

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	6 MAY 2022
TITLE OF REPORT:	212634 - PROPOSED TWO DETACHED SINGLE STOREY DWELLINGS IN CARTSHED FORM AT TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ For: Austin per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212634&search-term=212634
Reason Application submitted to Committee – Redirection	

Date Received: 2 July 2021
Expiry Date: 10th May 2022

Ward: Weobley
Local Members: Cllr M Jones

Grid Ref: 344781,251511

1. Site Description and Proposal

- 1.1 The application relates to a site on the western edge of the settlement of Bush Bank. The site comprises a 0.2 hectare parcel of land which fronts onto the C1095 and forms part of a larger field that is currently planted to commercial orchard. It lies approximately 250m to the west of the junction between the C1095 and the A4110, at the end of a ribbon of wayside residential development that extends towards the countryside to the west. A dwelling known as Two Hoots lies immediately adjacent to site to the east, whilst a number of dwellings are located on the opposite side of the highway to the south. The topography of the site is generally flat, with the wider field having a slight fall in a north westerly direction. There is an established native species hedgerow occupying the roadside boundary. The site location relative to the built form of the village is indicated by the red star on the map below:



Figure 1: Aerial Image of Site Location

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 1.2 The application is made in full and seeks planning permission for the erection of two dwellings. The dwellings would be single storey and delivered on an 'L' shaped footprint with a design approach which seeks to emulate a traditional cartshed character. Each would provide three bedrooms of accommodation and would be finished in facing brick under a natural slate roof with timber detailing and fenestration. The two dwellings would be similar in design, albeit their layouts would be 'handed', and they would be orientated with their principal elevation facing south to address the highway. The roadside elevation of Plot 1 and the proposed site layout are shown below in Figure 2 and 3 below:

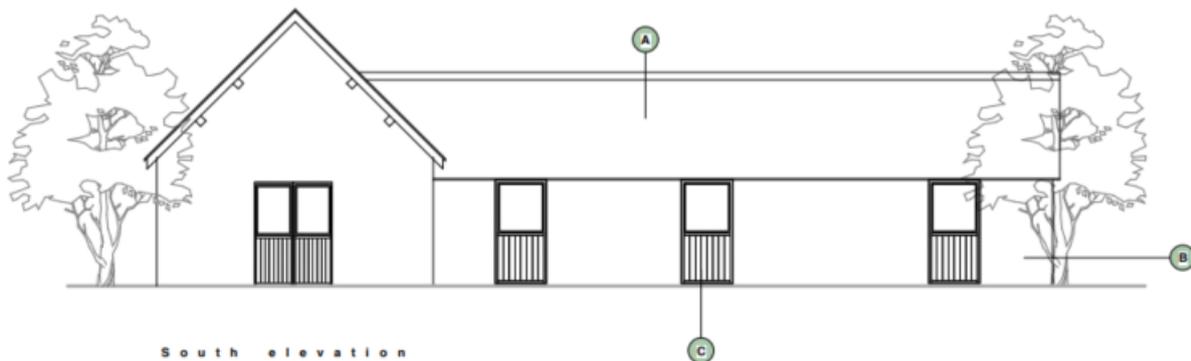


Figure 2: Proposed South Elevation (Unit 1)



Figure 3: Proposed Site Layout Plan

- 1.3 A new shared access point onto the C1094 would be created at the centre of the site with the existing roadside hedgerow translocated to deliver the required visibility splays. New outer site boundaries would be established with new hedgerow planting. Parking and turning would be provided to the fore of each dwelling using impermeable surfaces. Foul water would be managed through individual package treatment plants with discharge of treated water being directed to a drainage mound on land in the Applicant's control to the north west, whilst surface water would be managed through an attenuation system with controlled discharge to ditch.

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 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
- 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

It is highlighted to Member's that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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

2.2 **Pyons Group Neighbourhood Development Plan (NDP)**

The Pyons Group Neighbourhood Development Plan was made on 16th June 2017. The following policies from the NDP are considered to be of relevance to the current proposal;

- PG1 Development Strategy
- PG7 Housing in Ledgemoor, Kings Pyon and Bush Bank
- PG8 Traffic measures within villages
- PG9 Design criteria for housing and sites

The Pyons Group 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/downloads/file/9063/neighbourhood_development_plan

Pyons Group NDP Review

It is noted that the Pyons Group NDP is currently in the process of being reviewed. A draft version of the plan (dNDP) was submitted to Herefordshire Council on the 25th January 2021 and a Regulation 14 public consultation was carried out between the 1st February and 15th March. At this stage, it is considered that the draft version of the NDP attracts limited weight in accordance with Paragraph 48 of the National Planning Policy Framework.

2.3 National Planning Policy Framework

The following Chapters of the NPPF are considered to be relevant to the current proposal:

1. Introduction
2. Achieving sustainable development
3. Plan-making
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 can be viewed here;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

3. Planning History

- 3.1 No applications relevant to this site.

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No objections

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.

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.

