

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	223128 - DEMOLITION OF 2 NO. AGRICULTURAL BUILDINGS. PROPOSED 4 NO. DWELLINGHOUSES WITH GARAGES, LANDSCAPING AND ASSOCIATED WORKS AT BARNS AT MONKSBUURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU For: LTF Properties Ltd per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223128&search-term=223128
Reason Application submitted to Committee – Redirection	

Date Received: 16 September 2022 Ward: Three Crosses Grid Ref: 361997,244280
Expiry Date: 29 August 2025
 Local Members: Cllr Jonathan Lester

1. Site Description and Proposal

- 1.1 The application site lies to the north-east of Hereford within the settlement of Monkhide. Monkhide consists of three sections, which includes the main built form of the village, Monksbury Cottages which are two storey semi-detached dwellings to the southeast of the main village and to the south side of Village Road, and Monksbury Court to the east. Monksbury Court is undergoing long-term redevelopment, and permission has been granted for development to the north of the site which consists of seven dwellings (5 x 3 bed and 2 x 4 bed) detached dwellings with garages which was allowed on appeal. Some of the barns within the original farmstead have already been granted approval for conversion to residential use. The proposed development can be seen in context with the approved site in **Figure 1** below.



Figure 1. Proposed block plan in context with the layout of approved application P192765/F.
Extract from drawing number 2219 P01

Further information on the subject of this report is available from Ms Tracey Meachen on

- 1.2 The application seeks permission for the demolition of 2 no. agricultural buildings, and a proposed development consisting of 4 no. dwellinghouses with garages, landscaping and associated works.
- 1.3 The site relates to two buildings which formed part of application reference 204153 which sought permission for barn conversions from agricultural to residential under the Class Q route. The application was not granted as full planning consent was deemed to be required.
- 1.4 This application therefore seeks full planning permission for the demolition of the 2 no. agricultural buildings and subsequent erection of 4x4 bed dwellinghouses with garages, landscaping and associated works. The proposed floor plans and elevations are illustrated at **Figures 2 and 3** below.



Figure 2. Proposed ground floor plan in context (Drg Number 2219 P 04A)



Figure 3. Proposed general elevations(drg Number 2219 P 10)

- 1.5 The site plan suggests there will be three car parking spaces for each dwelling in addition to the associated garages. Units 1 to 3 will be linked by the attached garages and units 1 and 4 will have detached garages. 4 additional car parking spaces will be provided close to the bin and bike store. Unit 3 will back onto plot 7 of the approved development to the north, and Unit 1 will back onto Plot 1.
- 1.6 The site will be accessed from Broadlands which is an existing single-track lane which leads from the A417, continues to the east of the original farmstead, and connects to the lane which runs through Monkhide. This is detailed on the location plan as inserted below – Figure 4

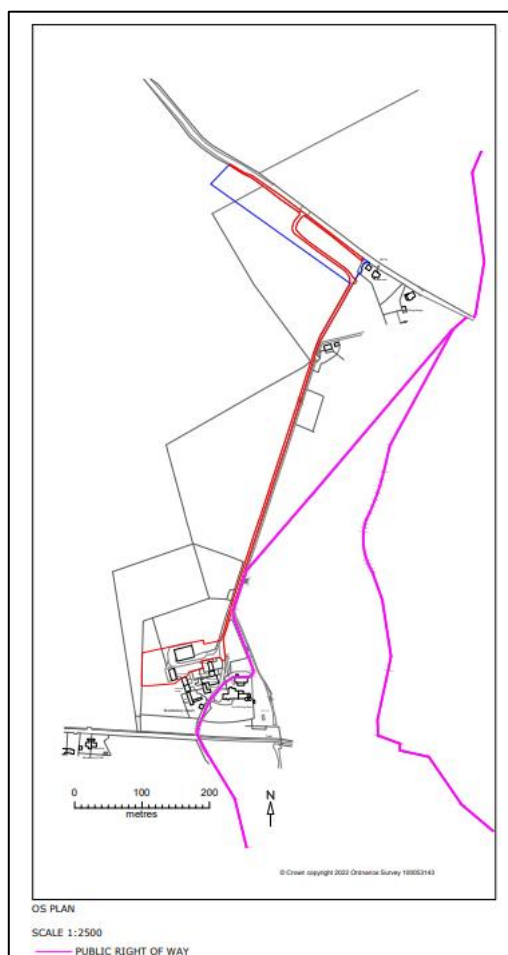


Figure 4 – Location Plan (drawing number 2291 P09A)

