

Minutes of the meeting of Planning and regulatory committee held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 24 May 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Clare Davies, Toni Fagan, Elizabeth Foxton, John Hardwick, Tony Johnson, Jeremy Milln, Paul Rone, John Stone and Yolande Watson

Officers: Head of Law and Legal Business Partner Economy & Place, Lead development manager and lawyer 1, corporate services

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dave Boulter, Mark Millmore, Felicity Norman and Ann-Marie Probert.

2. NAMED SUBSTITUTES (IF ANY)

Councillor Toni Fagan acted as a substitute for Councillor Felicity Norman
Councillor John Stone acted as a substitute for Councillor Ann-Marie Probert

3. DECLARATIONS OF INTEREST

Councillor Jeremy Milln declared an other interest in respect of agenda item no. 7, applications 210865 and 210866 – Canon Frome Court; the applicant and the agent were known associates.

Councillor Toni Fagan declared an other interest in respect of agenda item no. 7, applications 210865 and 210866 – Canon Frome Court; the applicant and the agent were known associates.

4. MINUTES

RESOLVED: That the minutes of the meeting held on 6 May 2022 be approved.

5. CHAIRPERSON'S ANNOUNCEMENTS

The Chairman welcomed Ingrid Lekaj, the new legal representative, to the meeting.

6. 213963 - LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP (Pages 13 - 14)

(Councillors Paul Andrews and John Hardwick left the committee to act as local ward members for the next application.)

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking Ms Cotton, spoke on behalf of Dormington and Mordiford Group Parish Council, Mr Williams, local resident, spoke in objection to the application and Mr Hall, applicant, spoke in support of the application.

In accordance with the council's constitution the local ward members spoke on the application. The local ward member for the Backbury ward explained the central issue concerning the application was the impact of the development on the Landscape and whether the proposed planting and landscaping was adequate to mitigate the impact. The application presented benefits in terms of power generation and biodiversity with the reduction in phosphates in the Frome Valley. The local ward member for the Hagley ward explained that the visual impact of the development was a concern. The planting scheme and landscaping which would mitigate the impact of the development must be implemented in accordance with the conditions. It was noted that the Bartestree and Lugwardine Parish Council had not objected to the application. The development would be located on grade 3 agricultural land which was prone to flooding; the application would remove phosphate pollution from the land. The application was an important contribution to the expansion of green energy and the need to reduce carbon. The committee discussed the application.

The committee discussed the application.

Councillor Polly Andrews proposed and Councillor Elizabeth Foxton seconded a motion that the application be approved consistent with the case officers recommendation.

The committee raised a change to condition 6 to require ongoing monitoring of the impact of the development on wild birds.

The committee further raised the inclusion of an informative to encourage the applicant to undertake ongoing engagement with the local Parish Councils.

The lead development manager provided clarification and explained that the inclusion of the following wording in the recommendation, to provide a delegation to officers, would allow those changes sought by the committee to be implemented: *' and any other further conditions considered necessary by officers named in the scheme of delegation to officers.'*

The inclusion of the wording *'and any other further conditions considered necessary by officers named in the scheme of delegation to officers'* in the recommendation was confirmed as acceptable by proposer and seconder.

The local members closed the debate.

The motion to approve the application assistance with the case officers recommendation and including the addition of the wording *'and any other further conditions considered necessary by officers named in the scheme of delegation to officers'* was put to the vote and was carried.

RESOLVED – that:

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

1. Time limit for commencement (full permission)

2.

The permission hereby granted shall be for a temporary period only, and shall expire 35 years from the date when electrical power is first exported from the solar farm to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

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

3

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

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

4

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 34 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

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

5

The development hereby permitted shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.