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

European sites – River Wye Special Area of Conservation

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

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

River Lugg Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection

4.2 **Welsh Water** – No response

Internal Council Consultations

4.3 **Transportation Manager** – No Objections (26th November 2021)

Following clarification that the splay areas are within the ownership of the applicant the remaining highway issue relating to the visibility splay is now resolved. In order to secure these areas condition CAB is recommended at dimensions of 2.4 x 72m to the west and 51m to the east. As set out in the previous highways response condition CAE relating to the specification of the access and CB2 relating to secure cycle parking are also recommended in the event that permission is granted.

There are no highways objections to the proposals, subject to the recommended conditions being applied.

4.4 **Conservation Manager (Ecology)** – No Objections

Habitats Regulations and Drainage

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

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

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site and species and habitats within the reason for designation 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. All mitigation must be legally securable through the planning process for the lifetime of the development.

Notes in respect of HRA:

The proposal is to manage all foul water through dwelling specific PtP discharging through a shared pipework to a drainage mound located within adjacent commercial orchard under the applicant's ownership.

The design and specification of the system has been subject to a "no objection" response from the council's drainage consultants.

The proposed mound soakaway outfall is located in an area that:

Is not within 40m of any watercourse, on land with a slope less than 15%, groundwater is greater than 2m from surface, there are no identified geological or other expedited phosphate pathways and the location is not within 200m of any other outfalls or point sources of nutrients.

The location of the mound within an active commercial orchard will further reduce any potential for phosphate pathways as the growing trees require phosphate as part of their nutrient requirements.

The supplied information confirms that all surface water can be managed through appropriate shared onsite sustainable drainage schemes with final discharge to local watercourse.

The foul and surface water management systems can be secured for implementation by a relevant condition on any planning permission granted.

The management and maintenance of all shared foul and surface water systems – for the lifetime of the development – can be secured through an appropriate condition on any planning permission granted.

Subject to the HRA appropriate assessment completed by the LPA receiving a "no objection" response from natural England relevant conditions are requested:

Additional ecology comments:

The supplied ecology report by Ecology Services dated November 2021 appears relevant and appropriate. The recommended ecological working methods and proposed mitigation and biodiversity net gain enhancements should be secured for implementation by a relevant condition on any permission granted:

It is noted that probably subsequent to the supplied ecology report a length of the existing roadside hedgerow is now being proposed for translocation to create the required highway visibility splay. To ensure the translocation is carried out in a planned manner and the relocated hedgerow is fully retained and enhanced including being managed and maintained for the future a detailed Hedgerow Translocation Methodology and subsequent management and maintenance is requested and should be secured as pre-commencement condition.

Any increase in local nocturnal illumination levels could impact the foraging and commuting of these protected species populations and have a detrimental effect on the local intrinsically dark landscape. To ensure these effects are mitigated condition to secure appropriate low level, directional and time limited lighting on all aspects of the proposed development is appropriate.

4.5 **Land Drainage Engineer – No Objection (Final Comments 3rd December 2021)**

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Some local residents have identified surface water and sewage issues in the adjacent lane.

There may be a risk of surface water flooding from higher land, particularly for the western plot. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels 300mm above existing ground levels to prevent ingress.

If topography within the area of the proposed development is sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

We accept the submitted calculations which confirm that soakaways would not be viable at the site due to the exceedance of the 24 hour half drain time. Therefore, the proposed discharge to the ditch would be considered to be acceptable. However, the Applicant should present further information on the location and discharge point of the ditch at discharge of condition stage. No information has been presented regarding the orifice size for a 1 l/s discharge rate, again this should be provided at discharge of condition.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Any discharge of surface water to an ordinary watercourse may require Ordinary Watercourse Flood Defence Consent from Herefordshire Council prior to construction. This is dependent on the final design and whether a new section of culvert is proposed. If the surface water will be piped to the watercourse and only a new headwall is proposed, then an Ordinary Watercourse Flood Defence Consent will not be required.

Foul Water Drainage

As there is no foul public sewer within 30m of the proposed development site, it is proposed that the two dwellings will be served by a gravity fed drainage mound. The Applicant has undertaken shallow depth percolation tests in accordance with BS6297, which has recorded an average and acceptable VP rate of 85 sec/mm. At discharge of condition stage, the applicant should present design drawings which ensures the last section of the foul water discharge pipe has sufficient cover in line with Building Regulations Part H, particularly as it is a long section across an

agricultural field. The applicant may want to consider moving the drainage mound closer to the pipe and building up the ground levels to achieve an acceptable cover

Overall Comment

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

- Provision of a detailed surface water drainage design plan including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent.
- Revised detailed foul water drainage design in line with our above comments.

4.6 **Environmental Health Officer (Noise and Nuisance)** – No objections

My comments are from a noise and nuisance perspective. In an email dated 14th November 2021 the applicant advised of the siting and operation of the effluent pumps in connection with this proposal. Further drawings for alternative sewage treatment arrangements advise that there will be no need for pumps. Please be advised that for either proposal our department does not object on noise and nuisance grounds.

