

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>6 September 2023</b>
<b>TITLE OF REPORT:</b>	<b>192515 - Application for approval of Reserved Matters following outline approval. (160581 - Proposed site for the erection of 5 no. Four bedroom dwellings).</b>  <b>Balance Farm, Titley, Kington, HR5 3RL</b>  <b>For: Ms Vaughan per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&amp;search=192515">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&amp;search=192515</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 15 July 2019

Ward: Arrow

Grid Ref: 332822,259747

Expiry Date: 9 September 2019

Local Member: Cllr Roger Phillips

## 1. Site Description and Proposal

- 1.1 The application relates to a site in the village of Titley in the north west of the county. The site lies on the west side of the village and just to the north of the unclassified highway known as Eyewood Lane (U91602). The location of the application site is denoted by the red star on the map below;



**Figure 1: Site Location**

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

- 1.2 The site is a wedge shaped parcel of land that occupies a slight depression next to the adjacent highway. It currently hosts a steel framed agricultural building and adjoining bunker which appear to be in use for general agricultural storage. A number of residential properties are found to the east of the site in the complex of converted traditional agricultural buildings known as Balance Barns. Historically these were associated with The Balance Farmhouse, which sits approximately 50m to the south east of the site and is listed at Grade II. Although not within the designated area, the site is in close proximity to the Grade II registered park and garden of Eywood. The boundary of the designated area is located to the west of the site, and the former gatehouse lodge to the park is found near to the site access.
- 1.3 The site is accessed from the south off the unclassified Eywood Lane (U91602). Eywood Lane is a 'no-through' road to the west, where it provides access to a number of dwellings, farms and the wildlife site at Titley Pools. Access from the site to the wider highways network is gained via the junction onto the B4355 approximately 100m to the east towards the centre of the village.
- 1.4 The site currently has the benefit of outline planning permission for the erection of five four bedroom dwellings. Outline permission was granted with all matters reserved in July 2016 under local authority reference number P160581/O. Reserved Matters approval in respect of access was granted on appeal in August 2019 (Local Authority Reference P181476/RM / Appeal reference APP/W1850/W/19/3225568).
- 1.5 The current application is made in line with the conditions of the outline permission and seeks approval of the outstanding reserved matters. These are appearance, landscaping, layout and scale. For the avoidance of doubt, the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines each of these as follows:
- "appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;
  - "landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
    - a. screening by fences, walls or other means;
    - b. the planting of trees, hedges, shrubs or grass
    - c. the formation of banks, terraces or other earthworks
    - d. the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and  
the provision of other amenity features;
  - "layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
  - "scale" except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings
- 1.6 The proposed layout plan for the site is shown in Figure 2 below:



**Figure 2: Proposed Site Layout**

- 1.7 The Reserved Matters submission shows five detached four bedroom dwellings, which is in line with the details established through the grant of the outline permission. The access to the site would be from Eywood Lane to the south in accordance with the details approved under application P181476/RM and this would lead to a shared driveway which extends to the north and terminates in a shared parking area at the centre of the site. The site has been designed to reflect a traditional farmyard typology with a larger 'farmhouse' style unit positioned at the front of the site near to the highways access and the remaining units being positioned behind this arranged around a central courtyard. A shared single storey garage block, finished in timber cladding under slate, is also proposed adjacent to the shared central area.

1.8 Plot 1 is located closest to the road and is intended to be redolent of a traditional rural farmhouse. The principal elevation of the building would be orientated to the east and accommodation would be spread across three floors. The main element of the building has a narrow span with a steeply pitched roof with a smaller projection being found to the rear. Externally the building would be finished with red brick under a slate roof. The design includes detailing such as an external chimney breast, a canopy porch, arched window lintels, leaded windows and timber joinery. A detached garage is proposed to the south of the house. The floor plans and elevations are shown in Figure 3 below;

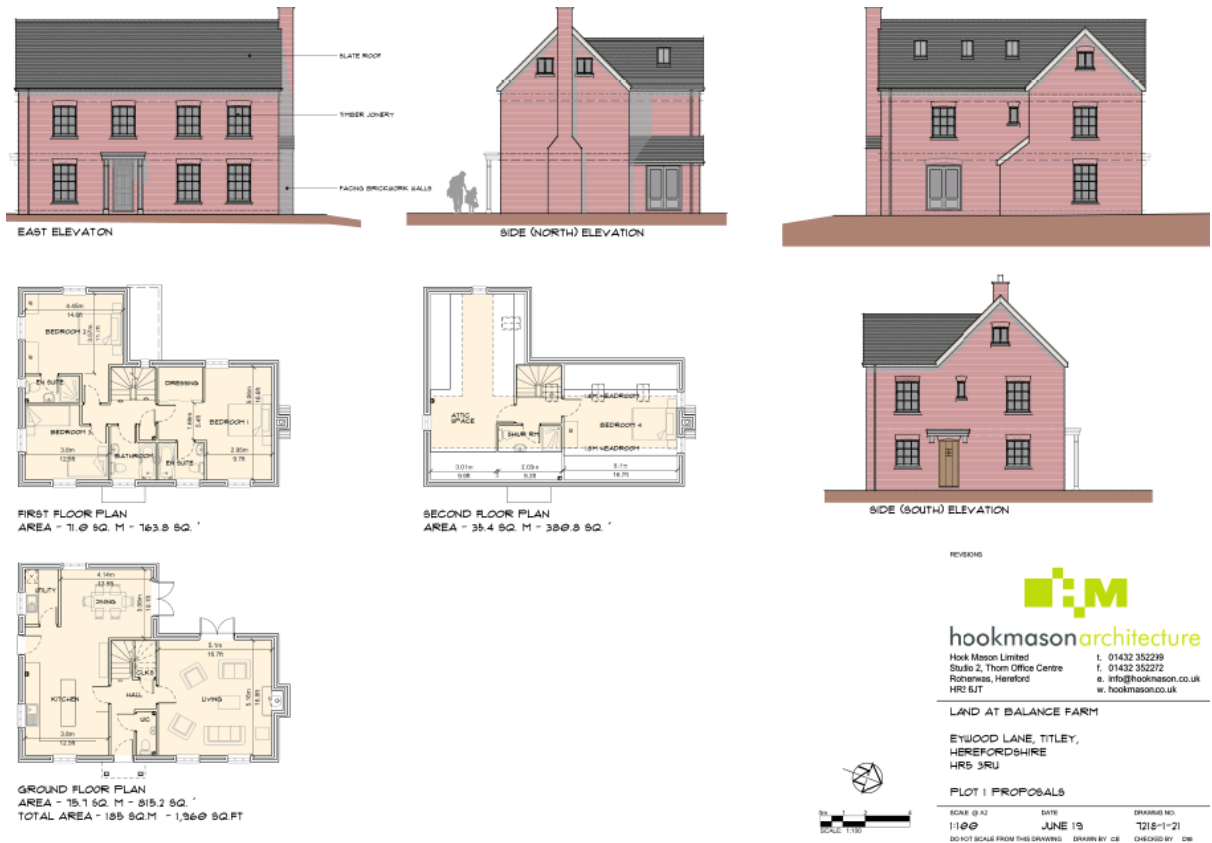
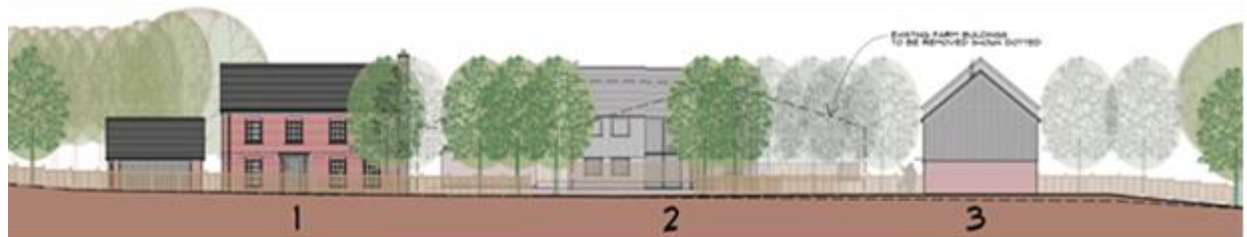


Figure 3: Plot 1 Elevations and Floor Plans

1.9 The remaining units on Plots 2-5 are sited further to the north within the site and are all of a similar design which is based upon the principles of vernacular agricultural buildings. They are two storeys in height and have a simple linear form with a relatively narrow span and minimal number of protrusions. Externally they would be finished with facing brick at ground floor level with vertical timber boarding above under a slate roof. Fenestration would be of timber. The floor plans and elevations of Unit 2 are shown at Figure 4 below. Unit 2 would be sited with its principal elevation orientated to the north- east and its ridge on a broadly north-south axis. The remaining units on Plots 3-5 are arranged in a row perpendicularly to Unit 2 with their principal elevations facing south east and ridges running broadly east to west. The detached garage block would be sited parallel to these units on the opposite site of the courtyard. It would be finished externally in brick under a slate roof. A north-south site section is shown below:







1.10 In terms of landscaping, amended plans have been submitted as part of the application process which show the existing earth embankment and evergreen trees which form the site's western boundary towards Eywood Park to be retained. The existing hedgerow to the northern boundary would also be retained however a group of Ash trees to the site's north western corner are proposed for removal. Gaps in existing boundary features would be infilled with new planting. To the eastern boundary a new hedgerow would be planted along with a number of scattered trees to include English Oak, Field Maple, Limes and Rowan. Internal boundaries between plots would be formed by hazel wattle fencing. Full details of the proposed landscaping including planting specifications are shown on plan 19/500/02A, as shown below:



**Figure 6: Landscaping Plan**

## 2. POLICIES

### 2.1 Herefordshire Local Plan – Core Strategy 2015

The following policies are considered to be of relevance to this application:

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 Strategy
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

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

### 2.2 The National Planning Policy Framework (July 2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well design 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 full National Planning Policy Framework can be viewed through the following link;

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

### 2.3 Titley Neighbourhood Development Plan (emerging)

The Titley Group NDP has reached its examination consultation stage. The examiner's report was received on the 7 July 2023.

With regards to para 48 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking each of these criteria in turn:

1. As the examiner's report have been received, the material weight is adjudged as substantial within regarding to progress of the plan.
2. As the examination has taken place all the unresolved objections for Reg16 stage have been addressed.
3. The NDP has been concluded as meeting the basic conditions and being in conformity within national and local policy.

Therefore the current weight of the Titley Group NDP, in accordance within para 48, would be **significant**. The referendum is planned for the 19 October 2023.

With regards to this specific site, the Examiner has specifically addressed its relationship with the settlement boundary and Policy TG5 within their report. The report has recommended that the site not be included within the settlement boundary at the current stage, however if development commences on the site then the boundary should be amended again to include it. This concurs with the settlement boundary as drafted within the R16 version of the NDP.

The following policies from the emerging Titley NDP are of relevance to this scheme:

- TG1: Sustainable development
- TG2: Housing needs and requirements
- TG5: Titley settlement boundary
- TG10: Infrastructure
- TG11: Renewable energy
- TG13: Landscape
- TG14: Natural Environment
- TG15: Historic environment
- TG16: Design and access

The draft Titley Group Neighbourhood Development Plan and relevant supporting documentation can be viewed through the following link;

<https://www.herefordshire.gov.uk/downloads/file/24734/neighbourhood-development-plan-november-2022>

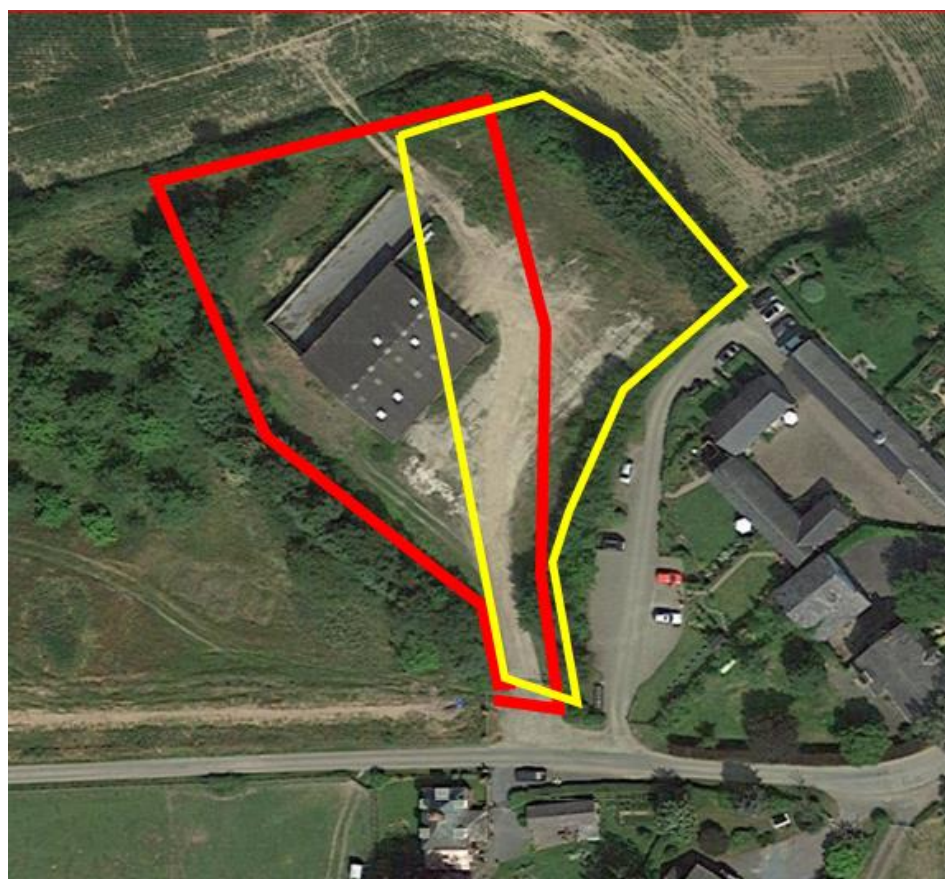
### 3. PLANNING HISTORY

3.1 The following applications apply directly to this site and are relevant to the current application;

Reference	Description	Decision
P181476/ RM	Application for approval of reserved matters following outline approval P160581/O. Access only.	Allowed on appeal – 8th August 2019 (APP/W1850/W/19/3225568)
P160581/O	Proposed site for the erection of 5 no. four bedroom dwellings (Outline – all matters reserved)	Approved 27th July 2016

The following application relates to land outside of the red line for the current application, but relates to the eastern part of the Balance Farm farmyard which adjoins Balance Barns (Fig 6).

Reference	Description	Decision
P162824/O	Site for the proposed erection of 5 dwellings.	Refused. Appeal dismissed on highways safety grounds - Jul 2017 (APP/W1850/W/17/3168668).



- Current Site – P160581/O
- Site of Dismissed Appeal – P162824/O

**Figure 6 – Plan identifying current site (red) and site of dismissed appeal (yellow)**  
[boundaries approximate]

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



## 4. CONSULTATION SUMMARY

### Statutory Consultations

#### 4.1. **Natural England** – No Objections (Consultation May 2023)

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. This is on the basis of nutrient neutrality being secured.

#### Further advice on mitigation

This proposal drains to the River Lugg Site of Special Scientific Interest (SSSI), which is a part of the River Wye Special Area of Conservation (SAC). The River Lugg part of the SAC is exceeding the phosphate limits set for its favourable condition. 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.

The application states that the proposed development will be made nutrient neutral by purchasing credits to a constructed wetland installed at the Luston Wastewater Treatment Works. This constructed wetland has all the necessary permissions in place and has been agreed with Natural England.

Your Authority has undertaken an Appropriate Assessment, informed by a nutrient budget which concludes that the proposal will not result in adverse effects on the integrity of the River Wye SAC. As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in the calculation, and that the nutrient budget calculation is correct.

Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. The proposed nutrient neutrality mitigation measures must be secured as a part of the planning permission.

#### 4.2 **Gardens Trust** – No Response

#### 4.3 **Welsh Water** – No Objections

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon.

### Internal Council Consultations

#### 4.4 **Area Engineer Team Leader** – No objections

As this is a reserved matters (RM) application with the outline of development already established, comments will be kept to the RM outlined in the Application Form. This follows on from application 160581/O.

There are no layout issues from a highway perspective. The developer should include provision for cycle parking. The parking, turning and manoeuvring space as shown on the site layout plan (7218-1-20) is adequate. Detailed dimensions will be secured by condition.

Conclusion: No objection - Condition CB2, CAJ, CAT, CAQ

#### 4.5 Conservation Manager (Ecology) – No Objections

##### Key Issues and Potential Pathways

The proposed development includes a mains foul sewerage connection for 5 new dwellings which will be treated at the Severn Trent Titley Kington sewage treatment works, which sits within the River Lugg SSSI/River Wye SAC catchment in which Natural England's Nutrient Neutrality applies.

The additional phosphate load generated by the proposed development has the potential to result in a likely significant effect on the River Wye SAC. A potential effect pathway has been identified and an Appropriate Assessment is therefore required.

No other potential effect pathways have been identified.

##### Impacts of Plan / Project

##### Foul Water Mains Connection – Phosphate Credit Purchase

The proposal is for 5 new dwellings under this application. The proposal has been assessed using the standard Natural England methodology and budget calculator.

Assumed occupancy is 2.3 person per dwelling (agreed as locally acceptable).

Water usage is 110L per person per day (agreed as locally acceptable).