- Site Location Plan 3900-REP-038
- Planning Drawing 2 Site Layout -3900-REP-039
- Planning Drawing 3 Landscape Mitigation Plan – 3900_DR_LAN_101
Rev 8
- Planning Drawing 4 Typical PV Panel Section – 3900_DR_P_0002
- Planning Drawing 5 Inverter Elevations and Dimensions –
3900_DR_0003
- Planning Drawing 6 20ft Battery Container – 3900_DR-P_0004
- Planning Drawing 7 40ft Inverter Elevations -3900_DR_P_0005
- Planning Drawing 8 Deer Fencing - 3900_DR_P_0006
- Planning Drawing 9 Deer Fencing with Mammal Gates -
3900_DR_P_0007
- Planning Drawing 10 Palisade Fencing 3900_DR_P_0008
- Planning Drawing 11 Stock Fence & CCTV Elevations -
3900_DR_P_0009
- Planning Drawing 12 CCTV & Light Post Detail 3900_DR_P_0010
- Planning Drawing 13 Access Track - 3900_DR_P_0011
- Planning Drawing 14 Access Track Above Ground -3900_DR_P_0012
- Planning Drawing 15 DNO Track – 4m - 3900_DR_P_0013
- Planning Drawing 16 - Switchgear Housing – 3900_DR_P_0014
- Planning Drawing 17 - 66kVa Looped Circuit (underground) –
3900_DR_P-0015
- Planning Drawing 18 - Cable Trench Cross Section –
3900_DR_P_0016

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

Pre-commencement conditions

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

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

- 7 Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority,

and which shall be operated and maintained during construction of the development hereby approved:

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

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

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

- 8 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 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

- 9 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development hereby approved and maintained for the lifetime of the development.

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

- 10 Prior to the development hereby approved first becoming operational, details of the proposed mitigation outlined within the Noise Impact Assessment by *inacoustic* dated 28th April 2022 in relation to the installation of a fan outlet to the two most south-westerly inverters shall be submitted to and approved by the Local Planning Authority. The details approved shall be installed prior to the first operation of the development and shall remain operational for the life time of the development.

Reason: To safeguard the amenity of neighbouring residential properties and to conform to the requirements of Policy ST1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11 No development approved by this permission shall be commenced until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.

- b) **Trees and hedgerow to be removed.**
- c) **Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.**

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

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

Compliance conditions

- 12 **Before the development is first brought into use, a Landscape Management and Maintenance Plan for a period of 10 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.**

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 13 **Prior to development hereby approved first becoming operational a detailed Training and Educational Plan shall be submitted to and approved in writing by the Local Planning Authority. The aim of the plan will be to promote training and educational opportunities in connection with renewable energy for local people and provide social benefits to the local community. The plan shall set out opportunities and measures for educational benefit in connection with local schools, colleges and universities. The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing by the Local Planning Authority.**

Reason: In the interest of promoting social benefits in association with the approved development in accordance with policy SS1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 14 **Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least 15 bird nesting boxes for a site appropriate range of bird species 5 number Bat roosting features; 12 mammal gates in security fences; one Hedgehog home; four Insect hotels; Reptile Refugia; Amphibian Refugia;} should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

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

Other conditions

- 15 **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.

- 16 **Any new access gates/doors shall be set back 10 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

- 17 **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Ecological Impact Assessment (EIA) by Arcus in August 2021, and the Biodiversity Enhancement Management Plan (BEMP) by Arcus in March 2022 and the recommendations of the confidential Badger Report by Arcus 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 Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policy LD2.

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. 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. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Local Drainage Board.**

(There was an adjournment at 11:13 a.m.; the meeting reconvened at 11:27 a.m.)

(Councillors Paul Andrews and John Hardwick resumed their seats on the committee.)

7. **210865 & 210866 - CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD**
(Pages 15 - 16)

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking Ms Tully, local resident, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. He explained the application provided affordable homes in a rural area and was a well-thought-out scheme. It was noted the application had the support of the parish council. The application contributed to meeting local housing need. The need for a section 106 agreement was questioned: it was felt this applied an unnecessary legal framework to a development of this scale.