5. Representations

5.1 **Parish Council** – Objection

Pyons Group Parish Council objects to the proposed development for the following reasons:

- The proposal site is located outside the draft settlement boundary for Bush Bank set out by policy PG1 of the emerging Pyons Group NDP review so the principle of new residential development here is not supported by the emerging NDP.
- The site lies within the River Lugg sub catchment of the River Wye SAC and the parish council is concerned that the drainage proposals do not take sufficient account of the site's constraints, namely: high water table on a permanently wet site (as reported by local people), gradient of the land which means the foul drainage (in the event of a fault) will flow towards the road and can enter the nearby brook which ultimately drains into the River Wye SAC via the Lugg. Without more information it cannot be established with certainty, and beyond all reasonable scientific doubt that there will not be any adverse effect on the River Wye SAC.
- The proposed location of the sewage treatment unit and pumping station is considered to be too close to neighbouring property and the road, and the low level ambient humming the unit will emit is likely to adversely affect the residential amenity of the area.
- The housing need has not been proven. Local people report that three houses recently built nearby are uninhabited.
- The site has a long, productive history of agricultural use for crops such as wheat, and more recently as an orchard. The parish council believes good quality land should be retained for growing produce. Indeed, the location outside the settlement boundary in the emerging Pyons Group NDP review means the field is in open countryside and should be protected from development
- The hedgerow adjoining the road needs to be protected. The sight lines required by the proposed access will likely only be possible via the extensive removal of hedgerow either side of the entrance, and the parish council believes this cannot be justified given the open countryside location of the site
- Policy PG1 of the emerging Pyons Group NDP review supports development within the settlement boundary that "is on infill sites, comprises the conversion of redundant / disused buildings, or re-uses brownfield (previously developed) land". The proposed development fails to meet any of these criteria.

For these reasons, Pyons Group PC respectfully asks that the planning application is refused.

Please note that local people have raised a concern that the yellow planning notice has yet (as of 5 August 2021) to be posted locally. The parish council asks that the yellow notice is posted in an appropriate prominent location and the consultation period adjusted accordingly. Also, concern has been expressed that the description of the location is misleading and might be better referred to as "Land adjacent to Two Hoots

5.2 **Letters of Objection from 16 individuals / households** have been received. They raise the following points;

- There are no identified or justified need for additional housing. Pyons Group NDP has met targets for housing provision and the Council has a five year supply
- Adverse effect on the existing amenity of neighbours, including loss of privacy due to overlooking and light from overshadowing.
- Loss of greenfield farmland. The site is not 'infill'.
- Site is outside of the settlement boundary for Bush Bank in the emerging Neighbourhood Development Plan.
- Loss of hedgerow to create access.
- The site lies within the river Lugg catchment area and poses a potential risk for phosphates to enter the river.
- The access lane is narrow, and already congested and dangerous
- There is a lack of safe footpath provision
- Surface water issues already exist on site and lane
- Concerns over pump failure in foul water system, as well as potential for noise and amenity impacts such as odour from this system.
- Potential obstruction of footpath as a result of development
- Harm to biodiversity – loss of hedgerow and orchard.
- Design of buildings are out of keeping with area and material details have not be clarified
- Procedural issue with delays posting site notices / lack of neighbour letters
- Disruption from construction process

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=212634&search-term=212634

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Pyons Group Neighbourhood Development Plan (NDP). The latter was 'made' in June 2017. The National Planning Policy Framework (NPPF) is also a significant material consideration.

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.3 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.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to relate to promoting sustainable rural housing growth and safeguarding features of environmental value – have been reviewed and are considered to be consistent with the principles established by the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.5 The NPPF sets out that all planning decisions should apply the presumption in favour of sustainable development. The manner in which this should be applied is defined at Paragraph 11 of the NPPF. Paragraph 11 c) directs that proposals which accord with an up-to-date development plan should be approved without delay. At 11 (d), the framework states that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 8, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.
- 6.6 The most recent Annual Monitoring Report for Herefordshire was published in July 2021. This sets out that the supply figure for Herefordshire currently stands at 6.9 years. The Council is therefore currently able to demonstrate well in excess of a five year supply of housing land. This means that the policies of the Herefordshire CS and the 2017 Pyons Group NDP are considered to be up-to-date and can be afforded full weight in the decision making process.
- 6.7 In the context of a proposal involving the delivery of housing, the CS sets out the spatial strategy and policy RA1 states that Herefordshire’s rural areas will deliver a minimum of 5,300 houses across the plan period. For the Pyons Group, this equates to delivering an 18% growth in housing. RA2 goes on to identify the settlements which are to be the focus of new housing which, at figure 4.14, includes Bush. The policy states that new development will be supported within or adjacent to the built up form of the settlement or, where a neighbourhood plan is advanced, within settlement boundaries (or any reasonable alternatives).
- 6.8 The adopted NDP (2017) recognises that the settlement of Bush Bank straddles two parish boundaries, however it reaffirms that the western portion that falls within the Pyon Group is an appropriate location for new housing growth through policy PG7. The policy does not define a settlement boundary, but sets out that a limited number of new homes will be accommodated in Bush Bank in accordance with the following criteria:
- i. Housing development will be supported where it meets the requirements of Core Strategy Policy RA2;

- ii. Emphasis will upon the provision of selfbuild homes, custom-build housing and affordable housing;
- iii. Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area, including capacity, and on the living conditions of residents particularly arising from noise generated by any traffic movement;
- iv. Development shall complement the village character with no development extending unreasonably into the plot beyond the depth of neighbouring buildings;
- v. Dwellings should be in scale with the general density and massing of existing properties in the vicinity and not adversely affect the amenity of adjacent properties;
- vi. Development should not result in the loss of important features such as trees, hedgerows, or small frontage gaps or green spaces that contribute to the unique character of the village;
- vii. Development should not adversely affect the significance of heritage assets, including their setting;
- viii. New housing should provide a mix of house types and tenures, with an emphasis upon family accommodation for young people or dwellings suitable for older people.

