

MEETING:	PLANNING AND REGULATORY COMMITTEE							
DATE:	6 December 1017							
TITLE OF REPORT:	172704 - PROPOSED DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND REPLACEMENT WITH SIX DWELLINGS WITH ASSOCIATED WORK SPACE. CONVERSION OF EXISTING WORKSHOP TO FORM SINGLE DWELLING AND ASSOCIATED WORKS. AT LAND AT MIDDLE COMMON PIGGERY, LOWER MAESCOED, HEREFORDSHIRE. For: Mr Lewis per Mr Ian Pople, 30 The Causeway, Chippenham, SN15 3DB							
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172704&search=172704							
Reason Application submitted to Committee - Redirection								

Date Received: 20 July 2017 Ward: Golden Valley Grid Ref: 334670,230851

South

Expiry Date: 31 October 2017
Local Member: Councillor PC Jinman

1. Site Description and Proposal

- 1.1 The site is located at Lower Maes-coed, a settlement identified in Core Strategy Policy RA2 where proportionate housing growth is supported in principle. It is located north-west of Ewyas Harold where there are services/shop and a bus service to Hereford.
- 1.2 It comprises a derelict pig farm on an approximately 1 hectare plot with a variety of redundant covered corrugated buildings. The site is relatively level. Public Right of Way NW14 runs in a northerly direction along the eastern boundary from Common Road.
- 1.3 There are sporadic roadside dwellings in the vicinity namely New House (to the east) on the opposite side Common Road, and Great House to the north-west with Sweeps Cottage to the west. Access to the site from the Ewyas Harold direction is from the south with the point of access off Common Road (which is designated common land).
- 1.4 The proposal is for a total of 7 new dwellings (one of which comprises a conversion of a workshop) namely:
 - 1 3 bed dwelling;
 - 2 x2bed live work;

- 3x 3bed live work:
- 1x4 bed live work.
- 1.5 The above are shown to be sited in an F plan layout, with internal access road serving a number of contemporary linear barn style buildings.
- 1.6 The planning application has been accompanied with:
 - Transport Statement;
 - Flood Risk Assessment;
 - Design and Access Statement;
 - 3d perspective colour visualisations of the site layout.
- 1.7 Further submitted information includes:
 - Phase One ecological survey;
 - · Land contamination survey.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

SS1 - Presumption in Favour of Sustainable Development

SS2 - Delivering New Homes

SS4 - Movement and Transportation

SS6 - Environmental Quality and Local Distinctiveness

RA2 - Housing settlement outside Hereford and the market towns

RA3 - Herefordshire's Countryside

RA6 - Rural economy

E2 - Re-development of Existing Employment Land

E3 - Homeworking

H2 - Rural Exceptions Site

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 AssetsSD1 - Sustainable Design and Energy Efficiency;

SD3 - Sustainable water management and water resources

SD4 - Waste Water Treatment and River Water Quality

2.2 Vowchurch and Group Neighbourhood Development Plan: Made on 16 October 2017 and can therefore be afforded full weight.

https://myaccount.herefordshire.gov.uk/media/1989471/vowchurch_ndp_iuly2017.pdf

Policies 1 (protecting and enhancing the local environment), 2 (future developments), 3 (open countryside), 4(nature and scale of new housing) and 7 (amenity) are considered particularly relevant.

2.3 National Planning Policy Framework

Of relevance to site remediation paragraphs 109, 120, 121, 197.

Paragraphs 14, 47 and 49 (5 year housing land supply) are engaged. This is presently 4.54 years (published at April 2017).

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

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

3. Planning History

3.1 151875/PA4 Prior notification: Agricultural to Residential Use (Refused).

DCSW2006/2902/F: Two year temporary change of use for equipment storage at Shop Vach Farm and war games at Middle Common Piggeries (Refused).

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

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

Internal Council Consultations

4.2 Transportation Manager: Proposal acceptable, subject to the following conditions and / or informatives:-

The road network around the site mainly consists of narrow single track carriageways with no footway, limited verges and limited number of official passing bays. The wider network has two way carriageways with narrow sections. Whilst the number of vehicles using the network will increase with the development the impact on the network would not be classed as severe.

CAB 2.4 X 49m to the right (looking west) and 2.4 X 53m to the left (looking east)

CAE, CAH, CAL, CAS, CAT, CAZ, CB2

111, 109, 145, 107, 105, 147, 135

- 4.3 PROW Officer: Public footpath NW14 has been shown on plans, and would not appear to be adversely affected by the development. No objection.
- 4.4 Neighbourhood Planning Team: This site is within the Vowchurch and District Group Neighbourhood Plan area. The plan has full material weight.

