previously acceptable, it is considered that in light of the county’s inability to demonstrate a 5 year housing land supply plus a 20% buffer that the principle of residential development of the site is established.

Landscape Character and Quality

- 6.13 Whilst the use of the application site is as a rear garden to ‘Westbury’ and is not communal land, aesthetically it plays a wider reaching role within the locality. The size, formal nature, central location within Thirty Acres and square plan of the application site render it visually akin to a small village green. Its four solid but relatively low boundaries also appear to distinguish the application site from the residential development which surrounds it, including Westbury to which it functionally relates. This is despite a gap within the boundary allowing access to Westbury. The application site is an area of open space which contributes to the character of the self contained development of Thirty Acres.

- 6.14 Notwithstanding this assessment, outside of Thirty Acres, the current role of the application site as an area of open space is difficult to appreciate given the relatively acute angle at which views of Thirty Acres can be obtained, giving little perspective of depth.
- 6.15 Views of Thirty Acres are available from Church Road to the east until the junction with Church Lane and also from Church Lane 300 metres to the north-east of Thirty Acres. Fleeting glimpses are also available from B4348 500 metres to the north and from the network of footpaths between 500 metres and 1 kilometre to the south, though they are largely screened by the undulating topography and dense vegetation in the locality. Views of the application site itself are unavailable from these points given the height and density of vegetation and existing development. Views of the proposed development, particularly from the afore-located vantage points, would be filtered by existing residential development between the application site and each vantage point and would also be seen against a backdrop of residential development.
- 6.16 The provision of three suitably designed dwellings on this site is considered to have a negligible impact on the local landscape character largely due to the site's containment on all four sides by existing residential development and is therefore concordant with UDP Policy LA2 and chapter 11 of the NPPF.

Density of Development

- 6.17 The proposal is to provide three dwellings on the application which has an area of approximately 0.33 hectares and therefore at a ratio of 9 dwellings per hectare. 'Plot 1' would be 1500 square metres, 'Plot 2' 800 square metres and 'Plot 3' 1000 square metres. Contextually, 'Thirty Acres' is comprised of 18 dwellings in an area of approximately 1.8 hectares (excluding the application site itself) provided at a ratio of 10 dwellings per hectare. The smallest plot is Westbury at 453 square metres whilst the largest plot is 'The Old Rectory' at 3,300 square metres.
- 6.18 On this basis, the application proposal appears to be quantifiably reflective of local plot sizes. The mean plot size is marginally greater within the proposed development in comparison with existing development at 'Thirty Acres'. Individual plot sizes of the proposed development sit comfortably within the range of plot sizes at 'Thirty Acres'.
- 6.19 The locality is defined by moderate-large dwellings sitting within a range of plot sizes typical of semi-rural development. It is my opinion that the provision of three dwellings on this site represents development of an acceptable density with scope to achieve a site layout which would reflect the character of the locality as required by UDP Policy H13 and chapter 7 of the NPPF.

Ecology

- 6.20 The Council's Ecologist concurs with the content of the ecology report by Formaggio Environmental Ltd. dated November 2013 which accompanies this application and considers the proposed development to exert no undue impact on biodiversity or wildlife in accordance with UDP Policies NC1, NC6 and NC7. Conditions should be attached to any permission given to ensure that works are undertaken in accordance with recommendations made throughout the ecology report.

Highways and Access

- 6.21 There is an existing access to the application site which is located at the southern extension of the western boundary of the site. This provides vehicular access to the rear garden of Westbury which appears to be utilised as an informal parking area. The proposed access will be located further north at the approximate midpoint of the northern boundary of the application site. The proposed access incorporates the following:

- An increase in road width adjacent to the access to 5 metres and 10 metres in length tapering to the normal width of road over the length of the site frontage. A 0.5m verge will also be provided, the new highway width and verge will become part of the public highway under a S38 Agreement; and
- The access visibility splay will be an 'x' distance of 2m set back from the new edge of carriageway with the 'y' distance being the boundary of the property (27m to the southerly boundary and 27m to the northerly direction) facilitated by the translocation of the boundary hedgerow.

- 6.22 Within the design and access statement reference is made to a 'deminimus' change in vehicle movements along the local network, citing a 3% increase. However this only relates to the impact of traffic movements between Cusop Dingle and the B4348 and there appears to have been no documented consideration of the impact of traffic movements at a more local level between the application site and Thirty Acres, Thirty Acres and Church Way or Church Way and Cusop Dingle. Notwithstanding that, the Council's Transportation Manager has undertaken an assessment of the proposal and considered its full impacts on the local highway network.
- 6.23 The extra width in the carriageway adjacent to the proposed access on Thirty Acres would be built to an adoptable standard and retained as such in perpetuity. Thirty Acres is a narrow road with few formal passing places. Cars travelling in both directions are forced to utilise driveways to pass one another. The widening of the Highway will provide a point at which two cars can pass.
- 6.24 Visibility splays are considered ample as vehicle speeds are low on Thirty Acres given the narrow and short lengths of carriageway. The translocation of the hedge would successfully retain the semi-rural appearance of the lane whilst the creation of the access will be offset by the infilling of the existing access.
- 6.25 On balance, the proposal would give rise to a modest, but measurable increase in use of the local highway network, particularly in relation to Thirty Acres – vehicle movements along Thirty Acres would be approximately 17% greater as a result of this development. However, the provision of a passing place on Thirty Acres is considered to offset this increase in movement resulting in a modest highways benefit. Visibility splays are acceptable in both directions at the site access. The increase in use of the junction between Thirty Acres and Church Way is considered to have a negligible impact on highways safety with the impact on other junctions exponentially decreasing the further one gets from the site. For these reasons the proposal is considered to have an acceptable impact on the local highway network in terms of safety and movement in accordance with UDP policies DR3, T8 and H13 and chapter 4 of the NPPF.