6.9 In the absence of a defined settlement boundary for Bush Bank within the adopted development plan, the acceptability of the site's location is to be assessed with regards to its relationship with the 'main built up form' of the village as per policy RA2 and PG7. In this case, the site lies at the end of an established ribbon of wayside development that fronts the C1094 and extends westward from its junction with A4110. The site is adjoined by housing on its eastern side and housing is found on the opposite side of the road to the south (Fig 4). As such, it is considered that the site is located adjacent to the main built up form of Bush Bank. In a purely locational sense, the principle of the development can thus be supported by polices RA2 and PG7.



Figure 4: Location of site relative to built-up form of Bush Bank

6.10 It is noted that a number of comments have been received from the Parish Council and local residents stating that there is no proven need for additional housing in Bush Bank. In this sense, it is acknowledged that the Pyons Group has performed well in terms of housing delivery and has already exceeded its 18% minimum growth target by a notable margin (mainly as a result of development in Canon Pyon). However, it is stressed that these growth targets are a minimum – not a ceiling. The fact that the parish's minimum growth target has already been met would not be a legitimate reason to refuse permission for any further housing and there is no policy

requirement for housing need to be proven where the site is otherwise shown to be sustainably located in accordance with development plan policies RA2 and PG7 – as is the case here.

- 6.11 At this point, it is also acknowledged that the Pyons Group Parish is currently in the process of reviewing their Neighbourhood Development Plan. A draft version of the plan (dNDP) was submitted to Herefordshire Council on the 25th January 2021 and a Regulation 14 public consultation was carried out between the 1st February and 15th March. The emerging dNDP seeks to pursue a revised spatial strategy towards development in Bush Bank and a draft settlement boundary is defined as part of policy PG1. The associated text sets out that new housing will only be supported within Bush Bank where it is located within a defined settlement boundary. The draft policy map is shown in Figure 5 below, where it can be seen that the site lies outside of (but immediately adjacent to) the draft settlement boundary:

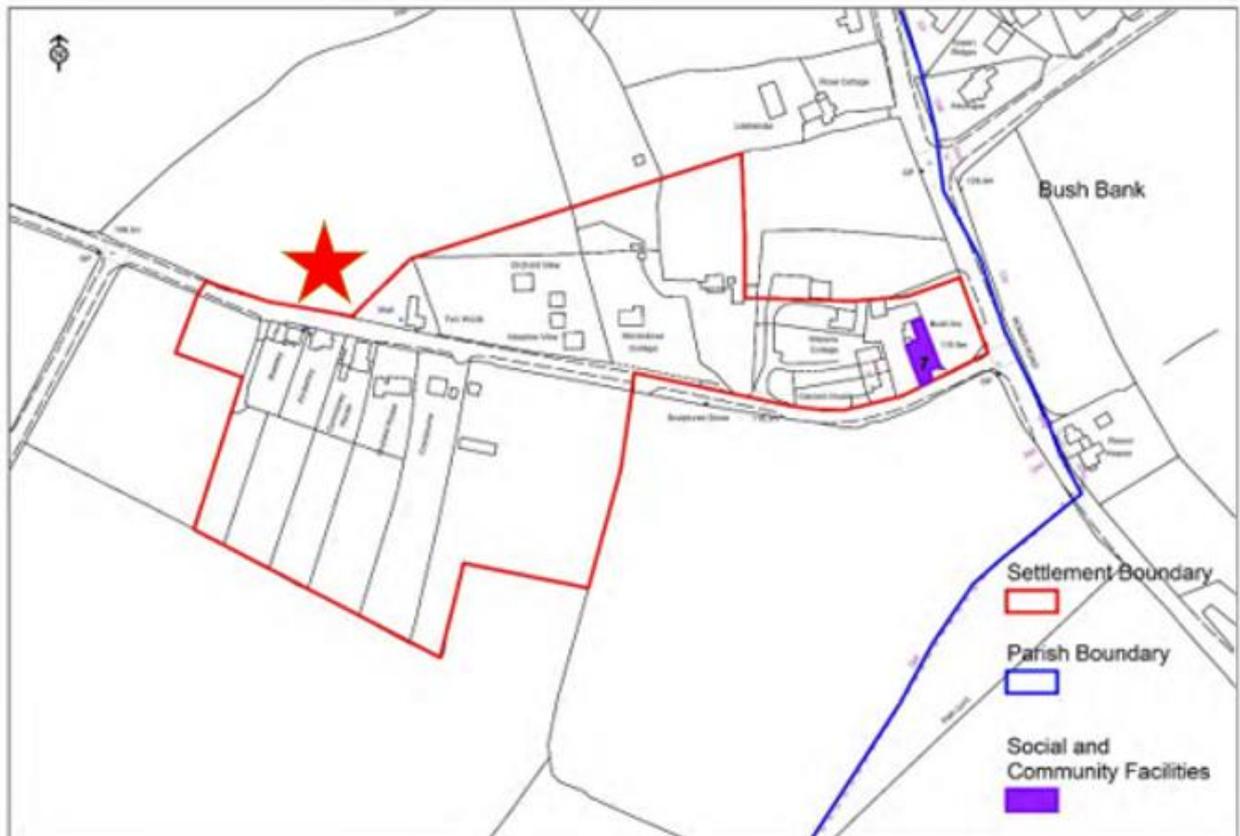


Figure 5: Site location relative to draft settlement boundary for Bush Bank

- 6.12 The location of the site is such that there is tension with policy PG1 of the emerging dNDP. However, at this point the dNDP is at the drafting stage only and does not form part of the statutory development plan. Paragraph 48 of the NPPF nonetheless directs that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 6.13 The dNDP is currently only at an early stage of preparation, having reached first draft stage under Regulation 14. At this stage, consultations are undertaken by the Parish Council and hence Herefordshire Council has not had sight of any representations received during the plan

consultation process. As the decision maker, the LPA is therefore unable to evaluate the extent of any unsolved objections. The Council's Neighbourhood Planning Team has advised that the draft of the plan is in general conformity with the Core Strategy and NPPF – however in the short term the plan would not be able to progress to consultation with a basic conditions statement that confirms compliance with the Conservation of Habitats and Species Regulations 2017 given location of the parish in the catchment of the River Lugg of the SAC.

- 6.14 Taking the above together, it is considered that the weight which can be afforded to the emerging dNDP is currently limited. The conflict with draft policy PG1 and the settlement boundary set out therein would hence not warrant the application being refused. At this point in time, the 2017 version of the Pyons Group NDP remains the statutory development plan and the LPA is required to determine the application in accordance with this - unless material considerations indicate otherwise. When assessed against the 2017 version of the NDP and CS policy RA2, the proposal site is in a location where the principle of new housing development is supported. There is hence no conflict with found with the CS or NDP in this sense.

Local Character, Design and Appearance

- 6.15 In the context of residential development in identified settlements, policy RA2 requires that schemes result in high quality developments that are appropriate to their context and make a positive contribution to the surrounding environment. This is reinforced by SD1, which is relevant to design matters and requires that proposals take into account the site context and local characteristics, with schemes being designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. Policy PG9 of the NDP also sets out a number of criteria relating to new residential development, and amongst other things requires that proposals achieve high standards of architecture and incorporate features which are distinctive to the local area. As set out above, policy PG7 contains a number of criteria for new development in Bush Bank which includes that ix) development shall complement the village character with no development extending unreasonably into the plot beyond the depth of neighbouring buildings and x) dwellings should be in scale with the general density and massing of existing properties in the vicinity.
- 6.16 The 'centre' of Bush Bank is typically taken to be the intersection of the A4110 and the C1094 near to the Bush Inn public house. The C1094 extends westerly away from this and development is characterised by wayside dwellings that are predominantly a single plot deep. The site continues this established pattern of development and as such I am satisfied that the site selection and layout has been positively influenced by the local context. The dwellings are orientated to address the highway in line with neighbouring buildings and the single plot depth ensures there is no tension with PG7 ix. When travelling on the C1094, the low density of the plots and the single storey massing of the buildings would ensure a sense of spaciousness that softens the transition between the open countryside and the village. I am therefore satisfied that that the scheme would assimilate well to the setting and would not adversely affect character.
- 6.17 An examination of the local context shows a wide range of architectural styles which includes traditional timber framed cottages and more recent dwellings of brick and render. Buildings are typically modestly proportioned and display traditional features such as narrow building spans and vernacular rural features. The scheme here seeks to take direction from traditional 'cart-shed' style buildings and delivers accommodation across a single storey with an 'L' shaped footprint. The design reflects traditional rural vernacular through features such as the steeply pitched roof and the simple massing that is relatively free of protrusion. The arrangement of fenestration and associated detailing seeks to again emulate an agrarian character, with the arrangement to the roadside being redolent of stables, and I am satisfied that this is appropriate to the semi-rural character. The use of brick, natural slate and timber detailing is broadly appropriate to context, however it is recommended that specific details be secured by condition. A condition is also recommended to secure the finished levels for the buildings.

- 6.18 In light of the above, the details of the scheme in respect of design and local character are not considered to give rise to harm or conflict with relevant development plan policies.

Highways and Access

- 6.19 In respect of matters pertaining to highways safety Core Strategy policy MT1 is applicable, and this 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 or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) 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. Policies PG7 and PG8 from the NDP sets out similar requirement, with the former in particular stating that 'development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area, including capacity, and on the living conditions of residents particularly arising from noise generated by any traffic movement'.
- 6.20 The proposed development would be served by a new shared access onto the C1094 approximately at the centre of the site. The geometry of the highway in this location is generally straight and the existing roadside hedgerows would be translocated to deliver visibility splays of 2.4m x 72 to the west and 2.4m x 51m to the east. The Council's Transportation Manager has confirmed that these splays are acceptable with regards to the nature of the local network and are adequate to ensure that safe access can be achieved. A condition is recommended to secure their 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, the Transportation Manager has offered no objections to the scheme and there is no conflict with policies MT1, PG7 or PG8 found.