- 1.7 The site is not located close to any listed buildings or within a conservation area. Public Rights of Way (detailed in pink on the above plan) lie to the east of the site

2. Policies

2.1 Herefordshire Local Plan - Core Strategy 2011 – 2031

- SS1 Presumption in favour of sustainable development
- SS2 Delivering new homes
- SS3 Releasing land for residential development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing in settlements outside Hereford and the market towns

- MT1 Traffic Management, highway safety and promoting active travel
- LD1 Landscape and townscape
- LD2 Biodiversity and geodiversity
- LD3 Green Infrastructure
- LD4 Historic environment and heritage assets
- SD1 Sustainable Design and energy efficiency
- SD3 Sustainable water management and water resources
- SD4 Waste water treatment and river water quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Yarkhill Neighbourhood Development Plan:

The Yarkhill Neighbourhood Development Plan was made on 25 September 2018. It now forms part of the Development Plan.

[Yarkhill Neighbourhood Development Plan - Neighbourhood areas and plans directory – Herefordshire Council](#)

- Y2 Settlement Boundaries
- Y7 Traffic and Transport
- Y8 Water Supply and Sewerage
- Y9 Reducing Flood Risk and Supporting Sustainability
- Y11 Protecting Landscape Character

2.3 National Planning Policy Framework (NPPF) – Relevant Chapters:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 6. Building a strong, competitive economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- 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

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

- 3.1 **204153/PA4** - Notification for prior approval for a proposed change of use of two agricultural buildings to form 3 smaller and 1 larger dwellinghouses (Class C3) and for associated works. –

Further information on the subject of this report is available from Ms Tracey Meachen on

Was considered the proposals required full planning permission as they did not meet the strict criteria of Class Q – agricultural buildings to dwellinghouses.

3.2 *(Adjacent Site)*

192765 - The proposed erection of seven dwellings with garages and associated development. (DOC 5, 6, 7, 14 see 232487) (DOC 8 see 240254) (DOC 3, 4, 11 see 240484) (DOC 19 see 242245)

Appeal Allowed – 11th March 2022

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192765&search-term=192765&search-service=search&search-source=the%20keyword&search-item=%27192765%27

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water Comments:** No objection

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage

4.2 Natural England Comments: Raises No objection
Consulted on HRA on 10th April 2025. No objection raised.

Internal Council Consultations

4.3 **Team Leader Area Engineer (Highways)** comments: No objection subject to conditions

The access has previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use.

Condition recommended regarding the provision of the visibility splays and improvements to the access.

4.4 **Principal Natural Environment Officer (Landscape)** comments: No objection subject to conditions.

The proposed site is adjacent to Monksbury Court, which is now converted from farm buildings to residential dwellings. It is at the far eastern end of Monkhide, which is a very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes. The landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature. I have previously commented on the adjacent residential site (planning ref 192765).

On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings.

The site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development. Visually the proposed building materials will be brick, timber and tiled roof (Design and Access Statement section 8), which will reflect the adjacent new and old buildings.

If the application is to be approved then a condition should be added to provide a fully detailed hard and soft landscape scheme.

There is no objection in relation to Core Strategy Policy LD1, as the proposed development will integrate appropriately into its surroundings.

4.5 **Principal Natural Environment Officer (Ecology)** comments: No objection subject to the purchase of credits

Original comments dated 2nd November 2022 included a holding objection:

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

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

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The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

Notes in respect of HRA

The proposal is for FOUR new self-contained dwellings with associated additional foul water flows (nutrient pathways).

No mains sewer connection is available at this location.

The applicant has advised that they intend to connect to the private foul water system previously approved for an adjacent development (permitted March 2022 under appeal application ref 192765)

No details of the proposed private foul water scheme – previously approved and updated to include detailed consideration of additional flows now being proposed has been submitted. Each application must be supported by the relevant scientific details and information/designs and demonstrate legal certainty of nutrient neutrality for the lifetime of the development supported.

An updated professional foul water management scheme with all relevant updated calculations, specifications, plans and any relevant updated BS6297 testing (as previous report and testing is now at least 2 years old) is requested to support this current application and provide required scientific and legal certainty for the HRA process now required as part of this new planning application.

Once the fully updated foul water scheme has been supplied the relevant HRA process for this current application can be progressed.

This currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be discussed with the planning case officer once the final new scheme has been designed.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Other ecology comments

The preliminary ecological appraisal and bat report by AWARE Ecology dated September 2022 is noted and refers.

The initial ecology assessment and optimal period bat surveys completed in 2022 demonstrated that the buildings were being utilised by small numbers of "common" bat species and that a Protected Species Licence from Natural England would be required PRIOR to any works commencing. No further protected species (Bats) surveys are identified as being required in order to allow the LPA to make a determination in respect of planning permission. The required protected species licence can only be applied for subsequent to a planning permission being granted.

The applicant should be aware that Natural England may require further 'optimal period' and hibernation bat roost assessments to be completed within same/one season of the Protected Species Licence application being submitted to them. This requirement is separate to any determination or planning permission granted by this authority. If the requirements of Natural England Licensing in anyway amend or change approved plans relevant additional-updated planning permission may be required prior to works progressing.

Based on available information the LPA has no reason to consider that a protected species licence will not be granted by Natural England, The detailed recommendations, including protected species licence requirements, mitigation and compensation measures as detailed in the ecology report by Turnstone Ecology should be secured for implementation by a condition on any planning permission granted.

Ecological Protection

The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

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

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. These enhancements are in addition to any mitigation or compensation required by other constraints. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. These biodiversity net gain enhancements are in addition to any mitigation or compensation required due to Natural England species licensing requirements.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present at the site. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested:

Protected Species and Dark Skies (external illumination)

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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

Following further information and re-consultation dated 24th April 2024

Habitat Regulations Assessment considerations only (other previous ecology comments remain valid)

The Surface Water Management Plan, Flood Risk Assessment and Foul Drainage Strategy by Greenway Planning Ltd Rev2 dated 15/02/2023 is noted and refers.

This report provides details and confirmation that a new private, shared, foul water treatment system comprising of a Package Treatment Plant discharging to a local watercourse will be used to manage all foul water flows from the proposed new 4 residential dwelling development.

As a direct outfall to local watercourse is proposed the additional foul water outfall discharged will create new-additional nutrient pathways (Phosphates) in to the River Lodon which forms part of the River Lugg (Wye) SAC catchment.

The proposal is to demonstrate that nutrient neutrality can be achieved for the lifetime of the development through the purchase of relevant 'Natural England' approved Phosphate Credits. No confirmation of a completed purchase has been supplied and the required HRA appropriate

assessment process cannot be progressed at this time and no planning permission should be granted.

Once a final purchase of required P Credits has been completed, based on current guidance and approved Nutrient Neutrality Calculator, the required HRA process can be progressed.

The Habitat Regulation Assessment can be seen here:

<https://myaccount.herefordshire.gov.uk/documents?id=decea24a-15f3-11f0-908d-005056ab11cd>

4.6 **Public Rights of Way Manager** comments: No objection

4.7 **Land Drainage** comments: 4th December 2022 – Further information required

Initial consultation provided **4th December 2022** initially asked for further information:

Conclusion:

As discussed above, we recommend that the following information is provided prior to the Council granting planning permission for this development:

- Surface water drainage strategy.
- Revised foul water drainage strategy which utilises a gravity fed discharge

Full comments (4th December 2022) can be read at :

<https://myaccount.herefordshire.gov.uk/documents?id=14d63e2a-8831-11ed-9066-005056ab11cd>

4.8 **Land Drainage** comments: 10th November 2023 - No objection subject to conditions

Full Comments can be read here:

<https://myaccount.herefordshire.gov.uk/documents?id=670116b9-83c0-11ee-9073-005056ab3a27> – Appendix 1

Overall Comment

CONDITIONAL NO OBJECTION

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

- Detailed surface water and foul water drainage design drawings/construction layout.
- Details of the management company responsible for the maintenance of the foul water infrastructure.

4.9 **Waste Management** comments:

A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards

In the event that any roads within the development are not adopted, please note 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.

When the development is brought into use, the council and/or its contractor will assess the safety of collections 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.

A Bin Store have been included on the plans. These should be large enough to position the required number of containers and large enough to remove one bin without having to move another first.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

Other Consultation responses

4.10 **The Ramblers** comments: No objection

4.11 **River Lugg Drainage Board** comments: No objection

The site is just outside IDB district but the un-named water course to the east of the site is within the district flowing south to meet Watery Lane.

If infiltration tests show soakaways to be unsuitable for this site the applicant is proposing to use storage with a controlled discharge into this un-named watercourse. The applicant is also indicating that if a drainage field is not appropriate then the outfall from the package treatment plant will discharge into this un-named water course.