With this in mind, the policies for this application are contained within both the Herefordshire Core Strategy and the Vowchurch and District Group NDP.

Lower Maes-coed is contained with Policy RA2 figure 4.15 highlighted for proportional growth. The proportional growth requirement for the Group Parish is 28 of which at April 2017 there were 2 built and 2 commitments leaving a residual total of 24.

Policy RA2 indicates that housing within 4.15 will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in the settlement.

There is no settlement boundary defined within the Vowchurch and District Group NDP for Lower Maes-coed as the settlement has evolved from single dwellings and farmsteads. Therefore proposals are adjudged under Policy 2 of the NDP.

Policy 2 highlights that proposals should consist of 1 to 3 dwellings per site reflecting the current building pattern and historic pattern of housing. Conversions are encouraged.

Policy 4 indicates that development should be of 2 and 3 bedroom homes and Policy 5 required the reflection of historical building styles.

The proposal does not accord with policy in terms of the number of dwellings per site however policies 4 and 5 have been reflected within the proposal. Although it is acknowledged that the site currently consists of agricultural buildings (Piggery) and some of the land is currently hardstanding.

4.5 Conservation Manager (Landscape): No objection in principle. The proposal is for 7 residential units upon the site of The Piggeries at Lower Maes-coed. I have visited the site, read the preapplication advice and viewed the drawings and visualisations for the scheme.

I note that no landscape appraisal or landscape proposals have been submitted in support of the application but I have read the relevant detail within the Design and Access Statement. I understand that the site cannot in policy terms be considered a brownfield site however given the derelict condition of the buildings I consider that from a landscape perspective there is opportunity for enhancement. I would also echo the pre-application advice in that a courtyard style layout would be most appropriate within this rural location. In terms of the detail of what is proposed as part of the scheme I would like draw a number of points to the attention of the case officer:

- The site is undesignated however the PROW NW14 follows the eastern boundary there
 is therefore opportunity for near views of the proposal as well as longer views from the
 east
- The site is well contained by vegetation from other aspects and this enclosure should be maintained through retention of all boundary vegetation.
- The landscape comments within the D & A make reference to the existing units not being inherently obtrusive within the landscape and to my mind the reason for this is primarily due to the heights of the buildings.

I would therefore like to make the following recommendations:

- The number of units has increased from 6 to 7 this should be reduced to 6 [losing Unit G
 at the back of the site which is shown to contain a bat loft];
- Built form should be brought back from the eastern boundary and open space should be relocated to the eastern section of the site so that it can be integrated with the PROW.
- Heights of the proposals should be clearly identified on the elevation drawings and should take their lead from the current context. Higher units should be retained on the western half of the site which is less visually sensitive with lower units some part or all single storey to the east in order to reduce visual impact and maintain the farmstead appearance.
- Field boundaries marking residential curtilage should be avoided to ensure their future retention.

Given the particular nature and location of the scheme I consider the landscape to be an integral part of the proposal and would therefore request a landscape plan be submitted at application stage.

- 4.6 Environmental Health Officer (contaminated land): No objection subject to the imposition of a planning conditions securing appropriate remediation should contamination be found during further site investigations.
- 4.7 Conservation Manager (Ecology): No objection.

I note the Ecological Report and Bat Surveys by Ecology Services dated July 2017. This identifies the presence of a Long-eared Bat roost within one of the units proposed for removal. This means that a European Protected Species Licence (issued by Natural England) will be required. This EPSL can ONLY be applied for subsequent to approval of the Planning Application but MUST be confirmed and issued by Natural England prior to ANY groundworks or demolition taking place on site.

The recommendations in the ecological report would appear to be relevant and appropriate and should be subject to a relevant implementation Condition. In addition to the required bat roosting compensation and landscaping, in line with NPPF, NERC Act and Core Strategy all developments should show how they are going to further enhance the local biodiversity potential of the area

I note that the outfall from the proposed package Treatment Plants is indicated as going to a soakaway field. In line with best practice, NPPF, Core Strategy (LD2 and SD4) and NERC Act this final discharge to soakaway should form part of the approved plans so as to ensure no Phosphates, residual nitrogen or suspended particulates are directly discharged in to any local watercourse, stream or culvert with potential associated individual and cumulative detrimental impacts on local and downstream aquatic ecology and water quality.

5. Representations

5.1 Vowchurch and Group Parish Council (aka Newton Parish Council): Objection.

At the meeting last night the above planning application was discussed with regards to the recent Neighbourhood Plan referendum result. The Parish Council has asked me to contact you to confirm that the referendum result will be taken into account and that any planning decision will follow the Neighbourhood Plan.