Ecology and Green Infrastructure

- 6.21 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. From the NDP, policy PG9 states that development should ensure landscape and biodiversity proposals form an integral part of the site's design, with particular regard to trees and hedgerows being retained unless their value is deemed low following surveys in accordance with established practice. Policy PG7 also states that schemes in Bush Bank should not result in the loss of important features such as trees, hedgerows, or small frontage gaps or green spaces that contribute to the unique character of the village.
- 6.22 The application in this case is supported by an ecological survey of the site and its environs. The majority of the site is currently laid to commercial orchard underlain with mown grass, which offers relatively little in terms of ecological value. There is however an established mixed species hedgerow on the roadside boundary which would be impacted by the development, with the supplied plans showing it to be translocated to deliver required visibility splays. The supplied report has considered this impact and has set out a range of mitigation measures, as well as compensation in the form of 160m of new hedgerow planting at the site boundaries. The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the scheme into conflict with policy. A range of conditions are recommended to secure implementation of the report's recommendations, as well as to secure further details such as a method statement for the hedgerow translocation and measures for biodiversity enhancement to ensure biodiversity and protected species are accounted for.

- 6.23 In the short term, the translocation of the existing hedgerows would lead to some impacts upon the local verdant character that PG7 seeks to protect. However, the hedgerow would ultimately be retained in an alternative location and further enhancement would be offered by the new planting around the remainder of the site boundaries. Within the plots themselves, it is proposed to plant a number of native fruit trees as part of the landscaping strategy. Implementation of this will be secured by way of condition. Subject to this, there is no policy conflict found.

Residential Amenity

- 6.24 Policy SD1 of the CS requires that development proposals safeguard residential amenity for existing and proposed residents, for instance in terms of overlooking, overshadowing or overbearing. From the NDP, policies PG7 and PG9 require that new housing should not adversely affect the amenity of adjacent properties and should protect privacy. This accords with the principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings.
- 6.25 The proposal here is for housing, which is not inherently noise generating and is thus considered compatible with neighbouring residential uses. It is noted that concerns were initially raised by local residents regarding the potential for noise emanating from pumps associated with the foul water management system, however the technical details of this scheme has since been amended to negate the need for any mechanical pumping. As such, there is no potential for impact in this regard and the Council's Environmental Health Officer has confirmed she has no objections in terms of noise and nuisance.
- 6.26 The dwellings themselves are well spaced within their plots and allow for a good degree of separation between neighbouring dwellings. The orientation of fenestration and the single storey nature of the buildings also ensures that there would be no detriment to neighbours through means of overlooking, overbearing or overshadowing. As such, no conflict with policies SD1, PG7 or PG9 has been found.

Sustainable Design and Energy Efficiency

- 6.27 SS7 of the CS sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1 also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. PG9 (iii) also sets out that development should contain physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure, and renewable energy infrastructure such as photovoltaic panels.
- 6.28 The application has completed the Climate Change and Ecology measures checklist introduced following the declaration of these emergencies by the Council. It sets out that the dwellings would be delivered to high standards of energy efficiency, with air source heat pumps and solar panels being utilised to provide renewable energy. The orientation of the dwellings, with their principal elevation and large roof slope facing due south, would help to facilitate this. A condition is recommended to secure full details of the scheme of renewable energy generation. Therefore, I am satisfied that the scheme has taken reasonable effort to implement sustainable design practices and I do not identify any conflict with SS7, SD3 or PG9.

Foul and Surface Water Management

- 6.29 In relation to foul water management, policy SD4 sets out a hierarchal approach whereby a connection to the mains sewer is the preferred option of management. Where this is not possible,

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

private alternatives should be provided with the order of preference being package treatment plants with discharge to a soakaways, septic tanks, and (in exceptional circumstances) cess pits. In all circumstances, proposals will need to demonstrate that the development would have no likely significant unmitigated adverse effect on water quality and the River Wye Special Area of Conservation (SAC). This requirement is reinforced by policy LD2 and the Council has a statutory duty to consider the impact of development upon the River Wye SAC under the Conservation of Habitats and Species Regulations.

- 6.30 The settlement of Bush Bank does not benefit from a mains sewer network. It is therefore proposed to manage foul water through the use of individual package treatment plants within the curtilage of each unit, which accords with the hierarchal approach endorsed by SD4. Outfall from each plant would be directed by a gravity fed system to a drainage mound on agricultural land within the Applicant's control to the north west. Tests on site have shown ground conditions to be suitable for such an arrangement and the Council's Land Drainage Engineer has offered no objections to the proposed scheme, subject to technical details being secured by condition.
- 6.31 In respect of surface water, policy SD3 of the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk and avoid an adverse impact upon water quantity. In this case, infiltration tests have been undertaken on site and these have shown ground conditions not to be suitable for the use of conventional soakaways to manage surface water. It is therefore proposed to implement a scheme of on-site attenuation with a controlled rate of discharge to a nearby ditch. The Council's Land Drainage Engineer has confirmed that this arrangement is acceptable and would ensure that the development would not lead to any increase in runoff rates over the greenfield level. No policy conflict is hence found, subject to technical details being secured by condition.