The committee discussed the application.

The committee expressed concern regarding the requirement for a section 106 agreement and requested this requirement be withdrawn.

Councillor Tony Fagan proposed and Councillor Paul Andrews seconded a motion that the application be approved, consistent with the case officer's recommendation.

The committee raised the objections of the conservation officers with reference to the material proposed for conditioning of the material selected.

The lead development manager provided clarification. Consistent with the recommendation and the delegation to officers, an additional condition, requiring the treatment of the openings in the curved wall to be agreed in writing with the planning team, would be added to the permission.

The lead development manager explained an alteration to the recommendation to insert the wording '*or planning condition*' after section 106 would allow the planning team to review the requirement for a section 106 agreement in respect of the application.

The alteration to the recommendation to insert the wording '*or planning condition*' after section 106 was confirmed as acceptable by the proposer and seconder of the motion.

The local member closed the debate.

The motion to approve the application consistent with the case officer's recommendation and including the insertion of the wording '*or planning condition*' after section 106 in the recommendation was put to the vote and was carried.

RESOLVED:

Subject to the completion of the S106 Agreement or planning condition to secure the delivery, retention and availability for local people of the affordable element of the scheme in perpetuity, that planning application P210865/F be granted planning permission subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01 – Time Limit for Commencement

2. **C06 – Development in accordance with approved plans**
3. **CBK – Restriction on hours during construction**
4. **CNS – The ecological protection, mitigation, compensation and working methods scheme including the detailed bat mitigation measures and management of any new lighting features, as recommended in the ecology report by Focus Ecology dated February 2021 shall be fully implemented and hereafter maintained in 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.

5. **C13 – Samples of External Materials (to include walls, roof, windows, doors and guttering/downpipes)**
6. **CAE – Vehicular Access Construction**
7. **CE3 – Vehicle Electric Charging Points**
8. **CBM – Provision of a Foul and Surface Water Drainage Strategy**
9. **CNS – Prior to first occupation of any one of the approved dwellings an annotated location plan and supporting images or ecologists written report confirming the installation of appropriately located 'fixed' habitat features such as habitat boxes supporting a range of bird species, additional bat roosting features and hedgehog homes located on land under the applicant's ownership shall be supplied for written approval by the planning authority. The approved scheme shall hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3

10. **CK4 – Implementation (Landscaping)**
11. **CK5 – Maintenance Plan (Landscaping)**
12. **CNS – For a period of 5 years after first occupation of any dwellings approved under this permission detailed bat survey reports of Horseshoe bat numbers (and any other species recorded) for summer roosting and winter hibernation counts completed to National Bat Monitoring Programme methodology, shall be submitted to and acknowledged in writing by the local planning authority. The survey results shall also be submitted to the Bat Conservation Trust and Herefordshire Biological Records Centre. The survey results for the previous 12 months shall be submitted to the LPA no later than the 31st March.**

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.

- 13. CNS – Unless otherwise approved in writing by the planning authority all of the foul water created by existing residential occupation of Canon Frome Court and additional flows created by the development approved under this permission, shall discharge through connection to a new shared, private Package Treatment Plant (Otto Graf KLARO E - sequencing batch reactor with phosphorous precipitant) with a final direct outfall into the River Frome. The installed system shall hereafter be managed and maintained by Windflower Housing Association as the legally responsible body.**

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.

- 14. CNS – Unless otherwise approved in writing by the planning authority, all surface water shall discharge through onsite soakaway infiltration systems.**

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 SD3.

