

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	3rd SEPTEMBER 2025
TITLE OF REPORT:	191013 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE 152041(PROPOSED RESIDENTIAL DEVELOPMENT OF 10 DWELLINGS (AMENDMENT TO ORIGINAL APPLICATION)) FOR THE APPROVAL OF APPEARANCE, LANDSCAPING AND SCALE AT LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE, For: Mr Davies per Mrs Sharon Edgar, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=191013&search-term=191013
Reason Application submitted to Committee – Redirection request	

Date Received: 19 March 2019

Ward: Three Crosses

Grid Ref: 364379,242019

Expiry Date: 31 January 2024

Local Member: Cllr Jonathan Lester

1. Site Description

- 1.1 The application site comprises a parcel of undeveloped agricultural land on the northern edge of Ashperton, approximately 7-miles from Ledbury and 11-miles from Hereford. The village benefits from a limited range of local services, including a primary school, village hall, and church, with a public house located approximately half a mile to the south.
- 1.2 The site forms part of Walsopthorne Farm, located immediately north of the village hall and east of the A417. It is largely enclosed by agricultural land and existing built development of varied age, scale, and character, including a number of Grade II-listed buildings. The landform is undulating, with the site sitting above the level of the A417 and adjacent dwellings, though lower than the village hall, which occupies higher ground to the south of the site.
- 1.3 A substantial hedgerow bounds the site, providing a degree of visual screening from the highway.
- 1.4 The application site lies within the catchment of the River Frome, a sub-catchment of the River Lugg, which itself forms part of the River Wye Special Area of Conservation.
- 1.5 The site benefits from outline planning permission (ref: 152041) for proposed residential development comprising 10no. dwellings.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

2. **Proposal**

- 2.1 This application, following the grant of outline planning permission, seeks approval of the reserved matters of scale, appearance and layout (as defined within Part 1, Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), in accordance with Condition 3 of the outline planning permission (ref: 152041).
- 2.2 The submitted details show the provision of 10 no. two-storey dwellings (in accordance with Condition 6 which stipulates that no building on any part of the development shall exceed two storeys in height).
- 2.3 There would be 4no x 3-bedroom dwellings, 4no. 4-bedroom dwellings and 2no. 5-bedroom dwellings.
- 2.4 In terms of appearance, the proposed development would incorporate materials such as Herefordshire Red Sandstone, horizontal and vertical timber cladding in both natural and black stained finishes, roofing tiles in slate and clay, aluminium coping edge details, galvanised rainwater goods, aluminium-clad windows and doors, and a solid front door.
- 2.5 In accordance with the approved layout, the proposal would also provide for a detached double car-port for Plot 4, a two-storey attached car-port for Plot 6 & 7 with office space above, whereas Plot 5 would provide for an 'undercroft' parking arrangement with first floor of the dwelling above.

3. **Planning policy**

3.1 Herefordshire Local Plan - Core Strategy

- SS1 Presumption in favour of sustainable development
- SS2 Delivering new homes
- SS4 Movement and transportation
- SS3 Releasing land for residential development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA2 Housing in settlements outside Hereford and the market towns
- H1 Affordable housing - thresholds and targets
- H3 Ensuring an appropriate range and mix of housing
- MT1 Traffic management, highway safety and promoting active travel
- LD1 Landscape and townscape
- LD2 Biodiversity and geodiversity
- LD3 Green infrastructure
- LD4 Historic environment and heritage assets
- SD1 Sustainable design and energy efficiency
- SD2 Renewable and low carbon energy
- SD3 Sustainable water management and water resources
- SD4 Waste water treatment and river water quality

3.2 Ashperton Neighbourhood Development Plan

The referendum for voters within the Ashperton parish area was held on 6 May 2021. The plan received a positive referendum result and is currently awaiting adoption. This will follow the resolution of the issues outlined within the River Lugg catchment area position statement.

- H1 Number of new houses
- H2 Settlement boundary
- H3 Housing mix and tenure
- H4 Type of housing
- D1 Design
- D2 Technical design
- ST1 Accommodating traffic within the parish
- E1 Landscape
- E2 Tranquillity
- E3 Cultural heritage
- E4 Wildlife and the natural environment

3.3 Herefordshire Minerals and Waste Local Plan

SP1 Resource Management

3.4 National Planning Policy Framework 2024 (NPPF)

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 8 Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 10 Supporting high quality communities
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

3.5 National Planning Practice Guidance

4. Planning History

4.1

Planning reference:	Description:	Decision:	Date:
152041	Proposed residential development of 10 dwellings	Approved	24 August 2016

5. Consultations

Internal / Herefordshire Council Consultations

5.1 Area Engineer (Local Highways Authority) – comment

- 5.1.1 28/1/20 - As access and layout formed part of the outline application the highway authority is not commenting on these aspects as part of this reserved matters application. The highway design plans will be considered when an application for discharge of the relevant condition is made.

The only comment that the highway authority has is in relation to the landscaping plan. It is noted that hedging is proposed right up to the car parking spaces, this should be removed in order to preserve the 2m x 2m vision splays as per Herefordshire Council's Highway Design Guide for New Development.

5.1.2 24/4/19 - The local highway authority has the following comments:

- Land drainage will be covered by the Drainage consultee as part of the site wide strategy which will include highway drainage.
- The applicant should set out whether or not they would like the site to be adopted.
- Further clarification is sought regarding the pedestrian connection from the site to the existing PRow to the east.
- Plots 3 and 8 require an additional car parking space.
- There could be difficulty reversing in and out of the carport provided on Plot 8 given the width of the carriageway. The carport should be set back from the carriageway.
- The service strip should be provided in accordance with the guidance found in Herefordshire Council's Highway Design Guide for New Developments.

Once the above information is received the local highway authority will be able to comment fully.

5.2 Built and Natural Environment Service (Ecology) – comment:

5.2.1 5/2/25 - Habitat Regulation Assessment (Private Foul Water – Tarrington ICW Phosphate Credits)

- Original Outline Permission: 152041
- TEN new dwellings
- Std occupancy for Herefordshire 2.3
- Std water efficient condition to 110lpd
- No mains sewer available
- Private Foul water System – Haba Bio Easy Flow PTP (0.8mg/litre Phosphate)
- Discharge via tertiary treatment via private constructed wetland system to Hereford & Gloucester Canal (watercourse and Local Wildlife Site) that is considered as a general binding rule compliant watercourse under the applicant's control.
- Tertiary treatment will further reduce phosphates in outfall by varying degrees – but is proposed to ensure final discharge from PTP and SuDS has negligible nutrients or other pollutants to protect the Local Wildlife Site ecological interest of the receptor H&G Canal.
- Annual Rainfall: 719 mm
- Soil Drainage: Slightly Impeded
- Existing land use Residential curtilage Lowland Grazing pasture :0.91Ha (application info)
- Future use Residential Urban Land: 0.51Ha; Greenspace: 0.4Ha
- Nutrient Neutrality to be secured by purchase of approved Phosphate Credits from the Council's Tarrington Integrated Constructed Wetland
- This ICW has permission and will be commissioned by June 2026 and occupation of dwellings will be limited to after this date via relevant condition/legal agreements.

All additional surface water will be managed via the Sustainable Drainage System-constructed wetland before managed flow discharge to the Hereford & Gloucester Canal at no greater than 1:1 rates (as required by the H&G Canal Trust) which is a lower rate than existing greenfield run-off rates.

- Approval of Reserved Matters/Discharge of Condition or s.106 Agreement to secure foul water connection to Haba Bio Easy Flow PTP
- water efficiency @ 110 lpd
- Occupation not before June 2026
- SuDS- Constructed Wetland management for minimum 80 years

Habitat Regulations Assessment (HRA) undertaken and submitted to Natural England – see **Appendix 1**.

- 5.2.2 15/4/25 - I note the proposed drainage amendments including the reedbed prior to the discharge of foul flows into the disused canal. I have also discussed the technical elements of the scheme with my colleagues in drainage who will respond on those elements.

I also note the proposal to use a Graf One2Clean PTP to serve the development which will put out effluent containing 1.6mg/l of phosphate. Given that the proposal is to discharge from the PTP via the reedbed which will provide some further treatment of the effluent into a former canal which is a designated Special Wildlife Site I would welcome all possible efforts being made to reduce the phosphate entering the canal as far as possible using best available technology. I wonder, to that end, whether it would be possible to select a PTP model which discharges less than 1mg/l of phosphate using biological treatment only. I am aware of several systems which achieve this lower phosphate output and I would be keen to see every opportunity being taken to reduce the potential impacts of phosphate upon the Special Wildlife Site canal. If this approach could be taken, and confirmed in writing, that would allow me to proceed with the Habitats Regulations Assessment and the Ecological Response to the proposal. If this is considered not technically possible then I would welcome an explanation of why a better performing technology is not feasible here. In the event that an alternative, better performing, PTP is selected then the budget should be amended to reflect this change.

The long term management and maintenance of the PTP will need to be secured, ideally in a legal agreement, and the replacement of the PTP at the end of its working life with a model which performs at the same level or better in terms of phosphate treatment. I assume this is acceptable to the applicant and that we can work through the wording for the agreement in due course.

- 5.2.3 11/9/19 - Thank you for consulting me on Reserved Matters application 191013. I am not satisfied that I have sufficient information to discharge the above conditions.

Key impacts:

The proposed drainage strategy is not finalised. Further information is required sufficient to undertake the HRA. The extended site lies within the impact zone of a number of SSSI's which includes the River Wye SSSI and River Lugg SSSI, a tributary of the River Wye SAC therefore the SAC River Wye catchment Impact Risk Zone.