Habitats Regulations Assessment

- 6.32 With respect of the Council's duties under the Conservation of Habitats and Species Regulations, the site here lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). Members will no doubt be aware however that the River Lugg is currently failing its conservation targets for phosphate levels. Following a 2018 judgement in the Court of Justice of the European Union on the interpretation of the Habitats Directive ('The Dutch Case'), it has been clarified that where a site is failing its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects. In essence, this means that the Council is currently unable to positively assess applications in the Lugg catchment unless it can be shown with certainty that they would have a neutral impact upon the integrity of the designated site.
- 6.33 The proposal in this case would lead to the generation of additional phosphates contained in foul water created as a consequence of residential occupation. Although this would be managed through a package treatment plant, treatment methods are not effective at fully removing phosphate and hence the outfall from the plant will still contain residual nutrients in this sense. The discharge of this to the local environment is such that that there is a potential pathway for the development to have a 'likely significant effect' on the integrity of the designated site which requires appropriate assessment in accordance with Section 63 of Habitats Regulations.
- 6.34 For the purpose of determining planning applications, the LPA is the competent authority in the application of the Habitats Regulations. In response to the failing status of the River Lugg, it has published a number of position statements setting out the approach to be taken towards proposed development within this catchment which is informed by the advice of Natural England as the relevant statutory body. As above, the broad thrust of the advice is that development can only be permitted where it can be shown with certainty to have a neutral effect upon the integrity of the designated site:

<https://www.herefordshire.gov.uk/downloads/file/22149/position-statement-update-april-2021>

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.35 With regards to proposals that utilise package treatment plants with discharge to drainage fields within the Lugg catchment area, the guidance sets out that these would have a low risk of phosphorus having any effect on the designated site provided certain criteria are met. These criteria apply in the case of small discharges (less than 2m³/day) and are as follows:
- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
 - b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
 - c) The drainage field is in an area with a slope no greater than 15%, and;
 - d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3m and;
 - f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
 - g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.
- 6.36 The scheme in this case has sought to provide a foul water management system which complies with the criteria above. The proposal for two dwellings means the development would generate foul water discharges below the 2m³/day threshold and the management system has been designed specifically to avoid conflict with any of the relevant requirements. The Land Drainage Engineer has advised that they consider the scheme to acceptable from a technical standpoint. The Council's Ecologist is however ultimately responsible for assessing the proposal with regards to the Habitats Regulations and he has completed an Appropriate Assessment as required by Section 63 of the regulations. The assessment has regard to the information and evidence supplied by the Applicant, as well as GIS data supplied to the Council by Natural England. The assessment concludes that the scheme as presented would comply with the relevant criteria and hence there would be no pathway for foul water generated by the development to have an adverse impact on the integrity of the River Lugg and River Wye SAC. Likewise, the surface water management arrangements are appropriate to ensure there is no pathway for impact by this means either.
- 6.37 This assessment has been subject to consultation with Natural England and their response confirms that they agree with the Council's conclusion that the development would have no adverse impact on the integrity of the River Lugg or River Wye SAC, subject to conditions being imposed to secure the drainage arrangement in perpetuity. The scheme is hence considered to safeguard water quality and designated conservation sites and there is no conflict with development plan policies LD2 and SD4, or the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended).

Planning Balance and Conclusions

- 6.38 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay.
- 6.39 The ability to demonstrate a five year housing land supply is such that the policies of the development plan can be afforded full weight for decision making. In this case, the adopted development plan comprises the Core Strategy and the Pyons Group NDP (2017 version). The application must be determined in accordance with this, unless material considerations indicate

otherwise. Although a review of the Pyons Group NDP is currently underway, the first draft of this is at Regulation 14 stage and hence it can be afforded only limited weight.

- 6.40 Bush Bank is a settlement which has been identified as a sustainable location for new housing growth within the spatial strategy of the development plan. The site in this case is located immediately adjacent to the main built-up form of the village and hence the principle of the development here is supported by policies RA2 and PG7. Although there is tension with the emerging policies of the dNDP review, this may be afforded only limited weight and does not amount to harm which is sufficient to direct that a decision should be taken in departure from the policies of the statutory development plan.
- 6.41 The specific details of the proposal do not give to any other material harms or conflicts with the policies of the development plan. No objections have been received from any technical consultee which would suggest that a recommendation of refusal would be justified.
- 6.42 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development. The scheme benefits from the positive presumption and it is recommended that permission be granted, 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. C01 – Time limits for implementation**
- 2. C06 – Development in accordance with approved plans**
Pre-commencement Conditions
- 3. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the approved dwellings and a fixed datum point outside of the site shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

Conditions Requiring Discharge

- 4. With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**
 - a) Details and/or samples of materials for external walls and roofs**
 - b) Details of all windows and doors (and associated panelling detail)**
 - c) Details and/or samples of rainwater goods**

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policy PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

- 5. Prior to any works to or removal of the existing roadside hedgerow commencing, a Translocation and Management plan shall be submitted to the LPA for written approval. The supplied plan must include a detailed method statement, establishment maintenance and ongoing management details. The approved plan shall subsequently be implemented and the hedgerow thereafter maintained in full as stated, unless otherwise approved in writing by the local planning authority.**

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

- 6. Prior to the first occupation of the development hereby approved, a detailed design specification for the foul water management scheme shown on approved plan 100A 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.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. Prior to the first occupation of the development hereby approved, a detailed design specification for the surface water drainage system (including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent) 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.**

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

- 8. With the exception of site clearance and groundworks, no further development shall take place until full details of the proposed scheme of renewable energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied on 2nd March 2022) have been supplied to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved prior to the first occupation of the dwellings.**

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.