The Parish Council fully supports the objections made by local residents to this application. The Council itself objects to the application on the grounds that the proposed development is unacceptable in its scale and nature for the local area.

There is an important issue of policy here. Herefordshire Council's Core Strategy sets out policies which permit development in certain local areas. The Core Strategy identifies Lower Maes-coed as a community in which some new housing development can take place. Here any such new housing should "respect the scale, form, layout, character and setting of the (existing) settlement" - recognising that such small settlements often do not have a village centre.

Local residents and the Parish Council do not believe that the current planning application is consistent with this Core Strategy policy. The creation of seven new houses in the form of what is, to all intents and purposes, an urban type cul-de-sac is completely inappropriate in a rural area with a historic pattern of scattered dwellings. The Parish Council does not agree that a development should take the form of a traditional farmyard arrangement. We consider that development should rather reflect what the pre-application letter from Herefordshire Council describes as the "wayside grain of residential development with Lower Maes-coed."

The Neighbourhood Plan which the Parish Council has prepared to reflect the views of local residents is the subject of a referendum on 7 September. This Plan supports Herefordshire Council's planning policies as set out in the Core Strategy.

The content of the neighbourhood plan was made clear to the developer in the pre-application letter from Herefordshire Council in January 2017. At that stage the plan had not completed its Regulation 16 consultation. The advice therefore was that the draft plan might not therefore carry full weight in assessing a planning application.

Since then the Regulation 16 stage has been completed and the plan has been assessed by an independent assessor and judged to meet all the requirements of such plans. It will therefore go to a referendum on 7 September. Given this the Parish Council would expect the policies in the Plan to be taken into account and given full weight in assessing this application even though the Plan has yet to be adopted.

The essence of the policies in the Plan is that future developments should enhance the local environment by reflecting the historic pattern of housing and the materials from which the bulk of the existing housing is made. This implies small scale developments of modest homes in wood, stone or brick with slate roofs. The impact of new houses on the existing homes is also very important. This includes the visual impact and the impact in terms of increased traffic on very small, single lane roads.

It is important to point out that although the developer was advised by Herefordshire Council to discuss development proposals with local residents and with the Parish Council at an early stage, this has not happened. An initial contact was made but the Parish Council's request for a site visit and discussion was not taken up. We would have welcomed a close involvement in a scheme which could have a positive impact on the area if designed and carried out sensitively. As it is a scheme has been put forward which could have a major detrimental impact on the area and the people who live here.

It should be stressed that, although we object to the current proposals, local people and the Parish Council support the development of this unattractive, polluted site for a small number of sensitively located and designed new homes which are in keeping with the pattern and materials of the existing houses.

- 5.2 To date (14/11/2017) some 14 objection letters have been received. These raise the following points:
 - Is more than the 2-3 house preference in Policy 2 of the Neighbourhood Development Plan:
 - Cul-de-sac style proposal;
 - Concern regarding external lighting;
 - · Highway safety in respect of access roads.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=172704&search=172704

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 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to

be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The Core Strategy (CS) sets the overall strategic planning framework for the county, shaping future development. The Neighbourhood Development Plan (NDP) has been made and this forms part of the 'development plan' in decision making and is afforded full weight.
- 6.3 The strategic Policy SS1 sets out a presumption in favour of sustainable development as required by the National Planning Policy Framework (NPPF) and directs that proposals which accord with the policies of the CS shall be approved, unless material considerations indicate otherwise. One such consideration is the NPPF which advises at paragraph 47 that Local Authorities maintain a robust five year supply of housing land. At present, the Council cannot demonstrate a 5-year supply of housing land and as such the policies of the CS cannot be inherently relied upon, although still retain weight dependent upon their consistency with the NPPF.
- 6.4 The delivery of sustainable housing development to meet objectively assessed needs is a central CS theme, reflecting the objectives of the NPPF. Policy SS2 'Delivering new homes' directs that Hereford and the market towns shall be the main focus for new housing development with proportionate growth of sustainable rural settlements, which are listed at figures 4.14 and 4.15, also supported.
- 6.5 Lower Maes-coed is identified as being suitable for new housing both in the CS and Policy 2 of the adopted NDP, which promotes smaller scale residential development of 1-3 dwellings. The wording of the latter policy is as follows (I have underlined what is considered an important material consideration underpinning the recommendation below):-
 - Policy 2: New housing proposals will be permitted within the defined settlement boundaries for Michaelchurch Escley and Vowchurch as shown on pages 6 and 7 of the Plan and on the Policies Maps and within the small settlement area of Lower Maes-coed. Proposals will be subject to the following criteria:
 - they should broadly be for no more than 1 to 3 homes on each site, reflecting the historic building pattern of small developments;
 - they should be on land around or between existing buildings; where possible they could be for the conversion of existing buildings such as stables, barns and workshops;
 - schemes should blend in sensitively with the historic pattern of houses;
 - they are protected from the risk of flooding and will not result in increased flooding to elsewhere.