The site is 0.3 ha.

Waste Water will be discharged from the site via a connection to mains sewer and will be treated at the Titley Kington STW Waste Water Treatment Works, which has a phosphate limit of 5 mg/l. This has been used in the calculations in line with the NE methodology.

The Waste Water P load of the development is calculated to be:

Development	5 dwellings
Occupancy	2.3 per dwelling
Additional population	11.5 people
Water usage	110l per person per day
Waste water volume	1265l per day
Receiving WwTW environmental permit	5 mg/l
Total phosphate after treatment	6325mg/TP/day
Convert mg/TP/day to kg/TP/day	0.006325 kg/TP/day
Per year	2.31 kg/TP/year

Waste Water Total Phosphate Load is 2.31 kg/TP/year.

The Current Land Use is general agricultural use

The Current P Leaching Load is 0.04 kg TP.

The Post Development Land Use is residential urban Land which equates to an Annual Phosphorus Nutrient Export of 0.5 kg TP.

The Phosphate Balance for the Site is:

TP Waste Water post treatment	2.31 kg/TP/year
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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

Historic land use P export	0.04 kg TP
Post development P export	0.5 kg TP
Land use net change	0.46 kg TP
Phosphate budget	2.77 kg TP/year
Phosphate budget including 20% buffer	3.32 kg TP/year

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year. Mitigation is proposed in this case including the purchase of Phosphate credits and is set out in table 4 below.

### **Mitigation Requirements and Outcomes**

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is an annual phosphorous load to mitigate = 3.32kg TP/year.

The development has applied for, and received, an allocation of phosphate credits from Herefordshire Council at a cost of £14,000 per kg as follows:

Annual phosphorous load to mitigate 3.32 TP/year \* £14,000 per kg

= 3.32 \* £14,000

= £46,480

This proposal is a valid Planning Application awaiting a positive determination subject to receipt of Phosphate Credits and the developer is prepared to enter into legal agreement with the Council through either a S106 agreement or a S106 agreement including a S111 agreement for phased development to secure the financial payment for phosphate credits.

Herefordshire Council’s Phosphate Credit Allocation Process (taken from the Council’s Phosphate Credit Pricing and Allocation Policy April 2022):

‘The Phosphate Credit Allocation Process is a staged process setting out how Phosphate credits that are generated by Herefordshire Council Integrated Wetlands can be secured by developers to offset the phosphate load of their development. The process necessitates a number of steps which can be run in tandem simultaneously. This process is monitored throughout and will span several services as well as requiring engagement with, statutory consultees, and developers themselves. Credits will only be released as they become available.

The process starts with developers working out the number of credits needed using the Council’s Phosphate Calculator Budget Tool supplied by Natural England. The developers are then kept on a list according to ‘first come first served’ policy as stated above. As credits become available and when applications are ready for determination, case officers will contact developers and provide them with an invitation to apply for credits. The developer submits this alongside their phosphate calculations, a S106 legal document and an online payment for their allocated credits. Their application is reviewed internally by Legal and Ecology and in consultation with Natural England.

Permission can then be granted or refused. If refused, developers have a set amount of time to go through the appeals procedure, credits will be held as stated above. Where permission is granted, HRA conditions are applied and they have a set amount of time and requirements they must fulfil otherwise the credits are returned to Herefordshire Council and payment is reimbursed to developers as stated above.’

Phosphate Credits in Herefordshire are being generated through the delivery, by Herefordshire Council, of a program of integrated wetlands associated with existing Waste Water Treatment Works (Wwtw). The first integrated wetland was delivered in 2022 on land adjacent to the Luston Wwtw. As set out in the feasibility study for the wetland<sup>1</sup> 'The purpose of the wetland would be to provide enhanced treatment for removal of phosphorus from the final effluent of the Luston Waste Water Treatment Works (WWTW), to contribute to the resolution of the current embargo on housing development and to deliver nutrient neutrality for future housing.'

The aim, in creation of the Luston Integrated Wetland is reducing the Total Phosphorus (TP) in the effluent leaving the Luston WWTW from 4.24mg/L TP to less than 1mg/L TP.

The Council, working with partners, has assessed potential for integrated wetlands at 8 sites of which Luston is the first to be granted planning permission (under application 213571) and constructed. Natural England have been engaged with the development of the integrated wetland program and did not object to the planning application to create the Luston wetland for the purpose of selling Phosphate Credits.

The precautionary principal has been applied to the construction of the Luston wetland, and will be applied to any further integrated wetlands created under the project:

'To provide a robust wetland design and provide certainty, WUF applied a number of steps to ensure that the design can be considered to provide certainty under the Habitats Directive. These are outlined below and presented in the following sections:

- The primary objective of the wetland is to provide an effluent quality that leaves the wetland at less than 1mgTP/l. To achieve this, and provide certainty around the design, WUF have designed the wetland on the basis of a reduction to 0.8mg/l. This has effectively introduced a 20% buffer and over-sized the wetland to provide greater certainty in its overall future performance, thus adopting a precautionary approach.
- A water balance has been developed and the design has been tested against UK Climate Projections (UKCP) estimates for rainfall and evapo-transpiration in 2070. Understanding the water balance is essential to ensure that the wetland design is robust under current and future climate change conditions and that the hydrology of the system will not be compromised.
- Due to uncertainties with wetland design models, WUF has adopted an approach outlined in the Treatment Wetlands publication (Dotro et al., V7 2017) which recommends application of multiple models to provide sensitivity in terms of calculation of overall design.
- Continued monitoring of phosphorus and flow data at the site to provide increasing and greater understanding of the current operation of the treatment works.'
- Text taken from the WUF feasibility study.

The full technical design and modelling work for the Luston wetland can be found at in the Wetland Feasibility, Design & Offsetting Report for the Luston Wetland by Wye & Usk Foundation (May 2022).

Additionally, the precautionary principle is applied to the allocation of Phosphate Credits with 80% of the capacity generated by the creation of each integrated wetland being allocated to development and 20% of the capacity generated being allocated to providing river betterment. [HC Global Template \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk)

The sale of phosphate credits to developers will allow the Council to recoup its expenditure in delivering the Strategic Wetlands (and credit costs will be regularly reviewed as new wetlands



are brought forward) and will also provide ongoing income for the long term management and maintenance of the wetland features.

## Conclusion

On the basis of the program of integrated wetland delivery and the phosphate credit system developed by Herefordshire Council in partnership with a number of organisations including Natural England and given that the development can secure a mains drainage connection and has committed to purchasing the phosphate credits required to address the phosphate load generated by the development this proposal it is not considered to have a likely impact on the integrity of the SAC and planning permission can therefore be granted.

## Recommended Conditions

1. None of the dwellings approved by this permission shall be occupied prior to the 1st August 2023.

Reason: To ensure that the Luston integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Lugg / River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006)

2. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

### 4.6 Conservation Manager (Landscape) – No Objections subject to conditions.

#### Comments following amended plans:

I am satisfied, that the applicant has amended the drawings to:

- Retain the tree belt in full to the west of the site.
- Relocate garage for plot 1 and patio for plot 2 to avoid excavation of bank and provide appropriate PRZ protection and construction methods to avoid damage to roots.

## Initial Comments 2019:

### **Designations and constraints**

- Within landscape setting of Eywood Park and Garden (Registered grade II listed C18 landscape park).
- Landscape Character – Principal Timbered Farmland.
- Traditional Orchard adjacent western boundary.
- Public Right of Way (PROW) footpath TL12 and TL13.

### **Impacts on Landscape**

- Loss of evergreen and deciduous trees (Refer figure 3), that forms a landscape setting (Refer figure 1 and 2) to a grade II listed landscape park and landscape edge to the village of Titley.
- Loss of existing green infrastructure.

### **Outcome**

#### *Significant landscape setting*

- Eywood Landscape Park, a grade II Historic England listed park and garden, with a predominate evergreen treed backdrop (Figure 1) that is reflected at the entrance (Figure 2) forms a visually important landscape setting.

#### *Exposure of built form in a significant landscape setting*

- The removal of an established (predominately evergreen) band of trees (Figure 3) that forms a landscape setting to Eywood Landscape Park and a distinctive landscape edge to the village of Titley (Refer figure 2) will expose buildings (Figure 4) and damage a valued landscape

#### *Loss of existing green infrastructure*

- The removal of the trees will denude the ground, exposing a bare ledge between two steep slopes increasing soil erosion and runoff.
- The trees that are proposed to be retained are vulnerable due to the bare steep slopes. It is questionable whether they will survive, therefore further increasing the exposure of buildings and further reducing the green infrastructure.
- An existing wildlife habitat will be lost.

#### **4.7 Conservation Manager (Arboriculture) – No objection**

I have viewed the soft landscaping proposals and see that the landscape officer has provided conditions to ensure they are adhered to. In light of this I have no further comments to add.