Residential Amenity and Privacy

- 6.26 The application site is of such a size that 3 dwellings can be accommodated without compromising the privacy of existing neighbouring dwellings or the privacy of proposed dwellings. Indicative plans show a layout which would provide this level of privacy. A reconsideration of the location of fenestration may be required to ensure internal site privacy though this is a matter which will be dealt with at the reserved matters stage.
- 6.27 Paragraph 53 of the NPPF explicitly encourages local planning authorities to resist the development of gardens where it would be inappropriate, citing an example where the local area may incur harm as a result of the proposed development. The rear garden space of Westbury would be significantly reduced as a result of this proposal. However, the residual garden space would be of a similar size to that of the neighbouring semi-detached dwelling. A space of such a size would not be out of keeping with the locality and would remain enjoyable

to occupiers of Westbury. It is officer opinion that this, in conjunction to the wider consideration of the scheme above, precludes the proposed development from being considered 'inappropriate' in the context of paragraph 53 of the NPPF.

Other Matters

- 6.28 The cluster of dwellings known as Thirty Acres is comprised of large semi-detached and detached dwellings clad in various materials. Despite the relatively large size of existing dwellings, indicative elevations and 3D models submitted with this application show dwellings of proportions larger than the local vernacular. This application is made in outline only with appearance, design and layout reserved for later consideration though should permission be granted, the proposed dwellings should be downscaled from what is presently indicated on drawings to a size more commensurate to the local context. Furthermore, the detailed design of the dwellings may need to be readdressed. These concerns have been communicated to the agent for this application who has acknowledged this requirement.
- 6.29 Local concerns were expressed over the outline nature of the application. The making of an outline application is acceptable and it is considered that the scheme's detail can be dealt with at the reserved matters stage at which point those wishing to comment on the scale, appearance, design and landscaping of the proposal will have a chance to do so.
- 6.30 A number of concerns have been expressed from members of the public regarding the precedent of further garden development within the area. Each application must be dealt with on its merits without having regard for speculative future development of this or any other site. That said, it is suggested that this particular garden is relatively unique given its size and location within Thirty Acres in respect to existing development and the local highway network.
- 6.31 Many letters of representation refer to the existence of a restrictive covenant on the application site. This is a civil matter and not one which is material to the planning merits of this application.
- 6.32 Concern is also expressed for the prematurity of the application with regards to the neighbourhood plan. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Members may also note that the recently launched 'Planning Practice Guidance' states that circumstances where prematurity may constitute a reason for refusal are likely to be limited to situations where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

It is officer opinion that the emerging core strategy is still at a relatively early stage of preparation and, as such, prematurity cannot be argued as a reason to refuse this application.

Conclusion

- 6.33 In light of the above, the principle of development is considered acceptable having particular regard for the location of the site in relation to local services and facilities, local transport infrastructure, the intensification of vehicle numbers on the local highway, potential impact on landscape character and the ability of the site to accommodate three dwellings. The access to

be provided offers safe access to and egress from the application site. On this basis it is recommended that in accordance with the presumption in favour of sustainable development as prescribed by the NPPF and giving weight to the Council's inability to demonstrate a five year housing land supply, that outline planning permission be granted .

- 6.34 On 4 March 2009, the local planning authority temporarily suspended the requirement for residential development of five dwellings or less to accord with the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) where development would commence within two years of the date of an outline permission being. This submission states a preference for a two year permission and as such the requirement of a Section 106 contribution is waived.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. L01 Foul/surface water drainage**
- 7. L02 No surface water to connect to public system**
- 8. L03 No drainage run-off to public system**
- 9. I20 Scheme of surface water drainage**
- 10. G03 Retention of existing trees/hedgerows**
- 11. H03 Visibility splays**
- 12. Details of the works to widen the carriageway known as Thirty Acres and works to the hereby approved site access as shown on approved plan 1321/PLN/01 shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works shall be implemented as approved prior to the first occupation of the first dwelling.**

Reason: To ensure that the proposed highways improvement works are delivered as required to offset the increase in vehicular movement along Thirty Acres in accordance with policies DR3 and H13 of the Herefordshire Unitary Development Plan and the NPPF.
- 13. H13 Access, turning area and parking**
- 14. The recommendations set out in the ecologist's report dated November should be followed in relation to the survey recommendations for reptiles, notably slow-worm. Prior to commencement of the development, a presence/likely absence survey for slow worm should be carried out. Should**

slow worm be found a full working method statement for mitigation should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

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

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

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

15. The recommendations set out in the ecologist's report dated November 2013 with regard to hedgerow protection and habitat enhancement should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

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

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. HN04 Private apparatus within highway
5. HN05 Works within the highway

6. HN08 Section 38 Agreement & Drainage details

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133262/O

SITE ADDRESS : LAND REAR OFF WESTBURY, CUSOP, HAY-ON-WYE, HEREFORD

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