CONSENTS will be required from the IDB for both these proposed new outfalls into the un-named watercourse. We would recommend that this is a planning condition of any planning decision. Reason: requirements of Land Drainage Act 1991 (as amended).

CONSENT would also be required from the IDB if any obstructions are proposed within 9m of this watercourse.

4.12 **Hereford Wildlife Trust** comments: no response

4.13 **The British Horse Society** comments:

The British Horse Society is the UK's largest equestrian Charity, representing the UK's 3 million horse riders. Nationally equestrians have just 22% of the rights of way network and are increasingly forced to use busy roads to access them.

The design and access statement suggests that the access to/from the proposed properties will be from the A417. Presumably there would be no access for MPV's through the farm buildings via Yarkhill FP2 and Bridleway Yarkhill 3 towards Monkhide. This is clearly used for MPV/farm access on the ground currently: whilst recorded partly as UCR with mixed maintenance responsibility additional MPV traffic using this route would impact on the safety and enjoyment of the bridleway.

The British Horse Society seeks assurance that the bridleway network here will not be detrimentally affected by the additional housing.

5. Representations

5.1 Yarkhill Parish Council comments: (November 2022) Objection

Irrespective of the demolition of two unattractive buildings, we consider this to be an ill-conceived and presented development scheme. It fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned while also being in close proximity to flood risk zones 2 and 3. In addition, the application is peppered with errors, contradictions and lacking critical information which we consider essential.

Appraisal

Settlement Boundary

- The Planning Statement appears to misunderstand the entitlements of a settlement boundary and the nature of Yarkhill's NDP. Indeed, contrary to the Agent's statement in paragraph 14, the Parish Council and local residents in drafting the NDP, did not wish any site beyond the existing Monksbury Court Barns development to be included within the boundary. This was in order to protect the integrity and attractiveness of the local landscape while recognising the flood risk and paucity of Monkhide's infrastructure. We were, however, compelled to include it under the rules for the drawing of settlement boundaries primarily due to the existence of an agricultural building on the extended site
- While we accept that this action established the principle of development, it does not give LTF properties the right to build as it wishes. The essential purpose of the NDP is to apply policies to any development within the boundary and, as it stands, this application proposes a development where there are numerous conflicts with the established criteria.

Design / Layout

- There is no attempt to address two of the key reasons why Herefordshire Council refused previous application 204153, namely the issue of flooding and the inadequacy of the existing access. Highways, in particular, expressed specific concern about the poor state of the access track and the high number of dwellings already served such that now increasing the number of houses would appear to be inconsistent with this assessment
- The houses will impinge on the converted Victorian barns yet bear little resemblance in either style or layout. When viewed from the south, the proposed development appears as one large dark terrace block without redeeming features or variety which confirms the squeezed in nature of the houses and therefore the overdevelopment of the site. This is in direct conflict with Policy Y2 (Housing within Settlement Boundaries) of our NDP
- The development will not contribute towards the landscape character of Yarkhill irrespective of the removal of the two existing buildings and this is contrary to NDP Policy Y11 (Protecting Landscape Character)
- It is irrational that 4 large houses of this nature should lack side access to their rear gardens other than via a single door in the garage. Somewhat worryingly, units 2 and 3 have no access at all which is presumably a drafting error by the architect? Fundamentally, these are linked houses which actually contributes to their unsuitability given that any sense of openness will be destroyed due to the lack of space or daylight between them. We must also question the sufficiency of vehicle access to the garages of units 1 and 4 and, equally, the ability to exit these dwellings easily
- We cannot understand why there has been no attempt to make this a more mixed development by the inclusion of at least one 3-bedroom property as specified under NDP Policy Y2 and given the recognised demand for this type of accommodation. By doing so, it would allow the development to be better spaced out thus reducing the impression of being crammed onto a relatively small parcel of land. Policy Y2 further indicates a preference for

small scale developments of up to 3 houses only. Even the 4 alone would exceed this objective, but if combined with the 7 already approved, the total would be 11 which is an insupportable number for the location

- It is disappointing to note the lack of energy efficient measures to be incorporated within the design of the dwellings such as alternative air source heating or solar panels which is addressed in NDP Policy Y2 and Y9 (Supporting Sustainability).
- There is no mention of the maintenance of dark skies and the type of external lighting to be used which is particularly important in Monkhide as specified in Policy Y11 of the NDP.