#### **4.8 Conservation Manager (Historic Buildings) – No objections**

The proposed design for 5 houses and garaging is generally good, taking its cues from the form of a traditional farmstead with farmhouse and regular courtyard of outbuildings. The covered walkway linking units 3 and 4 is a good way of allowing separate units assume the linear form of a more typical agricultural building. This site plan will not go against the grain of development in the settlement where complexes of similar form are present. As outline permission was granted for 4 bedroom houses, this approach to the site layout is appropriate, avoiding sub-urban cul-de-sac layouts which would not sit well within the village context.

Subject to further detail, the scale, proportions, materials and detailing of the individual units as proposed are in accordance with paragraph 127 of the National Planning Policy Framework which requires development to be in sympathy with local character and history.

This proposal would not harm the setting of grade II listed Balance Farmhouse to the south.

I refer to the comments of my colleague the Landscape Officer over the impact on Eywood Park.

The boundary treatments specified are a reasonable compromise in maintaining an overall agricultural feel to the development whilst allowing private amenity space to the dwellings.

We do ask that standard conditions on material finishes and joinery details are requested. The quality of brick used will have particular impact on the success of the scheme. A standard black Bitmac finish would not be typical of a rural village, so we would ask that a more neutral colour finish was used, or alternative hard surfacing which is more rural in character.

#### 4.9 **Environmental Health (Contaminated Land)** – No comments

#### 4.10 **Strategic and Neighbourhood Planning Manager** – Qualified Comments

The Titley Group NDP has reached its examination consultation stage. The examiner's report was received on the 7 July 2023.

With regards to para 48 of the NPPF and Planning Practice Guidance set out the weight that may be given to relevant policies in emerging plans, including NDPs, and indicated that weight may be given to relevant policies in emerging NDPs according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Taking each of these criteria in turn:

- 1) As the examiner's report have been received, the material weight is adjudged as substantial within regarding to progress of the plan.
- 2) As the examination has taken place all the unresolved objections for Reg16 stage have been addressed.
- 3) The NDP has been concluded as meeting the basic conditions and being in conformity within national and local policy.

Therefore the current weight of the Titley Group NDP, in accordance within para 48, would be **significant**. The referendum is planned for the 19 October 2023.

The examiner's report specifically addressed the settlement boundary and Policy TG5. At this stage the settlement boundary has been amended via a recommendation to remove the current application site but has suggested that if the site commences then the settlement boundary should be amended again to include the site. This concurs with the settlement boundary as drafted within the Rge16 version of the NDP. Therefore signification weight should be attached to the delineation of this settlement boundary in the planning balance.

As at April 2023, Titley Group parish has had 14 built and 8 commitments meaning that the parish have a residual proportional growth of 1 unit.

## 5. REPRESENTATIONS

### 5.1 Titley Group Parish Council – Objection

#### Representation 15<sup>th</sup> June 2023

With reference to our previous comments (dated 16/8/2019 and 13/11/2019) concerning this application, we would reiterate our continuing objection to these proposals. Noting the considerable number of objections posted on the Hereford Council's planning portal, previous village meetings and our most recent consultations on our Neighbourhood Development Plan, there remains considerable objection to these plans within the Titley community. We would like to emphasize the following points:

Our NDP has been resubmitted and is currently being examined at Regulation 16 after previously failing at referendum. We would consider that the main reason for failure, would have been the adjustment of the Titley settlement boundary to include the Balance Farm application site at the request of the examiner.

The resubmitted NDP provides further reasoning for not including the Balance Farm site within the settlement boundary and it therefore remains outside of it.

Due to the contentious nature of this application and requests from both ward councillor and ourselves, we would ask that this application be determined through the Planning Committee.

The majority of objections raised in our previous submission we consider remain valid. The general 'urban' feel to the detailed plans being contrary to both the thrust of our NDP and indeed the overall very rural setting of the village.

We note the aspirational environmental proposals including additional insulation, solar panels and air source heat pumps, but ask whether these should be considered from a planning perspective unless they can be enforced. The lack of pedestrian access, cycle storage only secondary to the garage provision and reliance on brick, rather than locally sourced materials, give the impression that environmental consideration is not a priority.

#### Representation 13<sup>th</sup> November 2019

We note that the amendments only deal with the retention of all the fir trees on the western boundary and a few minor alterations to the landscaping and in no way address the many issues raised in our previous submission. Namely, the increased height and visibility, house size and type, location, road safety, drainage problems, sustainability, access to village services, suitability of building materials, layout and visual appearance. We, therefore, continue to strongly object to this application.

In respect of our NDP (currently under inspection) this proposal lies outside our settlement boundary. We allocated more than sufficient housing to fulfill our proportional growth in locations where road safety would not be an issue and commitment was being made to provide a mix of housing in keeping with local demand. This application would therefore undermine our emerging plan and severely reduce its potential for success at referendum.

Even within the last 12 months the need to build houses in a sustainable manner has become increasingly urgent. Hereford Councils declaration of the climate emergency and the commitment to 'supporting a planning system that protects and enhances landscape,



biodiversity and historic assets and seeks to ensure that development is sustainable' should at least require applications to consider sustainability. This application only refers to sustainability when quoting Hereford Councils own policies and fails to even try and deliver in terms of materials, construction, alternative forms of transport (eg cycling,walking), conservation (eg rain water capture) and renewable forms of power supply. Without any commitment to reducing the carbon footprint of this development, how can the council give its support. In the current climate emergency, it is paramount that developments, that will remain with us through this century are sympathetic to our increasingly fragile environment

### Representation 16<sup>th</sup> August 2019

Following the site and subsequent open meeting, and also further representations made to the Parish Council by local residents, there remains within our community strong opposition to this development. Although the reserved matters appeal regarding the entrance arrangements has recently been approved by the Inspector, the fact that the proposal will cause significant harm to road safety at the Eywood Lane/B4355 junction remains. This is seen by our community as a failure of Hereford Councils Planning and Highways Department to have adequately investigated the effects of the original outline planning on the wider road network, with the result of placing our residents at increased risk of road accident (Tittley Neighbourhood Development Plan 5.16, Policy TG16 item 4). We cannot therefore support this application on the grounds that it will diminish road safety.

The Parish Council strongly objected to the outline plans provision of four bedroom houses in a Housing Area that predominantly requires two and three bedrooms. We wrote to both you and our M.P. regarding this, with the response that local market demand will regulate the size of house a developer will build. We are unaware of any change in the type of demand locally yet the detailed plans still look to provide only four bedroom accommodation. The Parish Council cannot support a development that does not look to meet the needs of our local community or the surrounding area (Tittley Group Neighbourhood Plan 5.17,5.19, Policy TG6).

We would also consider that in the context of Tittley the building of five large houses constitutes a major development. The village is characterised by a linear form of settlement. The proposal would be in effect a substantial 'backland' development which would not respect the settlement character. The Parish Council cannot support a development that does not respect the settlement character (TGNP Policy TG 6, 5.15,5.16).

With regard to the detailed plans and statement; Firstly we would note that the roof height proposed is a substantial increase on the existing barn. We are concerned that this will make the development 'stand out' from the adjoining properties including the Grade II listed Balance Farm and Barn Conversions and also the Grade II listed Eywood Park. We also think the increased height would make the proposal potentially much more visible from further afield e.g. Green Lane, The Mortimer Trail. The Parish council consider that the detailed plans do not respect the character of adjoining development and therefore cannot support them (TGNP TG 16 item 1, TG15).

There are many traditional farmyards within our community. Examples can be seen at The Balance, itself, Tittley Court, Flintsham Court, The Highlands, Park Farm and many more. All of these were built with locally quarried stone. The idea that red brick will give the impression of a local traditional farmyard is frankly ridiculous and will serve only to give the impression of a new housing estate style development. Details such as the vertical (as opposed to traditional horizontal) boarding, the portico and diminutive chimney stack on the 'farm house' and the all brick single line of double garages add to the overall impression of an urban design. Four of the houses are of almost identical design again giving the overall impression of an estate. The Parish Council therefore feel that the detailing does not respect the character of adjoining properties or indeed the wider village (TGNP TG16 item 1, 8.8).

We note that the ecological survey carried out for the outline planning permission regularly references the assumption that little or no removal of existing boundary trees will be carried out. The detailed landscaping proposals, although look to plant a new hedge line and trees, do however show the removal of the existing cypress tree planting and many other relatively mature trees. Local anecdotal evidence suggests the presence of bats, owls assorted song birds and badgers on, or adjacent to, the site. We feel a further survey taking into account the detailed landscaping should be undertaken to properly assess the potential loss of habitat so provision can be made both during construction and after to accommodate wildlife present (TGNDP TG16 item6&7). We are further concerned that the removal of the cypress trees along with the increased roof height will make the site too visible from the Grade II listed Eywood Parkland to the west (TGNDP TG15 item 1).