10. 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 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, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

11. Prior to first occupation of any dwelling approved under this consent the legally binding details of how all shared aspects of the foul and surface water drainage scheme will be managed for the lifetime of the development shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full 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) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4

Compliance Conditions

12. All planting, seeding or turf laying in the approved landscaping scheme shown on plan 1823.00A shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

13. 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 72 metres to the west and 51 metres to east 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, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

14. All foul water shall discharge through plot specific Package Treatment Plants with final outfall discharging to a shared system utilising a drainage ‘mound’ on land under the applicant’s control; and all surface water discharging through a shared system with a regulated flow discharge to a local watercourse 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) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Ecology Services dated November 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

16. At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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

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.

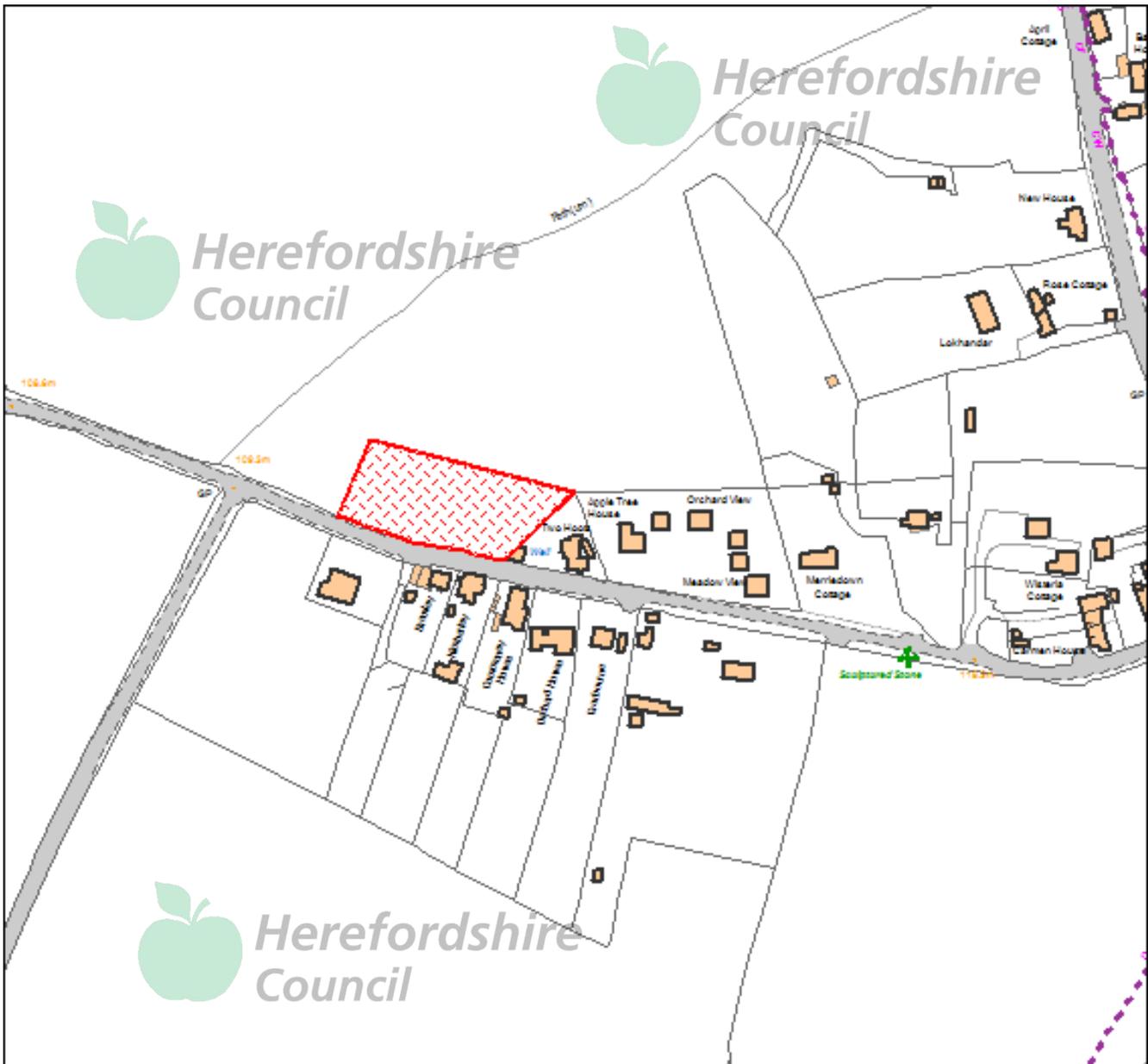
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 212634

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