- No comments in regard to the required Habitat Regulations Assessment (Foul and Surface water drainage) can be made at this time pending legal reviews and other work in relation to recent EUCJ rulings. A letter referencing this from Natural England is included in this consultation response

Notwithstanding the above:

The additional redline boundary has not previously been assessed. Significant construction impacts have not been assessed for general ecology and the EPS species notably the known population status and distribution of great crested newt. Impacts to the EPS population are highly likely in relation to the proximity of the breeding ponds and proposed drainage strategy. Impacts not previously known will require amendments to the proposed mitigation, potential alteration to landscaping and protected species working methods for the extended redline boundary.

Furthermore the site and extended red line is situated within Priority Habitat - Good Quality Semi Improved Grassland, Priority habitats are of particular importance for nature conservation and included in the England biodiversity list published under section 41 of the Natural Environment and Rural Communities act 2006 (NERC act) core strategy LD1-3).

The adjacent area and Priority Habitats surrounding the site: Deciduous Woodland, Ancient Trees, Traditional Orchards and Good Quality Semi Improved Grassland are recognised as

being highly important for many legally protected species, including EPS a variety of bat species notable the rare Lesser Horseshoe bat with a roost within 600m of the site; birds such as the barn owl, badger and hedgehog recorded in the local area.

Recommendations

- I would request that the that the Applicant confirms the final foul water strategy whilst addressing the concern raised regarding foul water and the potential outfall of treated foul drainage via drainage field or via Surface Water outflow.
- Addresses the concerns of the extended red line boundary/final foul and surface water proposal on EPSs, Priority Habitats Priority Species and general ecology.
- Once the Drainage Strategy has been confirmed as compliant and is in accordance with the Habitats Regulations, a HRA can be submitted to Natural England for their approval prior.

- 5.2.4 9/4/19 - The site falls within the River Wye SAC catchment and this RM application should be subject to a habitat Regulations Assessment process as regards foul and surface water management. This requirement does not appear to have been recognised by Natural England in their comments but this LPA still has a relevant legal duty of care under Habitat Regulations to undertake an appropriate assessment. The completed 'AA' will need to be formally 'approved' by Natural England PRIOR to any planning consent being granted

At present the proposal to discharge the outfall from a large site dedicated package treatment plant directly in to the old Hereford-Gloucester Canal does not comply with General Binding Rules or Council Core Strategy SD4/LD2 – as the old canal is an aquatic feature and is a designated Local Wildlife Site. The old canal is also unlikely to be suitable for discharge as it has very limited flow and is in effect an enclosed body of water. The additional phosphate loading from the discharge (as phosphates are not normally removed by PTP systems) is likely to have a detrimental impact on the local aquatic and semi-aquatic/canal dependant ecology. This detrimental impact would be contrary to NPPF, NERC Act and Core Strategy LD2.

The applicant is advised to seek further professional advice and investigate options to discharge to soakaway drainage fields on land under the applicant's control.

Once the foul water issues have been resolved the required HRA appropriate assessment can be completed and submitted to Natural England for their consideration.

The updated ecological working method statement and detailed recommendations for Biodiversity Net gain are noted and should be implemented as stated in order to discharge Conditions 14 and 15 of the original Outline planning consent.

- 5.3 Built and Natural Environment Service (Landscape) – comment;

- 5.3.1 22/5/25 - I have reviewed the amended landscape information.

Amended landscape planting plan 413_500, dated 2015, REV F.
Amended landscape materials plan 413_100, dated 2015, REV G.

No objection.

- 5.3.2 7/12/19 - I have seen the amended planting plans and note the boundary planting and profile of the pond, there are no further landscape comments at this time.

- 5.3.3 10/4/19 - I have reviewed the hard landscaping plan as well as the proposed planting plan. I wish to raise the following points:

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- The proposed tree belt to the north of the site which was intended to filter views into the site and provide a clear demarcation between the development and the surrounding open countryside, appears to have been watered down in the final planting plan. This should be planted as a solid tree belt along this site boundary – approximately 20m width.
- The proposed attenuation pond which was not shown on the outline drawing requires more detail – this feature should be organic in form with careful consideration given to providing recreational and biodiversity opportunities. A detailed planting plan with sections illustrating the profile of the pond are required.

5.4 Built and Natural Environment Service (Open Space) – comment:

- 5.4.1 1/10/2019 - It is noted that the amended plans show the SudS pond to be located off site. I have no further comments to make
- 5.4.2 17/4/19 - Open Space requirements: In accordance with Core Strategy policies OS1 and OS2, requirements for open space is sought from all new residential development and considered on a site by site basis and in accordance with applicable set standards.

On-site POS and SuDs: On site provision is not normally asked for from developments of 10 as the standard requirement for POS and Children's play would be small and of little recreation value. However in accordance with outline permission 152041 on site provision has been provided and the proposed site plan drawing no. 8120 PL003 shows an area of orchard and a SuDS area.

It is not clear if the SuDs area located in the north west corner will be publically accessible. If it is to be, will need to be designed accordingly to take account of health and safety and standing water issues with suitable gradients or if not it should be fenced off. Cross sections of plans showing gradients standing water etc will be required if the area is to be used as POS.

The landscape aspects of SUDs should be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development. In addition the council advises that developers seek guidance from the CIRIA SuDS Manual and the Wildfowl & Wetland Trust /RSPB available from the Susdrain website.

Plans should be submitted as part of the approved landscaping scheme and conditioned accordingly

C96: G10 Landscaping Scheme

Management and Maintenance: maintenance details for the on-site open space and SuDS will need to be provided along with a Management Company Plan to include a written scheme detailing the future management and maintenance requirements for the open space facilities and on-going maintenance regime and how the Management Company will be set up or nominated and maintained in order to fulfil its ongoing obligations and functions in relation to the open space facilities.

To be included as part of the approved Landscape management and maintenance arrangements and conditioned accordingly.

CA1: G14 Landscape Management Plan
CA2 G15 Landscape Maintenance Arrangements

5.5 Built and Natural Environment Service (Building Conservation) – comment:

- 5.5.1 18/9/19 - The proposals would not harm the setting of nearby listed buildings and would therefore accord with policies relating to heritage assets within the adopted Herefordshire Core Strategy and NPPF. In terms of design, the proposals make reference to vernacular buildings in their form and other characteristics such as solid to void ratio etc. It is felt that there is opportunity for plots 7&8 to give the appearance of a narrower plan depth, for example by offsetting the ridge, having a flat roofed element or introducing a gable, however this would not be a reason for refusal.

Conditions:

- Roof details
- External Joinery Details & Colour Scheme.

Background to recommendations:

There are a number of listed buildings in the immediate vicinity including 52 the Green, the War Memorial, Chandlers and no47. It is not felt that those aspects of the setting of these buildings which contributes to their significance would be affected by the proposals.

Ashperton is not a Conservation Area, it's character is of a linear village, centred around a small green with a war memorial. The buildings vary in construction from timber framing to masonry.

The approach to introduce a landscape buffer next to the road, whilst not following the characteristics of the layout of the settlement, this would be a means to protect from noise and to a limited extent visually shield the development from the village.

The contemporary vernacular approach taken is very positive indeed.

For some plots there could be opportunity to reduce the apparent span depth of the width of the buildings. There are a number of ways this could be achieved, for example offsetting the gable, introducing a flat roofed element or introducing dormers or gables.

- 5.5.2 27/3/19 – The proposals would not harm the setting of nearby listed buildings and would therefore accord with policies relating to heritage assets within the adopted Herefordshire Core Strategy and NPPF. In terms of design, the proposals make reference to vernacular buildings in their form and other characteristics such as solid to void ratio etc. It is felt that there is opportunity for plots 7&8 to give the appearance of a narrower plan depth, for example by offsetting the ridge, having a flat roofed element or introducing a gable.

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- Roof details
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Ashperton is not a Conservation Area, it's character is of a linear village, centred around a small green with a war memorial. The buildings vary in construction from timber framing to masonry.

The approach to introduce a landscape buffer next to the road, whilst not following the

characteristics of the layout of the settlement, this would be a means to protect from noise and to a limited extent visually shield the development from the village.

The contemporary vernacular approach taken is very positive indeed.

For some plots there could be opportunity to reduce the apparent span depth of the width of the buildings. There are a number of ways this could be achieved, for example offsetting the gable, introducing a flat roofed element or introducing dormers or gables.

5.6 Public Rights of Way Team – comment:

5.6.1 9/9/19 - Public footpath AP28 is in close proximity to the proposed development, and the drainage system in particular. This must not have any impact on the right of way.

5.7 HC Waste and Recycling Team – comment:

5.7.1 29/5/19 - I would like to make the following comments on the application detailed above.

In the event that the roads within this development do not become adopted by Herefordshire Council:

The council will only agree to travel private roads for the purposes of waste collection if:
The council and its contractors determine that collections can be carried out safely; and

The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis; and

The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

The council and/or its contractor will assess the safety of collections at the development via the completion of a risk assessment which will take into consideration the access and suitability of the road surface, width, obstructions and turning areas for a 26 tonne RCV.

If a private road is not suitable for the RCV to travel or an indemnity is not signed by the landowner, the collection point for rubbish and recycling will be at a point adjacent to the nearest public highway, as determined by Herefordshire Council.

The council and its contractor reserve the right to cease collections from private roads if the roads or entrance are not maintained to a standard suitable for the RCV or there are any obstructions in place.