We have previously written regarding flooding along School lane and at the War Memorial and our concerns that this development may exacerbate the problem. It was noted at the site meeting that there was existing drainage on the site but no detail of outfall/soakaway system was known. The detailed plans for the proposal refer only to a soak away system for handling storm water. Again, local anecdotal evidence, suggests that large quantities of rainwater enter this site on its Northern boundary from adjoining farmland during the wet winter months. The Parish Council would like to ask for a more extensive survey of the existing drainage and proposals to mitigate potential run off from both the site itself and soakaways based in heavy clay soils.

The Parish Council would like to raise several concerns regarding the environmental impact of this development. The detailed plans allow for only vehicular access to the site. How do pedestrians access either these houses or the village without having to walk in the access road or indeed Eywood Lane (where there exists a known risk to road safety)? No footpath provision has been detailed. Also no provision is made or referred to for alternative forms of transport, most notably cycling (TGNDP TG16 item4). There is no detail for any 'street lighting' requirements and if required, the effect this would have on adjoining properties. It would seem that as the garages are some distance from the houses some form of lighting would be required for people to park then safely walk to their homes across a shared access. Titley has no street lighting and provision here of such would have an adverse impact on both existing residential amenity and the environment through light spillage (TGNDP TG16 item 5).

No detail has been supplied regarding how these homes are to be powered. Titley Group Parish council takes very seriously our need as a community to safeguard the environment for the future. Our current Building Regulations are generally regarded as inadequate and lag far behind many of our European neighbours. We feel that it is imperative that new house builds look very seriously at how they can minimise their carbon emissions through use of building materials, alternative energy sources (e.g. solar, ground source heat pumps, rainwater capture etc) and reduction in dependence on fossil fuels for transport. Within only a few years we would be ashamed to have built unsustainable houses where there is ample potential here for so much better (TGNDP TG16 item 2).

In conclusion, Titley Group Parish Council feel that these inappropriate plans are so much at odds with the thrust of our Neighbourhood Development Plan that they are impossible to support. The redundant site, if no longer to be used for agriculture, should be developed in a sensitive, sustainable manner so that it becomes an asset to our community rather than separate from it. We are happy to consult with the agent or owner to help facilitate this. We are, however, opposed to these plans and given the history of opposition within the community and subsequent appeals ask for any decision to be referred to the Planning Committee.

5.2 **Letters of Objection** have been received from 23 individuals. They raise the following points;

- Proposal conflicts with the Titley Neighbourhood Plan policies and is against the wishes of the local community

- The proposal is outside the settlement boundary and Titley Parish has made plans to meet its housing needs elsewhere through the Neighbourhood Plan
- Highways safety concerns over junction between B4355 and Eywood Lane
- There is an inadequate level of parking and internal manoeuvring space
- The size of the houses does not meet local need for smaller more affordable homes
- The proposal does not respect the linear character of the village
- The site is prominent in views from the highway and public footpaths (including the Mortimer Trail) and there would be an adverse landscape impact
- The design and appearance of the dwellings is not appropriate to local context. The use of brick and vertical boarding is not in keeping with local character. Stone and horizontal weatherboarding should be used instead
- The design of the 'farmhouse' is not reflective of local character or distinctiveness
- The new buildings are excessive in height and larger than existing buildings on site
- The proposal would effect the setting of the adjacent barns, listed building and park
- The proposal is contrary to Titley's linear pattern of development
- Five dwellings is an overdevelopment of the site
- The proposal would effect the views and amenity of residents in Balance Barns
- The plans are not clear as to which trees would be retained and how the bank to the west of the site would be treated
- The site is observed to be used by protected species and wildlife. The proposal does not follow the recommendations of the Ecology report on the outline application
- Site has surface water runoff issues that need to be addressed through a drainage scheme
- The proposal involves the removal of a large number of valuable trees
- The new planting near to the site entrance will impinge upon the access and the setting of the adjoining parkland
- The proposal does not make any provision for renewable energy or other sustainability features
- The retention of the evergreen trees will deprive houses of light
- The size of the site seems to have increased from outline to reserved matters
- It is unclear how the site access will interact with neighbouring site that has been sold with permission for a farm workers dwelling

5.3 The consultation responses can be viewed on the Council's website by using the link:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=192515&search=192515](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192515&search=192515)

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

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

## 6. Officer's Appraisal

### Policy Context

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states 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). The National Planning Policy Framework (NPPF) is also a significant material consideration in determining the application.

6.3 It is also noted that the Titley Group Parish has prepared a Neighbourhood Development Plan. The emerging NDP has been subject to independent examination and a local referendum is planned for the 19<sup>th</sup> October 2023. Although not yet formally forming part of the development

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

plan, the emerging NDP may be given significant weight in accordance with the tests set out at Paragraph 48 of the NPPF. This has been confirmed by the Council's Strategic and Neighbourhood Planning Manager

- 6.4 Paragraph 11 of the NPPF states that all planning decisions should apply a presumption in favour of sustainable development. For decision taking, this means that proposals which accord with an up-to-date development plan should be approved without delay. The Council is currently able to demonstrate a housing land supply which exceeds 5 years and therefore the relevant policies of the development plan are regarded as being 'up-to-date'.
- 6.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The new local plan is not currently at a stage where it may be afforded any weight. The level of consistency between the policies in the CS and the NPPF therefore need to be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to housing provision, safeguarding local character and heritage; and protecting features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.6 Policy SS1 of the Core Strategy reflects the positive presumption set out within the NPPF and 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. Similarly, policy TG1 of the emerging Titley NDP states that proposals which contribute to sustainable development within the Titley Group Neighbourhood Area will be supported.

### **Planning History and Current Application**

- 6.7 Outline Planning Permission (OPP) was granted on the site in 2016 for 'Proposed site for the erection of 5 no. four bedroom dwellings' with all matters reserved. A reserved matters application for the approval of access arrangements was allowed on appeal in August 2019 (P181476/RM). The current application seeks approval of the remaining reserved matters and was confirmed valid on the 24<sup>th</sup> July 2019, which was within the timescale for submission as required by Condition 1 attached to the OPP. The OPP hence remains extant.
- 6.8 It is acknowledged that the principle of the site being developed and its relationship with the settlement boundary for Titley as set out within the draft NDP is a common theme in the objections received from the Parish Council as local residents. It is acknowledged in this regard that the proposal site does sit outside of the draft settlement boundary defined in policy TG5 of the emerging NDP and the site is hence not a location where the principle of housing would be supported by this policy. This tension is readily acknowledged. However, the fact remains here that outline planning permission has already been granted and this remains extant. This clearly establishes the principle of the development on the site as being acceptable and this is not a matter which the LPA is entitled to revisit as part of the current application for approval of reserved matters. It is a material consideration which should be afforded significant and overriding weight.
- 6.9 An application for approval of reserved matters in respect of access was allowed on appeal in August 2019 (P181476/RM). This established that access to the site would be gained from Eyewood Lane to the south and technical details of the access, including the provision of



appropriate visibility splays, were conditioned as part of that permission. Those details have been carried forward as part of the current scheme. Whilst therefore again noting that highways safety concerns are a common theme in the objections received from the Parish Council and local residents, these matters have already been addressed as part of the outline permission and approval of reserved matters application P181476/RM. It is not within the gift of the LPA to consider those matters again.

- 6.10 The current application is made in accordance with the conditions defined by the Outline permission seeks approval of the outstanding reserved matters. In this case the outstanding matters relate to layout, scale, appearance and landscaping, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and set out at Paragraph 1.5 of this report.

### **Layout, Scale and Appearance**

- 6.11 In considering the details of the Reserved Matters scheme, strategic policy SS6 of the CS is relevant in that it sets out that all development proposals should conserve and enhance the environmental assets that contribute towards the county's distinctiveness, particularly its settlement pattern, landscape, biodiversity and heritage assets. This is reflected by policy RA2 which states that residential development in the county's rural settlements should result in high quality sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and landscape setting. Policy LD1 is of further relevance in this regard in so far as it requires that schemes demonstrate that they have been positively influenced by the character of the surrounding landscape and townscape in terms of the site selection, design, scale and nature of the development proposed. Schemes should also incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. In respect of new buildings, policy SD1 requires that developments should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials whilst respecting the scale, height proportions and massing of surrounding development.
- 6.12 From the emerging Titley NDP, policy TG1 sets out objectives relevant to the achievement of sustainable development. Amongst other things, this sets out that all schemes will be expected to take all opportunities to conserve and enhance the landscape and the distinctive natural and historic environments whilst avoiding undue loss of visual amenity. Policy TG13 sets out that development proposals should protect and enhance the valued landscape by adherence to a number of principles, which include:
1. Designing, siting and locating development in ways that secure positive landscape and visual impacts
  2. Ensuring that sightlines to and from Offa's Dyke, the Mortimer trail, Herefordshire Trail, Titley Loop, Eywood Lane and access to Titley Pools SSSI are preserved
  3. Protecting locally important features and views identified in this NDP
  4. Avoiding or mitigating the individual and cumulative non-visual impacts of proposed development, including noise, odour, dust, traffic, illumination and disturbance
  5. Where harm to the landscape cannot be avoided it must be fully mitigated through sympathetic landscape planting
- 6.13 Policy TG16 deals with matters of design and access and, amongst other things, directs that development proposals should achieve a high quality design by respecting the character of adjoining development and the wider landscape, having regard to siting, scale, height, massing, detailing, materials and means of enclosure. It also requires that developments should retain and incorporate features of amenity and biodiversity value such as trees and hedgerows whilst providing for new landscaping which is in keeping with prevailing character of the surrounding area. Materials should also be incorporated which reflect the local vernacular and colour palette,

unless sympathetic alternatives are justified. Although not yet forming part of these development plan, these policies attract significant weight.