Flooding / Foul Water

- The Flood Risk Assessment is from 2019 and was undertaken in respect of the 7 houses under planning application 192765 and not an additional 4 dwellings as now proposed. Specifically, this is a very different piece of land and set at a much lower level than the site of the 7
- There is no explanation of where the referenced package treatment plant will be situated and it does not appear to be marked on the site plan. This should surely be part of the application
- The development intends to make use of the drainage field approved under application 192765, but this was specifically sized to accommodate the 7 houses only and it is worth noting the comments of Land Drainage from 26/10/20 in this respect. While the latest application indicates that information regarding the suitability of the field for additional houses is provided, this appears to be lacking. We would further suggest that it is important to understand the ownership nature of the drainage field and how this will be dealt with post completion. The site drawing illustrates that only half the field will be within land that is part of this application while the other half sits on land that is part of application 192765 and we understand from public records that LTF properties is in the process of selling the 7-house site
- We are no less concerned by the likelihood that the methodology for foul water treatment will have to involve a complex and engineered solution given that the drainage field sits at a higher level than the development site itself, but this is not addressed anywhere in the application
- With regard to surface water, we find it difficult to reconcile the sensitive nature of the site with the proposal that ground testing and a resultant strategy will be undertaken and designed post an approval. This should surely be a fundamental part of the application rather than left to conditions. We also struggle to buy into the argument that the similarity of roof areas between the houses and existing agricultural buildings means there will be no difference in surface water volume when the site is developed. The profile, layout and proximity of the houses is vastly different with the risk situation being compounded by the loss of land that has natural porosity and an increase in the areas of hard standing. This is without taking into account the impact of the adjacent 7 dwellings
- The topography of the land is such that the 4 houses will sit at a lower level than the 7 which are positioned immediately to the North though it is difficult to get a sense of the respective height levels from the application. Flood waters encroach from the north and east such that there is a risk the new development may not be able to withstand the volume of surface water it would have to accommodate which is evidenced in numerous photos illustrating the amount of excess surface water at this lower level as part of application 192765. In addition, in periods of high rainfall, the access track can be partly underwater and this is likely to cause particular problems for the increased number of residents that will need to use it
- On the basis of the information provided relating to foul and surface water management, we are of the view that the application is contrary to NDP policies Y8 (Water Supply & Sewage) and Y9 (Reducing Flood Risk).

Transport / Infrastructure

- Highways objected to previous application 204153 which we must assume does not take into account the 7 houses approved under application 192765. The current access track still fails to meet Herefordshire Council's Highway Design Guide despite consistent calls for remedial action to be taken and the point at which the track joins the A417 is dangerous. No development should be permitted until this matter is finally resolved. It should also be noted that access to the site is not via Broadlands as stated in the Design & Access Statement which is a private dwelling and driveway
- It is disconcerting that the Planning Statement claims traffic safety will improve as a result of the development given that, following demolition of the piggery and potato shed, there will no longer be heavy farm vehicles using the access onto the A417. This is fundamentally incorrect and contradicts the remainder of the application which states that these buildings are currently redundant structures. The reality of the situation is that there is no traffic of the nature stated, and that traffic volumes will only worsen with 4 additional dwellings each with spaces for 3 cars
- Monkhide has inadequate facilities or infrastructure such that the sense of allowing yet further development must be questioned. Residents will undoubtedly be car reliant for almost every day to day need and there is not even connectivity to the nearby petrol station at Newtown. The PC would like to see the developer committed to providing at least some form of infrastructure improvement be it a pavement from the entrance point on the A417 to the Newtown crossroads or enhanced road safety measures to lessen traffic risk. This is consistent with NDP Policy Y7 (Traffic & Transport)
- Should planning permission be granted, it should be a condition that no traffic from the site, during construction or post completion, may use the access via the U66203 onto the A4103, but only via access onto and from the A417. We would also like to see a formal landscaping plan provided including the location of any oil or gas tanks to uphold the visual appeal of the location.

Conclusion / Recommendation

It is currently difficult to square this development with the NPPF's measures of sustainability. It is not of the right type or in the right place due to the issue of flooding and there is scant evidence of the provision of improved infrastructure in an area that has no mains sewage, drainage or gas combined with access that is presently inadequate (Economic). No range of homes is offered, access to services is lacking, other than by car, and the design is unattractive (Social). There is nothing proposed that helps us move to a low carbon economy and the development neither protects or enhances the historic environment (Environmental). The Parish Council is of the unanimous view that there are critical areas that must be addressed before this application is capable of being supported. As such, we are compelled to object to it in its present form

The Parish Council was re-consulted in July 2025. No additional comments have been received.