5.8 Land Drainage Team (Lead Local Flood Authority) – comment:

5.8.1 5/8/25 - The relevant condition associated with the planning application is:

Condition 5:

Prior to the occupation of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Flood Risk

The planning application was supported by a Flood Risk Assessment which confirmed that this site is not at risk of flooding from fluvial, surface water and other sources.

Surface Water Drainage

As infiltration testing failed, the Proposed Drainage drawing (Appendix D) demonstrates that

all surface water runoff is directed to the east and then to an attenuation pond north of the site (designed for a 1 in 100 year plus 45 climate change event), which will discharge offsite to a watercourse at a controlled rate of 1.3 l/s via a 54mm hydrobrake. Whilst we acknowledge the Canal Trust's request to limit discharge rates to a 1 in 1 year rate, the proposed installation of a 54mm hydrobrake for a 1.3l/s discharge rate poses a risk of blockage. Therefore, we request that that dia of the hydrobrake is increased to avoid the risk of blockage. We would accept a 2l/s discharge rate to accommodate a larger hydrobrake. The Proposed Drainage Key refers to a 2l/s discharge rate.

The Proposed Drainage drawing should include Inset 2 on a separate page and also include the proposed location of the attenuation discharge pipe to the canal. It is unclear if swales are still proposed as stated in the May 2016 Technical Note. This should be confirmed at this ARM stage as this is the last chance Land Drainage will have chance to comment given the discharge of drainage Condition 5 is a pre-occupation and not pre-commencement condition.

We understand that the surface water drainage network will be offered for adoption. The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components. If the surface water sewer network is to be presented for Section 104 adoption, then the balancing pond will need to be maintained by a statutory authority such as Herefordshire Council.

Foul Water Drainage

As percolation testing at the site failed, it is proposed that foul water will be directed to the north via a package treatment plant, discharge to a tertiary treatment wetland before an offsite discharge to a watercourse.

No information has been submitted regarding the size/design of the wetland system.

The package treatment plant should be in a more accessible location where it can be easily maintained.

There is reference to pumping on the Site Plan. The technical note does not make any reference to the pumps, where possible, we discourage the use of a pumped foul water discharge system due to the risk of foul water flooding in the event of pump failure. If a gravity solution is possible then the applicant will need to present a drawing showing the proposed pipeline with the inverts/gradients shown. If a pumped solution is needed then there will be a need for a pumping station built with a minimum of 24 hours storage below the Pump Start level. This needs to be a stand alone pump, not installed in the PTP.

Overall Comment

Condition 5: Cannot yet be discharged.

A consistent, viable surface water and foul water drainage strategy must be provided in line with our comments above.

5.8.2 23/10/19 - Overview of the Proposal

We provided comments for the planning application 152041 on 28th April 2016. The proposals have since changed to construct 10 dwellings. The location of the attenuation pond has also been amended.

The relevant condition is:

Condition 5:

Prior to the occupation of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Flood Risk

The planning application was supported by a Flood Risk Assessment which confirmed that this site is not at risk of flooding from fluvial, surface water and other sources.

Flood exceedance routes have not yet been demonstrated for the proposed site layout.

Surface Water Drainage

The road levels have been altered. The road slopes up towards the east, this does not mimic the direction of flow of the drainage. We request that the drainage long sections are updated to ensure that the drainage can be dealt with by gravity taking into account the proposed new road levels.

The Drainage Layout plan demonstrates that all surface water runoff is directed to the east and then to the north and to an attenuation pond which will discharge runoff at a controlled rate from the attenuation basin. It is stated 'or SW pumping station to ditch network near site frontage'. The proposals are not clear.

The Drainage Layout plan states that the maximum water level will be 84.75m, the highest bank level is 85m, thus 250mm freeboard has been provided. As we requested previously, this must be 300mm minimum. This level has largely altered from the previous submission (max water level 87.9m).

There was previously contradicting information around the orifice size and thus restricted rate. This must still be clarified.

We request that a drainage strategy is submitted with consistent plans (site sections, storage calculations, drainage layout etc.)

It has not been stated whether there is an alteration to the previous restricted rate (previously 1.9l/s using a 100mm orifice).

We note that the proposed surface for the road is tarmac. We are unsure as to whether the proposed road is to be put forward for adoption. We note that the drainage simulation makes reference to a number of the drainage features as 'adoptable'. The Applicant should be aware that the proposed drainage strategy does not allow Herefordshire Council to adopt the road. If the road is to be put forward for adoption, further discussions could be held with ourselves and a highways representative to establish the requirements.

Consideration should be given as to whether a ditch would be required along the southern boundary of the entry to the site to capture runoff from higher land. It may be necessary to provide a culvert beneath the access road.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components. If the surface water sewer network is to be presented for Section 104 adoption, then the balancing pond will need to be maintained by a statutory authority such as Herefordshire Council.

Foul Water Drainage

It is demonstrated that foul water is proposed to be directed to the north via a drainage field. A package treatment plant is not shown (it is not clear whether individual PTPs will be

provided). It is then also stated 'or via Surface Water outflow'. This proposals for foul water are not clear for this site.

There are no public sewers in this area. The proposals are to install a package treatment plant and discharge the treated effluent to the unused canal to the North of the site. We note that ecology have raised that discharge into the canal is not in line with the Binding Rules.

The Proposed Drainage Layout demonstrates the location of the 'package treatment works' with an outgoing pipe and a note to state this will be disposed of into the existing unused canal.

The Applicant should demonstrate that alternative proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

We appreciate that individual package treatment plants with individual drainage fields may prove difficult due to the steep nature of this site, however the Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal). An assessment of the construction of the drainage fields should be undertaken to determine whether drainage fields could be installed.

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone;
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

The Applicant should review the package treatment plant checklist for plants serving multiple properties. This will be attached with this response.

For completeness and clarity, all proposed plans should demonstrate the up-to-date proposals.

Overall Comment

Condition 5: Cannot yet be discharged.

A consistent, viable surface water and foul water drainage strategy must be provided in line with our comments above.

- 5.8.3 23/4/19 - Given that treated effluent cannot be disposed of into the unused canal, we request that a viable foul water drainage strategy is submitted prior to the Council granting Planning Permission.

Surface Water Drainage Strategy – Required Information

It should be confirmed that an emergency overflow has been designed into the pond.

It should be clarified that the orifice will be 64mm in diameter (as opposed to 100mm diameter as stated in the drainage report).

Clarity is required around the construction of the pond, in particular the gradient of the land to

the west (currently proposed to be at a gradient of 1 in 2). A crest (minimum width of 1.5m) should be provided around the pond to allow for maintenance.

The ownership of the system into which the 80m² from the junction is to be drained should be clarified, and confirmation should be provided that flows can discharge into this system.

Additional Requirements

The Applicant should confirm whether the road is to be put forward for adoption. If the road is to be adopted, further amendments will be required to the drainage strategy to allow Herefordshire Council to adopt the road.

An exceedance flood route plan should also be provided to demonstrate the flows within the site in extreme events.

Statutory Consultations

5.9 Dwr Cymru Welsh Water – comment:

5.9.1 23/9/19 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

5.10 Natural England – no objection:

5.10.1 11/3/25 - Thank you for your consultation on the above dated 19 February 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is available here: Planning and transport authorities: get environmental advice on planning - GOV.UK (www.gov.uk)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice below.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to Standing Advice are in Annex A.

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is available here:
Protected sites and areas: how to review planning applications - GOV.UK
(www.gov.uk)

Further guidance is also set out in the Planning Practice Guidance on the natural environment:
Natural environment - GOV.UK (www.gov.uk)
and on Habitats Regulations Assessment:
Appropriate assessment - GOV.UK (www.gov.uk)

Non-detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the Local Planning Authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

5.11 Historic England – no comments.

6. Representations

6.1 Ashperton Parish Council – object:

6.1.1 13/6/25 – Preamble

Ashperton Parish Council (APC) understands that the applicant was informed that Hereford Council (HC) could not determine the application as submitted in 2019 and advised him to consider withdrawing the application and resubmitting. APC further understands that the applicant decided to submit revised drawings to deal with procedural matters.

APC is of the view that HC still cannot approve the application which purports to be a 'reserved matters' application and yet includes changes to matters already approved and matters which are not reserved matters, which also appear to be inconsistent.

"Planning Practice Guidance (PPG) advises that "It is possible for an applicant to suggest changes to an application before the local planning authority has determined the proposal. It is equally possible after the consultation period for the local planning authority to ask the applicant if it would be possible to revise the application to overcome a possible objection. It is at the discretion of the local planning authority whether to accept such changes, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted."

Paragraph: 061 Reference ID: 14-061-20140306

APC is not clear upon what HC is consulting but assumes that it is the whole of the 2019 application as re-submitted. There is, however, no description of what specific drawings or supporting documents, as originally submitted, have been withdrawn or which new drawings have been submitted. It is the contention of APC that the application still cannot be determined for the following reasons:-

The application lists the following drawings listed for approval:-

- AMENDED 8120 PLxxx Rev-x March2025 Proposed Site Plan with GF Layouts 2.5.25 6MB (note the drawing submitted is numbered "PLx Rev C"); and
- Proposed Site Plan (8120 PL003 June 2015 Rev C)

Whilst it may reasonably be assumed that the former should have been numbered, the application must be considered as submitted. As drafted the application seeks approval of two different plans.