- 6.14 The preceding policies are all reflective of the principles established in the NPPF, particularly Chapter 12 with regards to achieving well designed places. This chapter highlights that good design is a key aspect of sustainable development and Paragraph 130 sets out a number of principles which should be pursued through both plan making and decision taking in order to achieve this. Amongst other things, the principles include that developments should be visually attractive as a result of good architecture, layout and effective landscaping whilst establishing and maintaining a strong sense of place.
- 6.15 Whilst outside the draft settlement boundary for Titley within the emerging NDP, the site in this instance is on the western edge of the village and relates closely to the built up part of the settlement with residential properties being located to the south and east. The built form of the site's immediate surroundings is characterised by a cluster of historic dwellings, converted farmsteads, and a small number of more recent houses which are loosely focused around the junction of the B4365 and Eywood Lane. The layout of the scheme presented takes direction from the historic farmsteads in particular and the arrangement of buildings is redolent of a traditional agricultural site. An individually designed unit with a strong domestic character occupies the more prominent land near to the roadside in the manner of a typical farmhouse, whilst the remaining units are positioned in a more regimented courtyard style arrangement on the land to the rear of the site and are of a simpler design which reflects vernacular agricultural buildings. This approach is considered to be appropriate to the context of the site; responding both to the pattern of development in the immediate locality as well as spatial constraints such as the site's irregular shape. It is noted that the Council's Conservation Officer is supportive of the proposed site layout and comments that it would avoid the creation of a suburban cul-de-sac type arrangement, which would not sit well within the rural village context.
- 6.16 In respect of appearance, the design of each unit continues the agricultural typology seen in the site layout and is considered to be broadly acceptable. The unit to the fore of the site seeks to reflect a traditional farmhouse design and in doing so features a narrow building span with a relatively steeply pitched roof which is seen throughout the surrounding village. It also utilises features and detailing which are distinctive to the rural character of the area, such as the symmetrical positioning of fenestration, arched window lintels and an external chimney breast. The remaining units are reflective of traditional agricultural buildings and are characterised by a simple rectilinear form with uninterrupted roof planes. The palette of materials is varied, comprising red brick, timber boarding and slate. It is noted that the suitability of brick has been questioned in local representations, however a review of the wider context reveals numerous examples of red brick buildings such as the former farmstead at Rhiwlas Cottages or the adjacent Eywood Lodge. It is not therefore considered that this material is inappropriate or out of keeping with the character of the surrounding area. Specific details of the brick to be used, including the bond and mortar type, can be secured by condition. Specific details of cladding and roofing will also be secured through this means, as well as details of the timber fenestration.
- 6.17 With regards to scale, the unit to the fore of the site would measure 8.6 metres to its ridge whilst the remaining units to the rear would be smaller at 8.2m. Whilst this is slightly larger than the current agricultural building on the site, it is not considered that the increase is significant or that it would be detrimental to the character of the locality. The increase in the height of the dwellings would be offset to a certain extent by a reduced physical mass relative to the current building on the site, and the height of the units would be commensurate to the scale of surrounding development in any case. As such, it is considered that the development is appropriate with regards to scale.

## Housing Mix

- 6.18 In terms of the size of the dwellings themselves (in so far as this is relevant to the matter of 'scale'), all units would provide four bedrooms of accommodation to future occupiers. It is noted that local representations have raised concerns that this means that the scheme provides exclusively for larger dwellings and hence would not contribute to providing the mix of housing sizes that are required to meet the needs of the local community. These concerns are duly acknowledged and it is not denied that the scheme fails to provide the range of houses that would ordinarily be sought in line with the latest Housing Market Area Needs Assessment (2021). However, it is highlighted that the size of the dwellings was inherently fixed as part of the development description approved at the outline stage – i.e. 'site for the erection of 5 no. four bedroom dwellings' (*Officer emphasis added*). The matter of housing mix can hence not be revisited again here and, given the Reserved Matters scheme accords with the mix approved at outline stage, it is considered to be acceptable.

## Residential Amenity

- 6.19 Policy SD1 of the CS requires that all development proposals secure high standards of amenity for all residents and avoid any potential for adverse impacts through means such as overlooking, overshadowing or overbearing. Policy TG16 of the emerging Titley NDP also directs that proposals for new housing should be sited and designed to avoid adverse impacts on the amenity of the future occupants from the operation of existing uses, such as agriculture and businesses. Both policies are reflective of the principles set out at Chapter 12 of the NPPF.
- 6.20 It was established with the grant of OPP that the site is appropriate for residential development and that there would be no compatibility issues with neighbouring uses, which are either residential or agricultural in nature. The reserved matters scheme has been designed in a manner which ensures that good standards of amenity is achieved for future residents, with good areas of private curtilage provided and no potential for adverse impacts identified a result of overlooking, overshadowing or overbearing. The amenity of existing dwellings in the locale would also not be compromised by the development, on account of the degree of separation between them and the new builds and intervening screening. Good standards of amenity are hence achieved and there is hence no conflict found with the aforementioned policies.

## Layout – Access Considerations

- 6.21 With regards to accessibility and highways considerations, it is noted that the proposed scheme adheres to the access arrangements approved under earlier reserved matters application P181476/RM and the areas for consideration at this stage are therefore those related solely to the internal layout of the site. In this regard, policy MT1 of the CS requires that developments are laid out to have appropriate operational and manoeuvring space having regard to the vehicle and cycle parking standards set out within the Council's Highways Design Guide. Policy TG16 of the draft NDP is also relevant in so far as it requires schemes to include provision for pedestrians and cyclists to encourage active travel. Both of these policies are reflective of the principles set out at Chapter 9 of the NPPF.
- 6.22 Having reviewed the scheme, the Council's Transportation Manager has confirmed that the internal layout is acceptable and no objections are consequently offered. The site layout provides adequate space to ensure a range of vehicles, including larger refuse collection vehicles if needed, can manoeuvre within the site and sufficient parking provision is made to support the development through a combination of garaging, spaces within curtilage and allocated parking on the central courtyard. The internal layout also adopts the principles for shared private drives as set out within the Council's Design Guide, including the use of shared spaces, turning heads and passing places. The garaging proposed to each unit also provides opportunities for the secure storage of bicycles. On this basis, it is considered that the layout of

the scheme is acceptable from a functional perspective and no conflict with MT1 or TG16 is identified.

### **Landscaping**

- 6.23 Landscaping in the context of an RM application means the treatment of land for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated. As set out previously, policy LD1 of the CS is relevant in this regard and requires that schemes incorporate new landscaping to ensure that the development integrates appropriately into its surroundings and maintain and extend tree cover where important to amenity. There is similar provision in emerging policies TG13, TG14 and TG16, although these also introduce additional requirements that are more tailored and local grounded in the Titley Group Parish.
- 6.24 It is noted that the landscaping and layout proposals have been amended since the initial submission, with the current scheme of landscaping set out on plan 19/500/02A. Importantly, the amended plans retain the belt of mixed coniferous and deciduous trees which sit atop an earth embankment to the west of the site. This feature currently forms an important visual landscape buffer between the site and the open countryside beyond, helping to mitigate the visual impact of both the existing agricultural buildings and the proposed new dwellings upon the setting of Eywood Park to the west. The retention of this feature ensures that this mitigation continues and that established features of ecological value are protected, in accordance with policies LD1, LD3 and TG13. There would be some removal of trees at the north-west corner of the site, however it is considered that these are adequately compensated for elsewhere.
- 6.25 The landscaping strategy makes provision for extensive new native species hedgerow planting throughout the site, including a new 90m length to form a boundary to the east of the site and further provision to gap-up the existing hedgerows to the north and west. New tree planting is also proposed throughout the site, both in communal areas on the approach from the highway and within the curtilage of each dwelling. The measures will help to ensure that the scheme assimilates with the location, as well as enhancing the biodiversity value of the site. With regards to hard landscaping, boundary treatments are considered to be sensitive to the rural setting; with low post and top-rail fencing being used to the central courtyard in a manner that aids visual permeability and the maintains the openness of this area. Treatments between rear curtilages are to comprise hazel wattle panels, which avoid an over-urbanising effect whilst still achieving the levels of privacy expected by residents. It is noted that the access road and internal courtyard are shown to be finished in tarmac, however this is considered to be a suburban form of treatment that is not in keeping with the rural nature of the site. A condition is therefore attached to secure an alternative surface finish, such as block paving or gravel.
- 6.26 Overall, the landscaping scheme is considered to be appropriate to context and in accordance with the policies of the development plan. It is noted that specialist advice has been sought from the Council's Landscape Officer and no objections have been offered. A condition is recommended to secure implementation of the approved scheme, as well as a condition to secure a scheme of landscape management and maintenance for a period of 10 years to ensure new planting robustly establishes itself.