Policy 4:

Nature and scale of new homes

Justification – The views of local people about the kind of homes that are needed is completely consistent with the findings of the study carried out for Herefordshire Council referred to above. That is, primarily homes with up to 3 bedrooms, as well as some smaller homes being required.

6.6 Having regard to the strategic level objectives of CS policy RA2, the location of the proposed development is considered to be within or at least adjacent to the identified settlement of Lower Maes-coed. This supports the principle of residential development at this location. This said policy RA2 makes clear that the detailed manner in which new development comes forward should be informed by NDPs. In this case, there is a tension with made NDP policy 2 in terms of the proposed number of dwellings and this is fully recognised. Officers have carefully considered its wording and conclude that the policy is not definitive and establishes only a preference for no more than 1 to 3 homes on site. In this case there are other material considerations that must be taken into account. Weight has been given to the current adverse condition of the site and the design and layout of this proposal is considered to be of a high

quality that enhances the site in a form that reflects a characteristic farmstead typology. The proposal incorporates 1no. 2 bed dwelling and 5no. 3 bed dwellings and a conversion which aligns with NDP policy 4. Six of the units are proposed to incorporate office/workshop/studio space as part of a live-work arrangement and the smallest unit includes a small office space provision, which is welcomed in terms of the potentially greater economic benefits that would accrue.

- 6.7 Further to the above benefits, the delivery of 7 dwellings would make a significant contribution towards the remaining 21 dwellings required to be delivered throughout the Group Parish which in turn will assist in meeting the Council's wider 5 year housing land supply requirements.
- 6.8 It should be noted that Officers have discussed the potential for reducing the number of dwellings to align fully with policy 2 but this has been resisted by the applicant. Accordingly whilst recognising the local concerns identified, it is considered that there are material considerations that apply to this site that warrant a favourable recommendation in terms of supporting the principle of development.

Design/Landscape/Amenity

- 6.9 This Council's Senior Landscape Officer does not object in principle and has made suggestions in terms of the layout and in particular how that could be improved on the eastern edge of the site through the loss of a dwelling. However the removal of the derelict piggery buildings and introduction of contemporary barn style dwellings together with associated landscaping, open space and more sensitive surface treatments would, it is considered, result in an immediate localised visual improvement. The site sits on level ground with no longer views into the site from more distant vantage points.
- 6.10 The design quality of the proposed buildings is considered to be high and innovative, reflecting a rural building typology in a modern interpretation using wood cladding and stone plinths to elevations and metal cladding to rooves, with simple massing and grouping of buildings in the overall site layout.
- 6.11 There would be satisfactory standards of residential amenity for future residents, and there is no appreciable amenity impact to those existing dwellings in proximity to the site.

Accessibility

6.12 The approach roads to the site are considered acceptable and capable of accommodating the level of traffic generated by this new residential use. The proposed internal road layout is also satisfactory. The Transportation Manager raises no objection and relevant planning conditions can secure suitable access, parking and road layout provision.

Ecology

6.13 The site has limited ecological value, although the presence of 6 long eared bats in one of the existing prefabricated buildings has been identified. As mitigation a bat loft is shown to be incorporated in Unit G at the rear of the site. On site enhancement also includes new native species hedgerows. The Council's Ecologist has reviewed the submitted report and has no objection to the recommended ecological mitigation and enhancement. This can be secured by way of planning conditions attached to the planning permission.

Foul and Surface Water

6.14 A package sewage treatment unit is shown to be provided on the eastern edge of the site, which would provide capacity to deal with waste water from the proposed dwellings. It is

considered that there is sufficient room within the site for the installation of the treatment plant and associated soakaway system. Potable water is available at this location. As such a condition is recommended to ensure that this aspect of the proposal is properly controlled so as to accord with CS policies SD3 and SD4

Contaminated Land

6.15 Initial surveys undertaken do not indicate any adverse land contamination issues arising from its former use as a piggery. The Council's Environmental Health Officer does not raise any objection. A planning condition will ensure that further sampling of soils is undertaken to ensure that any potential contamination on site is appropriately remediated.