Furthermore, in any event site layout is not a Reserved Matter and no plan may be approved at the reserved matters stage, even if it is substantially the same as that already approved and subject to a condition attached to the outline permission.

The reserved matters application also seeks approval for landscape plans. The landscape scheme was approved as part of the outline application as there was no indication that the submitted drawings were illustrative only.

APC understands that the Case Officer contends that HC is obliged to determine the application for approval of the landscape proposals. APC has been advised that that is simply not the case.

“An applicant can choose to submit details of any of the reserved matters as part of an outline application. Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.”

Planning Practice Guidance Paragraph: 035 Reference ID: 14-035-20140306

Clearly, approving the submitted landscape drawings would result in duplicate conditions which, even if substantially the same, would not be enforceable and precise and would not meet the standard conditions in paragraph 55 of the National Planning Policy Framework.

The Drainage Design Technical Report submitted with the application is described as being to support the drainage design produced as part of a Reserved Matters planning application. The drainage design is not a reserved matter and there appears to be confusion between ‘reserved matters’ and ‘matters reserved by condition’. If one extracts all the latter from the application, ALL the drawings submitted for approval have been amended. APC would contend that the changes are so significant that the application is a new application which cannot be submitted as it is way out of time.

For the above reasons APC maintains that the application, purportedly for approval of reserved matters, still cannot be determined.

- 6.1.2 13/6/25 - Notwithstanding the contention that any determination of the application would be non-compliant with the Planning Practice Guidance (PPG), Ashperton Parish Council has the following comments on the detailed proposals for the reserved matters of appearance and scale and comments on submitted details on drainage and landscape.

Landscape

As explained, the PPG is clear that, as landscape proposals were approved at the outline stage, they cannot be included in a reserved matters application. Ashperton Parish Council has no further comments to make other than that any approval at this stage would result in duplicate conditions which should not be applied as they would not meet the tests of ‘reasonableness’, ‘necessity’ and possibly ‘enforceability’.

Drainage

The plans and proposals submitted with the application are ambiguous appear to be at variance with the approved layout and landscape scheme. Should the application be approved, the development would not be implementable.

Appearance

In the context of an application for planning permission, paragraph 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) defines 'appearance' as "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;

The 'made' Ashperton Neighbourhood Development Plan describes Ashperton as "for the most part, the village has evolved gradually with the construction of single dwellings or very small developments such as Bramley House and The Hawthorns to the south of the Village Green. The defining character of the village is one that displays a wide variety of style of modest dwellings arranged in an irregular pattern or grain, yet which conform to a common vernacular incorporating locally distinctive features, for example local sandstone and/or timber framing and typical red brickwork. The lack of suburban style development means that the village retains substantially this distinctive character." Ashperton NDP Paragraph 36.

The submitted drawings show a materials palette including horizontal and vertical timber cladding, both natural and black; which are, to the most part, non existent in Ashperton. The material palette also includes flat roof with aluminium coping edge detail; galvanised rainwater goods; and aluminium clad windows and doors. All of these are alien features not obvious elsewhere on residential buildings in Ashperton. The style of the elevations is unashamedly urban and entirely at variance with the established character of the village.

The National Planning Policy Framework contains a presumption in favour of sustainable development

For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. NPPF paragraph 11d)ii

At paragraph 8 the NPPF states "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

APC OBJECTS to the proposed details of appearance in that they would introduce a foreign

element into the landscape and fail to protect and enhance the built environment by virtue of the alien design. The development would not foster well designed places in conflict with the NPPF.

Scale

At the Planning Committee meeting where it was resolved to approve the outline application members expressed concern as to the potential height of the houses above road level given the elevation above the A417. Officers assured the Planning Committee that a condition limiting ridge height would be imposed. No such condition was placed on the outline permission and an assurance was given that this could be dealt with at the reserved matters stage.

Herefordshire Council state that a “bar scale must be included on all plans. We now operate a paperless office and need to be able to scale plans on screen. This will also allow those who are viewing the application online, or who have a printed copy, to be able to scale dimension.” <https://www.herefordshire.gov.uk/planning-services/apply-planning-permission/2>.

See also Herefordshire Council “Common reasons why a planning application is invalid”. “Herefordshire Council is currently experiencing an unprecedented volume of applications. If an application is submitted without the necessary information required to allow officers to assess your proposals, then your application will be made 'invalid'. This means it will be placed on hold until the necessary amendments or documents have been received. To help avoid this situation it would be helpful if you could check that your application meets all the requirements prior to submission.

Minimum requirements for most applicationsScale bars (for each scale used) must be included on all drawings and must scale accurately when submitted digitally – please check that the scale bar does measure correctly.”

“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. DMPO paragraph 2(1).

Without such a bar scale and it is not possible to accurately assess the ridge height of the buildings and the application should not have been validated. Furthermore any condition imposing adherence to the submitted drawings would fail the test of precision.

For all of the reasons above, Ashperton Parish Council OBJECTS to the reserved matters application 191023/RM.

- 6.1.3 3/10/19 - This objection should be read in conjunction with the objection raised by the Parish Council on 23 April 2019.

Following representations from residents prior to and at the Parish Council meeting on Wednesday 25 September, Ashperton Parish Council further OBJECTS to the application on the following grounds:

A) Appearance

There is overwhelming concern as to the appearance of the proposed development. Both the Core Strategy and the NPPF require development to reinforce the locally distinctive vernacular (CS 4.8.17); to contribute to protecting and enhancing our natural, built and historic environment (the environmental objective of sustainability, NPPF 8(c)); and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping (NPPF 127).

The proposed development would be situated in a highly prominent position above the A417,

clearly visible in extensive views, particularly from the north, despite claims that it would be 'largely screened from view'. The appearance of the dwellings would be entirely alien to a traditional Herefordshire village and would cause irreparable harm to the character and quality of the area contrary to NPPF paragraph 130 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Whilst the Council's Conservation Officer states that the proposals make reference to vernacular buildings in their form and other characteristics such as solid to void ratio etc., the Parish Council would disagree. Nowhere in the village are there such extensive areas of black or timber cladding, let alone a mix of horizontal and vertical cladding as proposed; there are no examples of galvanised rainwater goods; no 'dressed' Herefordshire sandstone; few, if indeed any, examples of aluminium-clad doors and windows.

The proposed appearance of the dwellings appears to be 'borrowed' from designs more appropriate to a contemporary urban setting than a historic Herefordshire village, the character of which has been established over hundreds of years. It is worthy of note that at the Outline Stage, the Conservation Manager (Heritage) noted that "...the housing has been grouped in a somewhat sub-urban form...". The appearance of the buildings would undoubtedly emphasise the 'sub-urban' form.

Whilst the NPPF states that development which is sustainable should be approved without delay, particularly where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, this does not apply where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Parish Council contend that the appearance of the proposed dwellings would be entirely out of context and that the harm to the setting, character and historic context of the village would significantly and demonstrably outweigh the benefits. Approval to the appearance reserved matter should not be granted.

B) Scale

The submitted drawings, although purported to be at a scale of 1:100 at A3, are not dimensioned in any manner. The Parish Council contend that these cannot be used to define the scale of the development. Without properly dimensioned drawings suitable for a condition, the application for approval of the reserved matter of scale should be refused.

Furthermore, at the Outline Stage Planning Committee meeting, the Committee members were promised faithfully that there would be a condition limiting the absolute ridge height (a.o.d.) due to the prominent location. Such a condition was not imposed but it was explained at the time that this could be dealt with at the Reserved Matters stage. This cannot be achieved without dimensioned drawings.

C) Lack of Clarity on Approvals Being Sought

It is not clear what approvals are being sought or indeed what approvals can be granted.

The application is stated as being for the approval of reserved matters and approval of details to address conditions 3, 5, 7, 9, 10, 14, 15, 16, 17, 18, 19, 21, 22 & 24. However, approval is also sought for a revised site plan. However, the layout was approved at the outline stage and was not a reserved matter. Surely, the Reserved Matters stage cannot be used as a mechanism for a variation in the layout as this goes to the heart of the permission granted.

Condition 4 of the outline permission requires that the development shall be carried out strictly in accordance with the approved plans (drawing nos. 413 500 Rev F, 413 100 Rev G, 8120

PL003 Rev B and 8120 PL001 Rev B), except where otherwise stipulated by conditions attached to this permission. The landscape planting plan and landscape materials plan—even if intended to be indicative—HAVE BEEN APPROVED. Surely different plans cannot now be approved at the Reserved Matters stage.

Furthermore, although a number of amended drawings have been submitted, the ‘original’ drawings are not shown as withdrawn or superseded. Therefore any approval would risk approving those plans also.

D) Drainage

The amended plans appear to be primarily to accommodate changes to the drainage proposals following the original proposals being shown to be unacceptable. However, the application seeks approval of 1218-Ashperton Technical Note 1: Drainage Design. This is totally at variance with the amended drainage plan. Notwithstanding that the plan and Technical Note cannot both be approved, the scheme of foul and surface water drainage arrangements, required under Condition 4, is incomplete and clearly cannot be approved at this stage.

The amended drainage plan shows a package treatment works discharging via a drainage field or via surface water outflow. No assessment has been made as to the size and location of any drainage field or the suitability of ground conditions. (Indeed the suitability for ‘soakaways’ for drainage was dismissed by the applicant’s own consultants at the outline stage.)

The surface water drainage is shown on the plan as being from the attenuation pond to a downstream receptor (i.e. the canal, which has been shown to be unacceptable) or to ditch network near site frontage – there is no ditch network!