### **Impact upon Heritage Assets**

- 6.27 The site lies within the setting of two designated heritage assets. The Grade II listed Balance Farmhouse is located approximately 50m to the east of the site, and the site's western boundary abuts the Grade II Registered Park and Garden of Eywood Park. The converted Balance Barns to the east of the site are not subject of any formal designations, but are considered to have some heritage value as traditional agricultural buildings.
- 6.28 The NPPF directs at Paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to



the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 200 then states that any harm to, or loss of, the significance of a designated heritage asset (from alteration, destruction or development within its setting) should require clear and convincing justification. In considering the potential of the development to affect the setting of a listed building, the Local Planning Authority also has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These heritage duties are manifested in the development plan through CS policies SS6 and LD4. The former is a strategic policy and it sets the expectation that developments should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. The latter is more detailed and, amongst other things, requires that new developments should 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design. The emerging Titley Group NDP also contains a heritage policy at TG15. This reinforces similar principles to LD4 and the NPPF in terms of the need to protect, conserve and enhance designated heritage assets CS policy LD1 is also relevant in this sense in that it directs that schemes should conserve and enhance the natural, historic and scenic beauty of the important landscapes and features such as nationally and local designated parks and gardens. TG13 adds further in requiring that developments should respect the valued landscape character including associated important views and local features of interest.

- 6.29 It is noted that it was incumbent on the LPA to exercise the heritage duties set out above at the outline stage and the grant of that permission has established that the site is capable of accommodating residential development without leading to harm to the significance of heritage assets, subject to an appropriate design being secured at reserved matters stage.
- 6.30 Balance Farm House is located around 50m to the east of the site. Based on observations of the building and its list description, significance is derived from its traditional form, historic fabric and particular architectural features. Historically the building was associated with a farmstead of traditional barns, however these have now been converted to residential uses. Although the layout of the buildings and sympathetic manner of conversion allows for the historic relationship between the former barns and farmhouse to still be understood, the change to residential use has undoubtedly altered the surroundings of the farmhouse in a manner which means residential uses (rather than agricultural) are now a defining characteristic of its setting. The result of this is that the significance of Balance Farm is mainly experienced from within its own curtilage. Although there are views of the property from Eywood Lane, there is limited inter-visibility between the listed building and the proposal site on account of intervening vegetation, other development and the difference in levels between the two sites. The potential for the re-development of the site to residential uses to demonstrably affect the setting of the listed building is hence limited.
- 6.31 The proposal site currently hosts a large modern agricultural building which is to be demolished as part of the proposals. The settlement pattern in the surrounding area is mainly one of a dispersed nature, but there is a cluster of buildings and a number of farm complexes in the immediate vicinity of the proposal site. As identified in earlier sections of this report, the RM scheme takes direction from the local context and displays a layout and character that is sympathetic to local character and architectural styling. As such, it is not considered that the scheme would lead to any negative impacts on the character of the landscape or village setting when compared to the existing situation. It would also not affect the relationship between Balance Farm and the converted barns which adjoin it. As such, the ability to appreciate and understand Balance Farm's past connection with agricultural uses would not be materially affected by the development of the application site.
- 6.32 Taking all of this into account, it is considered that the scheme would not alter the setting of Balance Farm (or the converted barns) in a manner which is demonstrably harmful to its

significance. The features which give the building special interest and the characteristics within its setting which contribute to its significance would be preserved. It is highlighted that specialist advice has been sought from the Council's Historic Buildings Officer and the response received supports the view that there would be no harm to the significance of the listed building. Officer's give this view significant weight.

- 6.33 With regards to the setting of Eywood Park, this lies to the west of the site and has significance as a result of its historical and aesthetic value as an example of an 18<sup>th</sup> century designed landscape. Eywood Lane was originally a secondary entrance to the park, but in recent times has become the main approach with a 19<sup>th</sup> century lodge and wall being located opposite the entrance to the proposal site. The proposal site and the park however are separated by a belt of tall and dense planting which means there is limited inter-visibility. This screening will be maintained as part of the scheme and would serve to reduce the impact of the development when viewed from the park. Moreover, when the site is experienced from within the park it is viewed against the backdrop of existing built form which makes up the western edge of Titley in any case, thereby reducing the impact of the new dwellings further. Overall therefore, it is considered that the scheme would not adversely affect the setting or significance of Eywood Park. It is noted that the Council's Landscape Officer has not offered any objections in this regard and Officer's again give this view significant weight.
- 6.34 In summary therefore, it is considered that the proposal would preserve the settings of the nearby heritage assets and would not lead to any demonstrable harm to their significance. It follows that the proposals comply with policies LD4 and LD1 of the CS and policies TG13 and TG15 of the emerging Titley NDP. The heritage duties imposed upon the LPA by Section 66 of the Act are accordingly discharged.

#### **Sustainability and Climate change**

- 6.35 The Applicant has completed the Council's Climate Change Checklist and this indicates that the scheme would seek to provide solar panels, air source heat pumps and charging points for electric vehicles. These measures would align with those sought through policies SD1 and SD2 and the measures which are encouraged by policies TG1 and TG11. Specific details will be secured by condition.

#### **Assessment under the Habitats Regulations**

- 6.36 The proposal site is located in the catchment of the River Lugg, which is a tributary of the River Wye Special Area of Conservation (SAC) and forms part of the designated site, is currently failing its conservation targets on phosphate levels. Following advice issued by Natural England (as the relevant statutory body) in July 2019, Herefordshire Council has been unable to approve developments within the Lugg catchment unless it can be demonstrated with certainty that it would have a neutral impact on water quality and the integrity of the designated site. This has become known as the need to demonstrate 'nutrient neutrality'. Case law has also made clear that this requirement applies to all multi-stage consents (such as outline and reserved matters) where there has been a significant change in circumstance since the first permission was granted. In this case, the River Lugg has moved to a 'failing' status since the outline permission was granted and this is a significant change in circumstance which means that the 'nutrient neutrality' must be shown for the scheme before the RM can be issued. The inability to demonstrate this has effectively led to the application being placed 'on hold' since it was submitted in 2019.
- 6.37 These duties are set out by the Conservation of Habitats & Species Regulations 2017. There is similar provision to protect environmental assets in the CS, with policy LD2 setting out that development likely to harm sites of European importance will not be permitted. Policy SD4 deals with wastewater management and sets out that development should not undermine the achievement of water quality targets and that permission will only be granted in SAC

catchments where there will be no adverse impact on the integrity of that site. This is echoed by emerging policy TG14 of the NDP, which reflects the more recent issues within the Lugg and states that:

All development proposals should demonstrate that they would not have an adverse effect on the River Wye Special Area of Conservation (SAC) and species of European importance. Planning permission will only be granted if clear and convincing evidence is provided to show that the proposed development would not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate calculator and any other current associated guidance'

- 6.38 The proposal for residential development would generate additional foul water that is proposed to be managed through a connection to the mains sewer network serving Titley. This is an acceptable arrangement in principle and is secured as part of the outline permission. However, the additional sewerage load generated by the development has the potential to impact upon the River Wye SAC through the discharge of treated effluent containing phosphate into the Lugg catchment. The LPA must be able to ensure that this potential impact is mitigated for and that the proposal would lead to no adverse impact upon the integrity of the designated site before it can approve the RM.
- 6.39 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 6.40 The applicant has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 3.32kg TP/year which must be mitigated for to avoid detriment to the River Lugg. The Council's Conservation Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 6.41 The applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 (plus VAT) per Kg of phosphate generated. Based upon the annual phosphorus load of 3.32kg TP/year, the Applicant is required to purchase credits to the value of £46,480. This will be secured by a S106 legal agreement.
- 6.42 The Council's Ecologist has completed an appropriate assessment which is summarised at Section 4.5 of this report. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits and the imposition of conditions, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy.
- 6.43 This assessment has been submitted to Natural England for consideration and a response has been received to confirm that the statutory body agreed with the LPA's conclusions. The proposed development will be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection. The LPA,

as the competent authority, is therefore able to conclude that the proposal would have no adverse effect on the on the integrity of the River Lugg / River Wye SAC.