- 15. CKN – Lighting**

- 16. C65 – Removal of permitted development rights**

- 17. None of the dwellings hereby approved shall be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority.**

The said Agreement will provide for:

- Securing the 1 no. dwelling brought forward as an 'affordable dwelling' in perpetuity.**
- To secure the long term management and occupation of the dwelling.**

Reason: In order to provide ensure that the dwelling is secured and maintained as affordable housing and to promote and support sustainable development in accordance with Policies SS2, RA3 and H2 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework

Informatives

- 1. IP2 – Application Approved Following Amendments/Additional Supporting Information**

2. I11 – Mud on Highway
3. INS - Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:
www.herefordshire.gov.uk/directory_record/1992/street_works_licence or
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>
4. INS – The LPA would advise the applicant of the Housing Act 2004 in terms of measures to ensure the premises are free of hazards.

That listed building consent application P210866/L be granted subject to the following conditions, and any other further consideration considered necessary by officers named in the scheme of delegation to officers:

1. CE7 – LBC Time Limit for Commencement
2. C06 – Development in accordance with approved plans
3. CG6 – Roofing Salvage
4. CH1 – Masonry Details
5. CH4 – Pointing
6. CH5 – Repointing
7. CH8 – Joinery Works
8. CE9 – Later Approval of Details – to include details of proposed timber cladding and sample of lime mortar
9. CL1 – Colour Scheme General
10. CI2 – Rainwater Goods

Informatives

1. I69 – Listed Building Consent
2. I66 – Extent of Permission
3. IP2 – Application Approved Following Revisions/Additional Supporting Information

The meeting ended at 12.00 pm

Chairperson

213963 - PROPOSED INSTALLATION OF A PHOTOVOLTAIC SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTERS/TRANSFORMERS, BATTERY STORAGE AND SUBSTATION WITH CLIENT AND DNO SWITCHING EQUIPMENT WITH UNDERGROUND CONNECTION TO THE ADJACENT DORMINGTON SUBSTATION AT LAND TO THE WEST OF CLAY HILL PIT, DORMINGTON, HEREFORDSHIRE, HR1 4EP

ADDITIONAL REPRESENTATIONS

Further to the publication of the officers' report for the agenda item above, the following additional representation from St Michaels Hospice have been made.

St Michaels Hospice ("SMH") is grateful for the consideration given to reducing the Landscape and Visual effects the solar farm the local environment and particular the further review recently undertaken of both the LVA and the Mitigation strategy.

We note that is anticipated that there will be residual visual impacts following the implementation the planting scheme at year 15. We echo the need for well conceived planting strategy and the need produce 10-year Maintenance and Management Plan as part of pre-commencement conditions. We would welcome being consulted on the suitability the planting strategy, prior to agreement the Local Planning Authority, to ensure that the special setting and visual amenity our hospice is protected as best as possible. For example, we would welcome screening strategy, which favours woodland matrix style planting, utilising local native species, planted at 1m centres a 10m-wide band along the northern boundary. This would provide fast-growing woodland that in keeping with the local landscape character. While the use of standard or feathered specimen or hedgerow trees is welcome, they have less impact terms of screening potential.

Also, we would like to ensure that monitoring is undertaken to review the successful implementation of the agreed scheme. For example, thinning of matrix woodland planting would be required at 3, and 10 year intervals following successful establishment and again, would provide level of reassurance that the environmental mitigation strategy was being fully implemented to ensure its long term effectiveness.

I reiterate that SMH fully supports any project that provides environmental gain, but not at any cost and certainly not where it is detrimental to such an important community facility and landmark as the SMH building and gardens.

We look forward to engaging further in this process to ensure the proposed damage to an important part of our county is removed.

CHANGE TO RECOMMENDATION

No change to the recommendation

210865 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD; and

210866 - PROPOSED CONVERSION OF TWO OUTBUILDINGS TO CREATE THREE NEW DWELLINGS. WORKS INCLUDE: LEAN-TO EXTENSION TO FORMER WORKSHOP TO BE REPLACED WITH SINGLE STOREY EXTENSION AND OPEN COURTYARD ATTACHED TO FORMER DAIRY TO BE ENCLOSED WITH A NEW FLAT ROOF. PROPOSED WORKS TO UPGRADE EXISTING STORAGE BUILDING AT CANON FROME COURT, CANON FROME, LEDBURY, HR8 2TD

ADDITIONAL REPRESENTATIONS

The applicant's agent has submitted the following correspondence following the publication of the report.