As an aside, the Parish Council is deeply concerned that Herefordshire Council should impose a condition requiring approval of a foul and surface water drainage scheme prior to first occupation. Surely such a scheme should have to be approved before development commences.

E) Internal Roadway and Parking

The original concept was for the internal roadway to be a ‘Homezone Street with permeable paving’ as shown on approved plan 413-100 Rev F. The details of the roadway etc. for which approval is now sought are at variance with that approved drawing. The additional parking required by the Council’s own internal consultee has not been provided.

F) Conditions

Notwithstanding the Parish Council’s objection, the Council would respectfully request that the following conditions, in addition to any ‘standard’ conditions, would be essential were the application to be approved:

A condition is necessary restricting the ridge height of the dwellings to protect the landscape setting.

A condition removing permitted development rights in respect of alterations to the roof, including dormer windows; extensions; and outbuildings is necessary given the prominence of the site and to protect the character of the site and the setting of nearby listed buildings.

Given that the accommodation above the ‘car ports’ to plots 6 and 7 have all the facilities necessary for day-to-day living, a condition is necessary restricting occupation to that ancillary to the main dwelling to prevent the premises being let as separate units of accommodation.

In order to ensure that the appearance of the dwellings is as approved, a condition is necessary requiring the approval of samples of surface materials and the retention as approved.

6.1.4 23/4/19 - The Parish Council discussed this application for approval of reserved matters at its recent meeting and wish to OBJECT for the following reasons:

- The applicant states that there is an existing ditch from the proposed location of the attenuation pond - there is no existing ditch.
- The drainage proposals are outside the boundary of the development site
- The proposed materials are not in harmony with the existing properties in the village where the more recent builds are primarily of brick construction.
- The Parish Council are concerned that the four bedroom dwellings are only allocated two parking spaces which do not seem sufficient and could result in cars parking blocking roads and access.
- The Parish Council would ask that a clause is needed for the workspaces to be tied to the domestic setting and not be independent and for the garages not to be converted in future.

6.2 Public comments – site notices displayed adjacent to the site.

6.2.1 26 letters of representation received in objection of the application (some later supplemented by further comments). They can be summarised as follows;

- Concern raised as to why the application is not time-barred, with a request for clarification from the Planning Department.
- The ditch shown alongside the A417 does not exist.
- The proposed attenuation pond differs from that approved at outline stage, raising concerns about size, depth, potential collapse due to site topography, and the impact on the historic village pump and local flood risk.
- Although a previous drainage level error (CL at S1) has been corrected, the updated drainage report remains unclear, particularly regarding the relationship between the attenuation basin and proposed wetlands. Concerns remain about the visual and functional impact on PROW AP28, with a recommendation for the applicant to obtain a deviation order to relocate the PROW west of the basin to ensure long-term protection.
- Several unauthorised or unapproved works are identified: earthworks to the south of the site; relocation of the package treatment plant (PTP) to the north field without appearance details; and a newly proposed 100m-long drainage ditch to the north requiring excavation up to 3.5m deep and 7m wide, which lacks planning permission and required cross-sections under Condition 7.
- The submitted layout (drawing 413 500 Rev F) is inconsistent with approved site and drainage plans and includes works outside the red line boundary.
- The introduction of the attenuation basin contradicts the approved outline landscape and layout scheme by removing key tree planting that would have screened the development from the road.
- There is an apparent conflict between Conditions 4 and 10: the former requires adherence to the originally approved landscaping scheme, while the latter requests a revised landscape design.
- Drainage concerns include the absence of clear arrangements for ongoing maintenance of shared systems, potential pump failure leading to water backing up, and a required ~3m deep excavation for drainage ditches that could damage the hillside and necessitate fencing.
- Objection raised to the abandonment of the original planting scheme in favour of an attenuation pond.
- Highway details in the reserved matters submission differ from those approved at outline, and the most up-to-date highway layout, including new site entrances, is not shown.
- The location plan omits a neighbouring property, thereby misrepresenting adjacent housing density and access points off the A417.
- The reserved matters application includes layout details, which objectors argue were already approved at outline stage and should not be reconsidered.

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Landscape drawings were approved at outline stage and cannot be revisited under Planning Practice Guidance.
- House plans and elevations lack a bar scale, contrary to Herefordshire Council validation requirements, making accurate assessment impossible.
- Objection raised to the overall design of dwellings, which are considered out of character with the village of Ashperton, particularly due to their elevated and prominent location. The design is considered to conflict with the National Planning Policy Framework due to its alien and industrial appearance in a rural context.
- Specific concerns relate to use of timber cladding, galvanised guttering, square porches, and inappropriate stone materials that do not match local Raglan sandstone.
- Second-storey garages on Plots 6 and 7 are considered unplanned and contribute to an increased perception of housing density.
- Plots 7 and 8 are considered overbearing on neighbouring properties and visually intrusive from the public footpath and Village Hall.
- Inadequate parking provision is likely to lead to on-road parking, particularly given the scale of proposed dwellings.
- The submitted plans are considered to provide an inaccurate representation of how the development would sit within the landscape.
- Restrictions are requested on upper-floor windows to prevent overlooking. Carports should be limited to single-storey to reduce scale.
- The design overall is viewed as visually intrusive and inappropriate for the rural setting of Ashperton.
- Objection raised to the presence of two habitable rooms above garages, suggesting these could be converted into additional dwellings with little or no modification, thereby exceeding the approved number of units.
- Concern that the PTP lies outside the application boundary and may require a separate planning application. Question also raised as to whether the applicant has permission to discharge into the Hereford and Gloucester Canal.
- Failure to impose a ridge height restriction at outline stage remains unresolved, and control over ridge heights now depends solely on the submitted plans.
- Concern expressed that minimal and poorly placed planting fails to mitigate visual impact or soften the development's appearance
- A Planning Committee site visit is requested.

6.2.2 One letter has been received, neither supporting or objecting, but making the following general comments:

- Concerns re period of consultation in 2019
- Queries with respect to whether the drainage could be accommodated outside the red-line boundary (or if this could be enlarged?) given issues re soakaway test results.

The full comments are accessible via the Herefordshire Council website.

6.3 Cllr Lester (Three Crosses Ward) – A request for the application to be considered by the Planning Committee has been received. In consultation with the Chair of the Planning and Regulatory Committee and the Development Management Service Manager, the application is referred to the Planning and Regulatory Committee, on the basis of the level of public interest, in accordance with Part 4 Section 8 (Planning Rules) of Herefordshire Council's constitution.

7. Officer Appraisal

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

- 7.2 “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.”
- 7.3 In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy. The Ashperton Neighbourhood Development Plan has passed referendum and, while not yet formally adopted due to outstanding matters relating to the River Lugg catchment area, its policies carry significant weight in the determination of planning applications within the parish. The National Planning Policy Framework 2024 (NPPF) is also a material consideration.
- 7.4 In this case, the principle of development has already been accepted through the grant of outline planning permission. Indeed, the emerging Ashperton NDP acknowledges that “despite overwhelming local opposition this site was granted outline planning permission P152041/O for 10 dwellings on 24 August 2016” and with this in mind, the site is included within the settlement boundary for the village.
- 7.5 It is noted that the outline application reserved scale, appearance and landscaping for later consideration, i.e as part of this subsequent reserved matters application.
- 7.6 It is acknowledged that in granting outline planning permission, Condition 4 approved the following plans;
- 413 500 Rev F – Landscape Planting Plan
 - 4130 100 Rev G – Landscape Materials Plan
 - 8120 PL02 Rev B – Proposed Site Plan
 - 8120 PL00 Rev B – Site Location Plan
- 7.7 Consideration has been given to the implications of this, in the context of how the original outline planning permission was framed, as well as the legal requirements with respect to considering outline and reserved matters applications in accordance with The Town and Country Planning Act 1990 (as amended), as well as the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 7.8 The outline permission, through Condition 3, expressly reserved certain matters for future approval, including landscaping, scale, and appearance. Although Condition 4 approved the above plans at the outline stage, this reserved matters application submitted for landscaping represents the formal submission and assessment of details which are required by law to be considered through a separate reserved matters process.
- 7.9 Therefore, whilst the Local Planning Authority acknowledge the representations received which contests the lawfulness and validity of this application, it is not considered unlawful for the Council to consider and determine landscaping details at the reserved matters stage, even where similar or identical plans have been referred to or approved as part of the outline permission conditions. The Development Management Procedure Order 2015 (as amended) requires that reserved matters must be submitted and approved through a specific application process before development can proceed.
- 7.10 Furthermore, the plans submitted for approval under this reserved matters application are consistent with those approved at outline stage, ensuring compliance with Condition 4 of the outline permission. Where there is any deviation from the approved plans, these are carefully considered to determine whether such changes would represent a material amendment that would require either a section 73 application to vary the outline permission.
- 7.11 In light of the above, the reserved matters application for landscaping, together with scale and appearance, is considered appropriate for consideration, and objections on the basis that

landscaping has already been approved are not considered to be upheld by the Local Planning Authority.