Flood Risk/ Drainage

6.16 The site is in Flood Zone 1 (low risk) and the more vulnerable housing use is compatible with that designation.

Conclusion

- 6.17 Whilst it is recognised that the NDP indicates a preference for new housing of 1-3 units in scale, a specific assessment of this site and proposal suggests that there is significant benefit in enhancing a derelict site that is considered to adversely impact upon the immediate local landscape. The proposed scheme is of a high quality design and layout that is considered compatible with its rural setting. It will make a significant contribution towards the proportionate housing growth target for the parish together with the attendant economic benefits applying during and after construction. The mix of housing types offers a degree of affordability that may also fulfil a modest social benefit. This together with the site being in a location that is supported in principle by both Policy RA2 of the adopted Core Strategy and Policies 2 and 4 of the made NDP is such that a positive recommendation is put forward.
- 6. 18 the proposal is considered to be representative of sustainable development at this location in respect of the National Planning Policy Framework, and there are no overriding adverse planning implications which would lead to an alternative recommendation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)
- 2. B01 Development in accordance with the approved plans
- 3. C01 Samples of external materials
- 4. G09 Details of Boundary treatments
- 5. G10 Landscaping scheme
- 6. G11 Landscaping scheme implementation
- 7. H06 Vehicular access construction
- 8. H09 Driveway gradient
- 9. H13 Access, turning area and parking

- 10. H11 Parking estate development (more than one house)
- 11. H21 Wheel washing
- 12. H27 Parking for site operatives
- 13. H29 Secure covered cycle parking provision
- 14. I18 Scheme of foul drainage disposal
- 15. I32 Details of floodlighting/external lighting
- 16. I42 Scheme of refuse storage (residential)
- 17. K5 Habitat Enhancement Scheme
- 18. M09 Universal cond for development on land affected by contamination
- 19. M17 Water Efficiency Residential
- 20. The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Ecology Services dated July 2017 shall be implemented in full as stated and a relevant European Protected Species Licence obtained prior to any work commencing on site, unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the 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, NERC 2006.

In addition to any required bat roosting enhancements and agreed soft landscaping, prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced 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, NERC 2006.

- 22. M09 Universal cond for development on land affected by contamination
- 23. The work space within the live-work units hereby approved (Units A, B, C, D, E and F on the approved site layout drawing 2472 P(0) 01 shall be used solely for purposes falling within Class B1 of the Use Classes Order 1987 (as amended).

Reason: To control the use of the workspace areas in order to ensure that they remain compatible with the adjoining residential properties so as to comply with policies SD1 and RA6 of the Herefordshire Local Plan Core Strategy 2011-2031

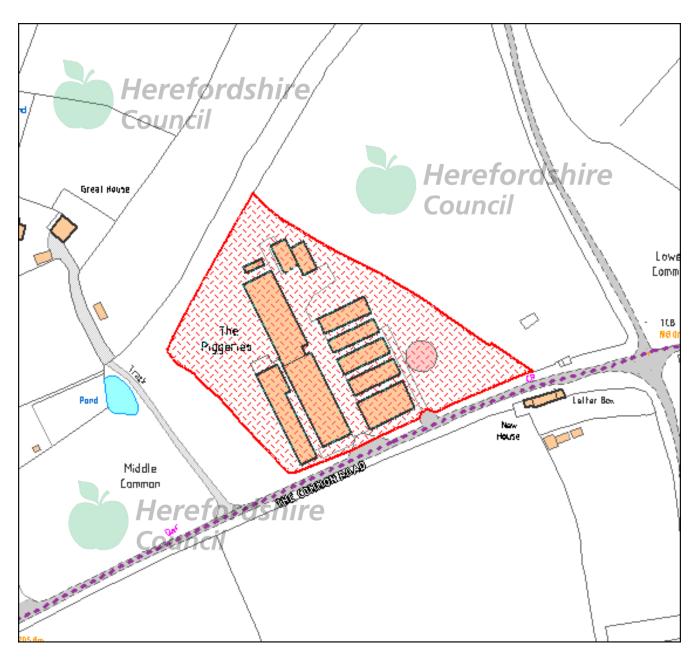
INFORMATIVES:

- 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. HN01 Mud on highway
- 3. HN04 Private apparatus within highway
- 4. HN05 Works within the highway
- 5. HN08 Section 38 Agreement & Drainage details
- 6. HN24 Drainage other than via highway system
- 7. HN28 Highways Design Guide and Specification
- 8. The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia and hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.
- 9. The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for amphibian/reptile refugia and hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

Decision	າ:	 	 	 	 	
Notes: .		 	 	 	 	

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 172704

SITE ADDRESS: LAND AT MIDDLE COMMON PIGGERY, LOWER MAESCOED, HEREFORDSHIRE

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