- 6.44 With regards to the conditions recommended by the Council's Ecologist, it is noted the first of these sought to prevent occupation of the dwellings before 1<sup>st</sup> August 2023 in order to ensure that the Luston wetland had reached a point that it could be relied upon to provide mitigation. That date has however now passed and the wetland is now operational. The condition has therefore become superfluous through the passage of time and to impose it would not pass the relevant tests set out in the NPPF. The second condition recommended seeks to secure a scheme of measures to enable the efficient use of water prior to first occupation. Whilst the requirements of the condition are reasonable and justified with regards to policy, it is a duplication of Condition 10 that is already attached to the outline permission. Provision is hence already in place to secure the efficiency measures and hence there is no need to impose a duplicate condition on the RM approval.

### **Other Matters**

- 6.45 In respect of drainage arrangements, it was established as part of the Outline permission that foul water would be managed through a connection to the mains sewer network and that surface water would be managed through the use of soakaways in accordance with the principles established by Core Strategy policies SD3 and SD4. These arrangements are secured, broadly, through Conditions 8 and 9 attached to the outline permission. There are no conditions attached to the outline permission to require full and specific technical details of the drainage arrangements to be submitted to the LPA for approval and these do not form one of the Reserved Matters requiring approval in line with the definitions of the DMPO. Whilst the concerns of local residents and the Parish Council in respect of surface water in particular are therefore acknowledged, the LPA does not have remit to require further information in this regard. The outline permission secures an outline strategy that accords with policy and securing a suitable technical specification for those systems will be a matter for the statutory undertaker DCWW and the Building Regulations.
- 6.46 With regards to protected species, an ecology survey was supplied in support of the original outline application and Condition 5 attached to that permission secures implementation of the mitigation measures set out therein. It also requires that the development be overseen by a qualified ecologist and that a scheme of habitat protection and enhancement scheme be supplied to the LPA for approval prior to the commencement of the development. Those details will follow as part of a separate application. Subject to this condition, the LPA is satisfied that its duties in respect of protected species are fulfilled.

### **Summary and Conclusion**

- 6.47 In accordance with Paragraph 11 of the NPPF, all planning decisions should apply a presumption in favour of sustainable development. Paragraph 11 requires that proposals which accord with an up to date development plan should be approved without delay.
- 6.48 The site in this case benefits from an extant outline planning permission which provides for the erection of five four bedroomed dwellings. The principle of the development is hence already established. Details of the access arrangements to the site have already been approved as part of 181476/RM. This application seeks approval of the outstanding reserved matters, these being appearance, layout, scale and landscaping.
- 6.49 The application provides the requisite level of detailed to address the outstanding reserved matters and as required by the conditions attached to the outline. In terms of the layout, the scheme has taken direction from the agricultural origins of the site and this is manifested in layout influenced by the principles of a traditional farmstead. The result is a scheme which is sympathetic to context and avoids an overly suburban development which would otherwise

erode the character of the village. The scale and appearance of the scheme is a suitable response to the local vernacular, with precise details of materials and finishes to be secured by condition. The scheme of landscaping is also appropriate, retaining important trees and boundary features which contribute to local character whilst proposing additional planting and sensitive hard landscaping features which will ensure the scheme assimilates appropriately to its surroundings. These matters combined ensure that the scheme would not harm the amenity of any existing residents, and there is no harm identified to the setting or significance of nearby heritage assets such as the Grade II listed Balance Farm, the Grade II registered park of Eywood or the undesignated assets of Balance Barns.

- 6.50 Although not a 'Reserved Matter' per se, the LPA has an overarching duty when exercising its planning functions to ensure that there would be no harm to the integrity of designated conservation sites. In this case, that includes the River Lugg / River Wye SAC which is afforded protection under the Habitats Regulations. The LPA is able to conclude that the proposal scheme would have no adverse impact upon the integrity of the designated site, subject to the Applicant purchasing Phosphate Credits to mitigate for the effects of the development. This will be secured as part of a Section 106 agreement.
- 6.51 It is acknowledged that the application is one that is a source of contention locally and this is reflected in the objections received from the Parish Council and representations of local residents. The prevailing concerns in these submissions include general objections to the principle of the site being developed for housing; the location outside the draft settlement boundary for Titley; the potential impact upon highways safety; and the size of the dwellings in terms of meeting local housing needs. These concerns have been discussed in the earlier sections of this report, but it is reiterated here that these are not matters which are open for consideration as part of the current Reserved Matters application. The principle of development was established by the outline permission, as was the size of the dwellings to be erected on the site. With regards to highways matters, the access arrangement to the site was fixed through Reserved Matters application 181476/RM and in allowing that appeal the Inspector made very clear that issues regarding the safety of the wider highways network are not valid considerations as part of a Reserved Matters application.
- 6.52 Overall, the proposal for the Reserved Matters of appearance, scale layout and landscaping are considered to be acceptable. No objections have been received from any technical consultee and there has been no conflict identified with the policies of the Core Strategy or the emerging Titley Group Neighbourhood Development Plan. Officers therefore consider that there are no material or technical reasons to refuse the application, and such approval is recommended subject to the conditions set out below and the completion of a S106 agreement to secure the purchase of phosphate credits.

## **RECOMMENDATION:**

**That subject to the completion of a Section 106 Town & Country Planning Act (1990) obligation agreement to secure the purchase of Phosphate Credits sufficient to mitigate for the effects of the development upon the River Lugg / River Wye SAC, approval of Reserved Matters be granted subject to the conditions below and any other further conditions considered necessary by Officers named in the Scheme of Delegation:**

### **Standard Conditions**

1. **The development hereby approved shall be carried out strictly in accordance with the approved plans and documents:**
  - **Amended Site Section 7218-1-26A**
  - **Amended Site Layout 7218-1-20A**
  - **Amended Landscape Proposals 19/500/02A**

- Amended Garage Plan (Plot 2 – 5) 7218-1-28A
- Amended Garage Plan (Plot 1) 7218-1-27A
- Plot 1 Plans and Elevations 7218-1-21
- Plot 2 Plans and Elevations 7218-1-22
- Plot 3 Plans and Elevations 7218-1-23
- Plot 4 Plans and Elevations 7218-1-24
- Plot 5 Plans and Elevations 7218-1-25

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies RA2, SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG13, TG14, TG15 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

#### **Conditions to be Discharged**

2. **Details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works being undertaken on site:**
  - a) **Details and/or samples of brickwork (including type of material, bond and mortar type to be used)**
  - b) **Details and/or samples of external timber cladding**
  - c) **Details and/or samples of roofing materials**
  - d) **Details of all windows, doors and rooflights including**
    - **Full size or 1:2 details and sections, and 1:20 elevations of each joinery item cross referenced to the details and indexed on elevations on the approved drawings**
    - **Method & type of glazing.**
    - **Colour Scheme/Surface Finish**
  - e) **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, LD4 and LD1 of the Herefordshire Local Plan – Core Strategy, policies TG1, TG15 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. **Prior to the first occupation of any dwelling, details of the proposed scheme of renewable / low carbon energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied March 2023) shall be 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, policies TG1 and TG11 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework



4. Prior to the first occupation of any dwelling to which this permission relates, the vehicular parking areas shown on the approved plans shall be properly consolidated, surfaced and drained in accordance a specification which has first been submitted to an approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework

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

- Surface finishes
- Drainage details
- Future maintenance arrangements

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

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first occupation of any dwelling hereby approved, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. The scheme of management and maintenance shall subsequently be carried out in accordance with this approved schedule. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan 19/500/02A.

**Reason:** To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, policies TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.

7. Prior to the first occupation of any dwelling, written and illustrative details (type/specification and location) of at least one electric vehicle charging point per plot shall have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation of the dwelling to which it relates and shall be maintained and kept in good working order thereafter as specified by the manufacturer.

**Reason:** To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, policy TG1 and TG11 of the emerging Titley Group Neighbourhood Development Plan, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National

## **Planning Policy Framework**

### **Compliance Conditions**

- 8. All planting, seeding or turf laying in the approved landscaping scheme (19/500/02A – Peter Quinn Associates) shall be carried out in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner. The hard landscaping shall be carried out in accordance with the approved plans and be completed prior to the first occupation of the development.**

**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 TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.**

- 9. Apart from where explicitly identified for removal on landscaping plan 19/500/02A and tree survey 19/500/01, no retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.**

**Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, policies TG13, TG14 and TG16 of the emerging Titley Group Neighbourhood Development Plan and the National Planning Policy Framework.**