Scale and design

- 7.12 Policy SD1 of the Core Strategy expects development to successfully integrate into the existing built environment. There is a requirement for development proposals to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting the scale, height, proportions and massing of surrounding existing development
- 7.13 Policy D1 of the emerging Ashperton NDP requires development to be of a design where it responds to local character and the distinctive rural character of Ashperton.
- 7.14 It, similarly, seeks to ensure that development uses an appropriate mix of materials and architectural styles, including locally distinctive features. It also looks to require that development respects the scale, density, bulk and grain of development.
- 7.15 Great weight is also given to the principles that are set out at Chapter 12 of the NPPF. Paragraph 135 seeks to ensure that development would add to the overall quality of the area and, inter alia, is visually attractive.
- 7.16 The outline planning permission does not include a condition which seeks to restrict the form, scale or specifically the ridge-heights of the dwellings on the site. That is a matter for consideration at this point in time, when considering 'scale' as a reserved matter.
- 7.17 The proposed dwellings are of modest two-storey scale, which is entirely in keeping with the character and form of nearby residential development. The siting and massing of the proposed dwellings are proportionate and coherent with the approved layout and the rural setting, ensuring the scheme assimilates effectively into its context.
- 7.18 While the development would inevitably result in a degree of visual change, it remains the parameters of the outline permission and the accepted principle of residential development on the site. The site is also now identified as a 'commitment site' in the emerging NDP, confirming it as part of the anticipated growth for Ashperton.
- 7.19 The design approach is contemporary yet is considered to make positive efforts in responding to local character. The dwellings would adopt a simple, rectilinear built form with pitched roofs, articulated through a consistent architectural language across their elevations.
- 7.20 The materials proposed combines traditional / local vernacular and contemporary elements in a refined manner. The use of Herefordshire Red Sandstone, alongside natural and black-stained timber cladding, offers a response to traditional building materials found locally, while introducing visual interest and material variation.
- 7.21 It is acknowledged that the proposed double car-port is substantial in size being two-storey; however, its inclusion and siting within the overall development were previously accepted at the outline stage. No specific limitations on its scale were imposed as part of the outline permission. In considering it at this stage, the design, notably the incorporation of an external staircase and the absence of features typical of a separate dwelling, clearly articulates its proposed ancillary function. Consequently, the car-port reads as a subordinate feature within the scheme and is intended to complement, rather than compete with, the primary group of 10 principal dwellings on the site.
- 7.22 Overall, therefore, the proposed scale and appearance of the dwellings themselves are well-considered, proportionate, and demonstrates an acceptable response to the site's setting. The

development would make a positive visual contribution to the area and is therefore considered, in the round, to be compliant with local and national policy in this regard.

Housing mix

- 7.23 Closely linked to the above considerations of scale, the submitted details indicate the provision of 4no x 3-bedroom dwellings, 4no. 4-bedroom dwellings and 2no. 5-bedroom dwellings.
- 7.24 While this aligns partially with the Ledbury rural HMA market housing need (as evidenced by the Herefordshire Housing Market Area Needs Assessment (which recommends 45% 3-bedroom and 25% 4+ bedroom homes), the proportion of larger dwellings (4+ bedrooms making up 66% of the scheme) does exceed the recommended 25%, with a shortfall in smaller 2-bedroom units.
- 7.25 Therefore, the mix only partially reflects the identified needs of the rural HMA and leans heavily toward larger family homes.
- 7.26 The housing mix would typically have been a matter for consideration at the outline stage. In the absence of any conditions or obligations securing a specific mix, and as this application seeks approval of scale, appearance and landscaping only, the ability to influence the open-market mix at this stage is limited.
- 7.27 Therefore, while the lack of smaller dwellings is regrettable and does not fully reflect the identified housing needs within the area, it is not considered to result in a level of conflict with the development plan that would justify refusal of the application.

Landscape

- 7.28 As set out in the outline planning permission, landscaping details were considered and approved as part of that permission. The landscaping strategy submitted with this Reserved Matters application has therefore been carefully prepared to ensure consistency with the details previously considered acceptable at outline stage.
- 7.29 The layout, form and type of landscaping proposed, including the woodland buffer, community orchard, swales, ecological enhancements and native planting remain materially unchanged. The strategy continues to follow the established approach of reinforcing local landscape character through sensitive planting and the creation of green corridors, whilst also incorporating biodiversity enhancements and amenity.
- 7.30 The principle of the location, design and type of planting including the provision of native species and the retention and enhancement of existing boundary hedgerows has already been deemed appropriate in landscape and visual terms.
- 7.31 Given there has been no substantive change to these proposals at the RM stage, the Local Planning Authority has no reason to reach a different conclusion at this point. While it is noted that Condition 10 of the outline planning permission requires the submission of a detailed landscaping scheme, this does not necessitate or enable such a strategy to be submitted as part of this submission. The outline planning permission also secure the submission of a landscape management plan.
- 7.32 The landscaping remains acceptable and in accordance with Policies LD1, SD1, SS6 and RA2 of the Core Strategy, Policy D1 of the emerging Ashperton NDP and the relevant provisions of the NPPF, particularly those at Chapter 15 (Conserving and enhancing the natural environment).

Impact on historic environment

- 7.33 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a statutory duty to have special regard to the desirability of preserving the setting of nearby listed buildings.
- 7.34 There are a number of designated heritage assets in the vicinity, including Nos. 52 and 53 The Green, The War Memorial, and No. 47, Ashperton; all of which are Grade II-listed.
- 7.35 These assets are primarily located to the south of the application site. The Council's Conservation Officer has reviewed the reserved matters proposals and confirms that the scale and appearance of the development would not result in harm to the setting or significance of these listed buildings.
- 7.36 As above outlined, the proposed would adopt a contemporary vernacular approach, reflecting traditional local forms through elements such as solid-to-void ratios, roof pitch, and material palette.
- 7.37 While the Conservation Officer has noted a potential design refinement opportunity on Plots 7 & 8 to visually reduce their plan depth, this is not considered a matter of harmful impact nor sufficient to justify refusal.
- 7.38 The contemporary design is, overall, considered to respond positively to local character and to the linear rural settlement form of Ashperton. Although the village does not benefit from Conservation Area status, regard has been had to the historic character of the area and the surrounding built form.
- 7.39 The NPPF is also relevant, which require that heritage assets be conserved in a manner appropriate to their significance. In this case, it is concluded that the reserved matters of scale and appearance would cause no harm to the significance or setting of any designated heritage asset, and the proposal therefore accords with Policy LD4 of the Core Strategy, Policy E3 of the emerging Ashperton NDP, Chapter 16 of the NPPF, and the statutory duty under Section 66 of the 1990 Act.

Access and highway safety

- 7.40 Policy MT1 of the Core Strategy seeks to ensure that development proposals demonstrate that the strategic and local highway network can absorb traffic impacts without adversely affecting the safe and efficient flow of traffic. It also requires that developments provide safe access and appropriate measures for all modes of travel, including adequate visibility at junctions. Paragraphs 117 and 119 of the NPPF similarly emphasise the importance of ensuring that safe and suitable access to a site can be achieved for all users, and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
- 7.41 The means of access to the development has been established and approved as part of the outline planning permission. Relevant conditions are attached to the permission to secure the construction of the access and the provision of appropriate visibility splays at the junction with the A417. The submission made at this point, seeking approval of the remaining 'reserved matters' is in accordance with the details already approved with respect to access and layout; i.e – the submitted plans indicate the access as already approved.
- 7.42 Given that both the access arrangements and the site layout have been agreed through the outline planning permission, despite the local concerns raised, it is not within the remit of this reserved matters application to consider alterations to the speed limit on the A417 in this vicinity, nor to seek amendments to the routing of Public Right of Way AP28.

- 7.43 Furthermore, the levels of parking on-site have also already been agreed through the approved site layout. It is not considered to be deficient when having regard to the scale of the dwellings proposed for the site, and the LHA have not raised any concern in this regard.
- 7.44 In this case, as the outline planning permission approved the site layout and landscaping details, with both being secured through Condition 4. The landscaping scheme submitted as part of this reserved matters application is consistent with the plan approved at outline stage. While landscaping has been re-submitted in line with Article 5(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), it is not open to substantive reconsideration at this stage.
- 7.45 The Local Highway Authority has raised concern that hedging shown adjacent to private driveway access points may obstruct the visibility splays required by the Council's Highway Design Guide (2-metres x 2-metres), which are necessary to ensure pedestrian and driver inter-visibility. However, as both the site layout and the landscaping details have already been approved through the outline permission, the Council cannot now require changes to those elements through this process unless a separate application is made under section 73 of the Town and Country Planning Act 1990 to vary the approved plans.
- 7.46 The Local Highway Authority has raised concerns that hedging shown on the approved landscaping plan encroaches into the required 2-metre x 2-metre visibility splays at several driveway access points. It is accepted that these visibility splays would appear not to be achievable as a result of the approved landscaping. However, as these landscaping details were explicitly approved at outline stage alongside the layout, and no objection was raised at that time on highway safety grounds, the Local Planning Authority cannot now revisit or amend these aspects as part of this application.
- 7.47 While the absence of adequate visibility splays raises concerns, it is not a matter that can lawfully be addressed through the current application. In light of this, it is recommended that an informative be added to advise the applicant that if they wish to amend the landscaping to ensure full compliance with visibility requirements, they should consider submitting an application under section 73 of the Town and Country Planning Act 1990 to vary Condition 4 of the outline permission and this reserved matters approval.
- 7.48 With the above in mind, the current submission is not considered to give rise to a conflict with Policy MT1 or paragraphs 117 and 119 of the NPPF, given the fixed nature of the approved landscaping and layout.

Impact on residential amenity

- 7.49 With the layout already agreed, officers have visited the site and it is not considered that the scale of the dwellings would give rise to any adverse impacts on either existing residential relationships (i.e between the site and the nearest residential properties) – including Plots 7 and 8, or indeed those new relationships created within the site.
- 7.50 Each dwelling would benefit from sufficient private amenity space, with future occupiers therefore benefitting from a good standard of amenity.
- 7.51 While Herefordshire Council have not adopted the Nationally Described Space Standards, the dwellings would provide for an acceptable level of amenity internally, too.