"Having read through the report, I just wanted to clarify whether a S106 agreement will be required? It was our understanding that if the buildings were conversions, they would accord with Policies RA3 and RA5 and would not need to be considered as a rural exception site under Policy H2? The business plan that the community have carried out has concluded that In the absence of any available capitol grants to build affordable housing, two market dwellings will be required to fully cross subsidise one affordable, shared ownership dwelling. Once the loan for construction has been paid off, it is the communities ambition to use rental revenue form the affordable unit to fund a further affordable unit on the site. Please can you clarify this for us?"

The applicant has also sent the following correspondence sent on 20 May 2022:

"I see from your email to Elly Deacon-Smith that the planning solicitor will be looking at our application. I wonder if this is to resolve the policy matters which Elly raised to determine whether our application has categorically to be considered under rural exception rules. If it is to look at the community led housing aspect and legal frameworks under which these are set up, it might be helpful for him/her to also have this piece of information. Unlike formal housing associations (RPs) those which are community led are often constituted as Community Benefit Societies. Any homes owned and operated by such a society are exempt from the right to buy. (for confirmation of this see parliamentary written questions transcript in document attached) Windflower Housing Association which owns and operates the whole site at Canon Frome Court is an IPS (Regd no22193) which is the older form of a co-op or community benefit society and regulated by the same body, the FCA. I hope this helps. This means that the years of hard unpaid work that go into meeting a local need for housing are not then lost through outright sales and is a just recognition of community led efforts. AS106 is clearly not necessary to secure community benefit in perpetuity."

OFFICER COMMENTS

With regards to the comments raised by the applicant and agent in respect of a S106 requirement, officers feel this is required to ensure that the 1 no. dwelling is maintained as affordable housing, as brought forward in this application, which is explained at Section 6.8 of the officers' report. The agreement will provide for securing the dwelling if approved to be 'affordable' in perpetuity and secure the long-term management and occupation of the dwelling. Indeed, it needs to be recognised that Canon Frome Court is not located within the main area of Canon Frome settlement and its allocation for solely open market housing would be contrary to Policies SS1, SS2, SS6, RA2 and RA3 of the Core Strategy which seek to protect the intrinsic character and beauty of the countryside.

However, Core Strategy Policies RA3 and H2 support proposals for rural exception sites which would apply to this site. Policy SG3 of the Stretton Grandison Group NDP also identifies that Policies RA3 and H2 apply to deliver affordable housing at Canon Frome Court. Officers would refer members to the comments provided by the Council's Housing Partnerships/Strategic Housing team whom advise that if a Local Planning Authority are satisfied that the development can be considered under Policy H2 – Rural exception sites, then it is not unusual for affordable housing to be subsidised by open market units, as is the case with this application. The inclusion of a S106 agreement is therefore considered to be reasonable and necessary to satisfy paragraphs 55, 56 and 57 of the NPPF and avoid potential open market dwelling being delivered on site contrary to the sound spatial strategy of the development plan.

It is noted however that a S106 can be completed prior to first occupation and as such a minor change to the recommendation is proposed below with the addition of condition 17, as set out below:

CHANGE TO RECOMMENDATION

Planning application P210865/F be granted planning permission subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 17. None of the dwellings hereby approved shall be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority.**

The said Agreement will provide for:

- Securing the 1 no. dwelling brought forward as an 'affordable dwelling' in perpetuity.**
- To secure the long term management and occupation of the dwelling.**

Reason: In order to provide ensure that the dwelling is secured and maintained as affordable housing and to promote and support sustainable development in accordance with Policies SS2, RA3 and H2 of the Herefordshire local Plan - Core Strategy and the National Planning Policy Framework