The proposal in this regard is therefore found to be in accordance with Policy SD1 of the Core Strategy and Policy D1 of the emerging Ashperton NDP.

Ecology and impact on the River Wye / Lugg Special Area of Conservation

- 7.52 The outline planning permission (ref. 152041) was granted prior to the introduction of the current national requirements for nutrient neutrality under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, the outline consent was not subject to a Habitat Regulations Assessment (HRA). It now falls to the Council, as the 'competent authority', to undertake an HRA at the Reserved Matters stage to assess whether there is any risk of likely significant effects on the River Lugg, a SSSI and sub-catchment of the River Wye Special Area of Conservation (SAC), either alone or in combination with other plans or projects.
- 7.53 The application site lies within the River Lugg catchment and the development would introduce new foul water flows, via a private package treatment plant given that connection to the mains sewer is not possible. Surface water would be managed via a Sustainable Drainage System (SuDS), with final flows discharging to the adjacent Hereford & Gloucester Canal.
- 7.54 As set out in the comments from the HC Ecology Team, surface water is not considered a nutrient pathway and has been screened out of the HRA on the basis that it does not represent a likely significant effect. Further, the technical details of the SuDS system, such as vegetated swales or wetlands, are not relied upon for nutrient neutrality in this case, and the details of the management of surface water are instead be considered under Condition 5 of the outline planning permission, which requires full drainage details to be submitted for approval prior to the first occupation of the development.
- 7.55 In respect of foul drainage, the risk of nutrient loading is from the outflow of the PTP (which could be located within red-line boundary) rather than the precise location of the discharge point. The nutrient budget and resultant mitigation requirements are calculated based on the volume and concentration of treated effluent generated by the development. In this case, discharge is proposed to the disused Hereford & Gloucester Canal, which lies outside the red-line boundary, but within the applicant's control s indicated by the blue-line boundary. Nevertheless, Condition 5 of the outline permission provides a mechanism to ensure that the technical design, discharge location, and regulatory compliance (including any required consents) are appropriately secured prior to first occupation of the development.
- 7.56 To address the foul water impacts, nutrient neutrality in this case would be achieved through the purchase of phosphate credits from Herefordshire Council's constructed wetland at Tarrington. The required quantum of mitigation has been calculated using the Natural England nutrient budget calculator for the River Lugg, and account for the total phosphate load generated by the development over its operational life. The number of credits purchased would fully offset this load, ensuring that the development is considered nutrient neutral. The purchase of credits would be secured through a Section 106 agreement, as well as in this case, a clause restricting occupation until the mitigation scheme (HC wetland at Tarrington).
- 7.57 While the submission also details the provision of a privately managed tertiary treatment wetland downstream of the PTP, this feature is not relied upon for HRA mitigation or for the nutrient neutrality calculation. It is located outside of the red-line boundary of the application site, and was not part of the development in which benefits from planning permission (outline). As such, it is not something that can be inserted into the proposed development at this stage; which simply seeks approval of the remaining 'reserved matters', as far as they are defined within the Development Management Procedure Order 2015 (as amended).
- 7.58 It is further noted that the proposed tertiary treatment would serve as an ecological enhancement measure to ensure the quality of final discharge is compatible with the sensitive local ecological receptor (the Hereford & Gloucester Canal Local Wildlife Site). However, the ecological impacts of the scheme were considered at the planning permission (outline) stage; and securing such provisions whilst limited to considering the prescribed reserved matters could potentially be *ultra vires*.

- 7.59 In conclusion, subject to the legal securing of phosphate credits through the local authority-run scheme, and planning conditions controlling the timing of occupation, the Council as competent authority can be satisfied that the proposed development, both alone and in combination with other projects, would not result in adverse effects on the integrity of the River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations 2017.

Flood risk and drainage

- 7.60 The site is located entirely within Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding. There is no evidence to suggest that the site or the immediate surrounding area is at significant risk of surface water flooding, and no objections have been raised by the Lead Local Flood Authority in this regard.
- 7.61 In response to public concerns regarding potential pump failure and flooding risks, it should be emphasised that the while the application is supported by a Drainage Design Strategy, drainage of itself, is not a reserved matter, when having regard to the Development Management Procedure Order 2015 (as amended), and under the terms of the outline planning permission, except where it is essential to the assessment of the reserved matters themselves (scale, appearance, landscaping).
- 7.62 Detailed drainage matters are controlled by the outline planning permission through Condition 5. This condition expressly requires the submission, approval, and implementation of foul and surface water drainage schemes prior to occupation, providing an appropriate and robust mechanism to ensure technical acceptability and mitigation of any risks. This includes the design of any pumping arrangements, and measures to manage flood risk comprehensively.
- 7.63 Regarding long-term maintenance of shared drainage infrastructure, responsibility and enforcement mechanisms are not explicitly secured by Condition 5. Nevertheless, given the scope of the current reserved matters application and the outline permission framework, it is not possible to address or impose additional requirements relating to maintenance responsibility at this stage. Any such matters would need to be resolved through separate agreements or future applications as appropriate.
- 7.64 Although an attenuation feature is indicated to the north of the site within the current red-line boundary, this was not explicitly approved as part of the outline permission. As such, the function and design of the drainage arrangements would be secured under the discharge of Condition 5. This is the appropriate mechanism through which SuDS design, capacity and long-term maintenance measures would be.
- 7.65 In respect of queries raised regarding the proposed discharge to the disused Hereford and Gloucester Canal, it is noted that the intended discharge point lies outside the red-line boundary of the reserved matters application. However, this discharge route forms part of the wider indicative drainage strategy secured by the outline planning permission. Condition 5 of the outline planning permission requires that full details of both foul and surface water drainage, are submitted for approval prior to occupation. The acceptability of discharging to the canal along with any associated third-party consents or permits would need be fully assessed at the point of condition discharge.
- 7.66 Similarly, concerns regarding the specific locations of ditches would need to be resolved prior to approving the details required by Condition 5. This applications seeks approval of the remaining reserved matters and therefore would not authorise any authorise works to do with new or otherwise unauthorised or incorrectly plotted ditches, or other such features.
- 7.67 For the purposes of determining the reserved matters of scale, landscaping and appearance, it is not considered that the proposed would introduce any conflict with the delivery of

acceptable drainage infrastructure in principle or otherwise prejudices the ability to comply with Condition 5.

- 7.68 Accordingly, there is no flood risk or drainage objection to the approval of reserved matters, with the necessary safeguards remaining in place via the outline conditions.

Other comments / procedural points

- 7.69 The following responses can be made to the matters raised through public consultation that has not already been directly addressed in the above sections.

- The outline planning permission for the site granted approval for layout and access, with landscaping *formally* reserved for later consideration. While landscaping was not a matter for formal determination at outline stage, the approved plans did include indicative landscaping details, and the merits of the matter were discussed and given consideration, as evidenced by the officer report. The Local Planning Authority considers that these formed part of the approved plans and provide a clear basis for assessing subsequent submissions. As layout was approved at outline stage, it is not open for redetermination. The LPA is entitled to assess whether the submitted layout and remains materially consistent with that previously approved and, if so, to accept it as confirmation that the development remains in accordance with the outline consent. This approach is in line with established case law and planning guidance and is procedurally sound. With regard to landscaping, the LPA acknowledges that while not formally approved, the indicatively submitted details shown at outline stage form part of the context for assessing the Reserved Matters submission. In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, it remains appropriate for the applicant to seek formal approval of landscaping through the current application. The LPA is satisfied that the landscaping details now submitted are materially consistent with those indicated at outline stage, and together with the layout, therefore, reflect the parameters approved at the outline stage with regards to these matters.
- Ashperton Parish Council has raised concern regarding the absence of a bar scale on the submitted elevation drawings. While the drawings do not include a bar scale, they do include a clearly stated scale (1:100), are drawn to a recognised paper size, and are legible, and suitable for measurement. Accordingly, they meet the statutory national validation requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and the application has been validly registered.
- Both Herefordshire Council's published guidance and the Planning Practice Guidance (PPG) encourage the inclusion of bar scales on all drawings to aid accurate scaling, particularly when plans are viewed digitally. This reflects established best practice, especially in a paperless environment. However, it is important to note that this is guidance, not a statutory requirement. The absence of a bar scale alone does not render an application invalid, provided sufficient scaled information is included to enable full and proper assessment of the proposals.
- The application includes clearly dated and labelled amended drawings, which are the most up-to-date and supersede earlier versions. While the older plans remain accessible on the website and have not been marked 'superseded', the presence of newer, clearly marked "AMENDED" drawings dated 2025 (or the latest revision date) confirms that the applicant has submitted revised plans as part of the current reserved matters application. This approach is consistent with standard practice, where applicants may amend submissions in response to queries or requirements, and the latest set of plans is used for determination. However, all details form part of the public

file and are available for comment.

- The application includes two amended site plans dated March 2025:
 - AMENDED 8120 PLxxx Rev-x Proposed Site Plan with Ground Floor Layouts, and
 - AMENDED 8120 PL003 Rev-C Proposed Site Plan, which matches the layout approved under the outline permission.
- Both plans are consistent with each other and reflect the approved site layout given that 'layout' is not a reserved matter. The plan showing the ground floor layouts is submitted to address reserved matters of scale and appearance and does not materially alter the approved layout. The inclusion of both plans provides comprehensive detail to assist in the proper consideration of the reserved matters. As there is no material conflict between the two plans, and both accord with the outline approval, this does not constitute ambiguity or create procedural difficulties. It is noted that while earlier versions of plans remain on the public file, the clearly labelled and dated amended plans form the operative submission for this reserved matters application and supersede previous versions. This practice is consistent with standard planning procedures. Therefore, the application is considered clear and valid with respect to the submitted plans, and this point of objection is not upheld.
- Ashperton Parish Council rightly highlights the distinction between reserved matters and matters reserved by condition. Drainage design details are generally matters reserved by condition and not reserved matters (as defined by the Development Management Procedure Order 2015 (as amended)) in themselves, and as such, are dealt with under separate conditions requiring approval prior to occupation or construction stages. In this case, Condition 5 of the outline planning permission requires details of the proposed foul and surface water drainage arrangements to be submitted and approved in writing by the local planning authority, prior to the occupation of the development. The Council acknowledges this distinction and will ensure that drainage details are appropriately controlled through conditions rather than as part of the reserved matters approval.
- A number of representations raise concern about the overall number of dwellings on the site, particularly in light of the inclusion of potential habitable rooms above garages. It is noted that these rooms are not separately self-contained units and remain ancillary to the main dwellings. While their presence may increase the number of habitable rooms across the development, this does not alter the approved number of dwellings or materially affect the overall site density in planning terms given that the layout has been approved at the outlies stage.
- The Reserved Matters application was submitted within the time limits prescribed for such applications under the Development Management Procedure Order 2015 (as amended) and the conditions attached to the outline planning permission. As such, the application is not time-barred.

8. Conclusion

- 8.1 This application seeks approval for the reserved matters of scale, appearance, and landscaping following outline planning permission 152041, where the principle of residential development, access, and layout were established. The proposed design is considered to respect local character through appropriate materials and modest scale, ensuring the dwellings would fit appropriately within their plots without harming visual or residential amenity or heritage assets.

- 8.2 The landscaping strategy remains consistent with the approved plans at the outline stage, incorporating green infrastructure and biodiversity enhancements.
- 8.3 Issues raised about drainage and flood risk are controlled by conditions attached to the outline permission, and the site located in a low-risk flood zone.
- 8.4 A Habitat Regulations Assessment confirms nutrient neutrality would be achieved through mitigation secured through a Section 106 agreement (purchase of HC phosphate credits) and a condition restricting occupancy.
- 8.5 Although the Local Highway Authority has noted conflicts between landscaping and visibility splays, these were approved at outline stage and cannot be revisited at this stage, with a recommendation for the applicant to consider a separate application if changes are desired.
- 8.6 Overall, the reserved matters are considered acceptable and are considered to comply with the relevant planning policies contained within the Core Strategy and the emerging Ashperton NDP, and the application is recommended for approval subject to conditions and the completion of a Section 106 agreement.

RECOMMENDATION; That reserved matters be approved, subject to the conditions set at Annex 1, the completion of a Section 106 agreement to secure the purchase of phosphate mitigation (Herefordshire Council phosphate credits), and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

Annex 1 – Recommended conditions.

STANDARD CONDITIONS

- 1 The development shall be carried out strictly in accordance with the approved plans, and the schedule of materials indicated thereon, listed below; -**
- **8120 PLxxx Rev-x March2025 Proposed Site Plan with GF Layouts 2.5.25**
 - **8120 PL606 Rev-A March2025 Plot 6 Elevations [4 Bed south] 2.5.25**
 - **8120 PL605 Rev-A March2025 Plot 5 Elevations [5 Bed south] 2.5.25**
 - **8120 PL603 Rev-A March2025 Plots 3 & 4 Elevations [4 Bed south] 2.5.25**
 - **8120 PL601 Rev-A March2025 Plots 1 & 2 Elevations [3 Bed south] 2.5.25**
 - **8120 PL609 Rev-A March2025 Plots 9 & 10 Elevations [3 Bed north] 2.5.25**
 - **8120 PL103 Rev-A March2025 Plots 3 & 4 Plans [4 Bed south] 2.5.25**
 - **8120 PL101 Rev-A March2025 Plots 1 & 2 Plans [3 Bed south] 2.5.25**
 - **8120 PL206 Rev-A March2025 Plot 6 & 7 Carport Plans and Elevations 2.5.25**
 - **8120 PL109 Rev-A March2025 Plots 9 & 10 Plans [3 Bed north] 2.5.25**
 - **8120 PL105 Rev-A March2025 Plot 5 Plans [5 Bed south] 2.5.25**
 - **8120 PL204 Rev-A March2025 Plot 4 Carport Elevations 2.5.25**
 - **8120 PL650 Rev-A March2025 Proposed Site Elevations 2.5.25**

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- 8120 PL608 Rev-A March2025 Plot 8 Elevations [4 Bed north] 2.5.25
- 8120 PL607 Rev-A March2025 Plot 7 Elevations [4 Bed north] 2.5.25
- 8120 PL001 Rev-A March2025 Plot 1 & 2 Plans [3 Bed south]
- 8120 PL106 Rev-A March2025 Plot 6 Plans [5 Bed south] 2.5.25
- 8120 PL107 Rev-A March2025 Plot 7 Plans [4 Bed north] 2.5.25
- 8120 PL108 Rev-A March2025 Plot 8 Plans [4 Bed north] 2.5.25
- 413 100 G Landscape Materials Plan 2.5.25
- 413 500 F Landscape Planting Plan 2.5.25
- 8120 PL003 Rev-C March2025 Proposed Site Plan 2.5.25

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

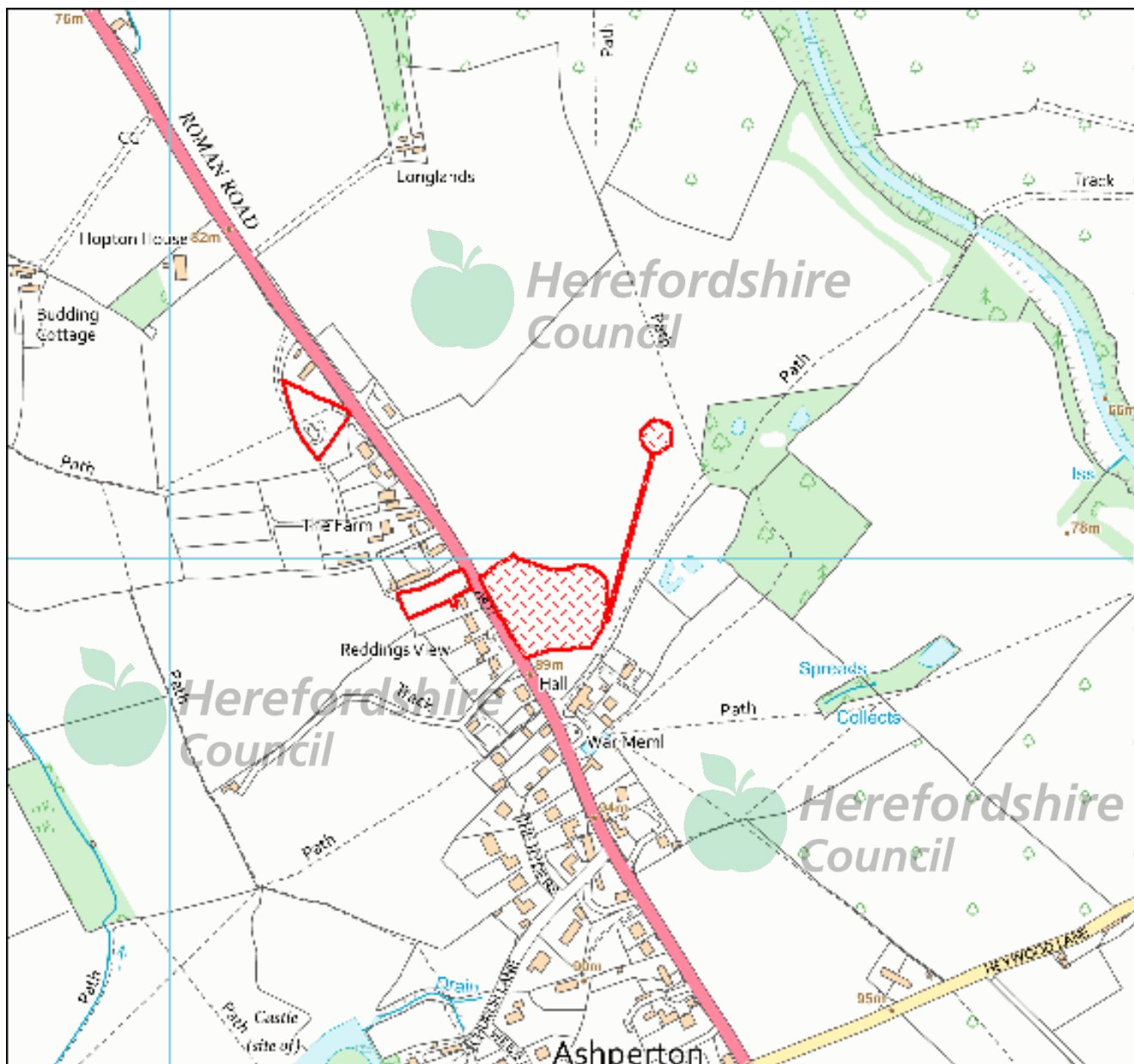
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 191013

SITE ADDRESS : LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE

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