5.2 Site Notices / Press

The application was originally consulted on in November 2022. Given the passage of time, a further round of consultation was undertaken in July 2025.

12 representations received in objection to the application.
The comments can be summarised as follows;

- Increase in traffic
- Light and noise pollution
- Ground contamination
- Foul drainage
- Doesn't address housing shortage, affordable homes or local housing need
- Unnecessary overdevelopment
- Materials proposed won't enhance local vernacular
- Flooding issues
- Poor road surface
- Highways concerns
- Harms the character and appearance of the area which includes Victorian Barns, and the landscape character
- Poor design and materials
- Should include renewable energy and rainwater harvesting
- Wildlife habitats
- Unsustainable location
- No access to rear of dwellings
- No green energy
- SUDS report out of date
- Does not comply with NDP policies

All representations can be viewed in full on the Council's website using the following weblink:-

https://www.herefordshire.gov.uk/info/223128/planning_services/planning_application_search/details?id=223128

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Yarkhill Neighbourhood Area, which was made on the 25th September 2018 and forms a part of a part of the Development Plan for Herefordshire.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy need updating, and these were subsequently updated in December 2023. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications.
- 6.4 Paragraph 12 of the NPPF does recognise that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans), permission should not usually be granted.
- 6.5 Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS, applies a presumption in favour of sustainable development.

Further information on the subject of this report is available from Ms Tracey Meachen on

- 6.6 The application involves the provision of housing and there is a need to note Footnote 8 of the NPPF.
- 6.7 The recent revisions to the NPPF has resulted in a published five-year Housing Land Supply figure for Herefordshire of 3.06 years. Herefordshire Council is currently unable to identify a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As a result, Paragraph 11(d) of the NPPF is engaged for decision-making purposes. Planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole (11dii); or if specific assets or areas of importance within the current NPPF indicate development presents a 'strong reason' for refusal (11di).
- 6.8 Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision.
- 6.9 Policy SS1 of the CS reflects the principle policy of the NPPF as it confirms a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It is therefore confirmed that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents) will be approved, unless material considerations indicate otherwise.
- 6.10 Strategic policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, then the five market towns of Herefordshire. In rural areas, new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements, particularly directing development to 'sustainable locations'.
- 6.11 Policy RA1 explains that a minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs) albeit across the current plan period of the CS which recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for production of NDPs. The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The CS leaves flexibility for NDPs to identify the most suitable housing sites, through their policies; and allocations.
- 6.12 Policy RA2 of the HCS states that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance, the main focus for development will be within or adjacent to the main built up parts of the settlement.
- 6.13 The Council is currently not able to demonstrate a five year supply of housing land. Following revisions to the NPPF in December 2024 which changed how housing need should be calculated, the supply figure for Herefordshire has reduced to 3.06 years. The tilted balance is therefore engaged. However, it is considered that the development policies within the Core Strategy follow the requirements of sustainability within the NPPF and can therefore still be considered relevant.
- 6.14 Regarding Neighbourhood Development Plans, Paragraph 14 of the NPPF states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

- 6.15 Whilst being mindful that the NDP post-dates the adoption of the CS, the Cradley NDP is now over five years old (made September 2018). Paragraph 14 is not engaged given conflict with a). As such, any conflict with the policies contained within the NDP does not automatically amount to harm that significantly and demonstrably outweighs the benefits of a proposal which would engage Paragraph 14. The aforementioned balance at Paragraph 11d will therefore still apply in earnest.
- 6.16 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision and Paragraph 232 of the NPPF is therefore applicable. The spatial strategy set out in both the CS and NDP is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as both the CS and NDP helps in some ways define what may amount to a 'sustainable location', 'effective use of land' and 'securing well-designed places', key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.17 Monkhide is identified as a settlement for housing growth under Policy RA2 within the Ledbury HMA in associated Table 4.15 of the Core Strategy, as a settlement where proportionate housing is appropriate, with the policy supporting development within or adjacent to these identified settlements. However, the CS does leave it open to NDPs to define any settlement boundaries, as per Paragraph 4.8.23 of the CS. The boundary was established within the Yarkhill NDP as shown in **Figure 5** overleaf.

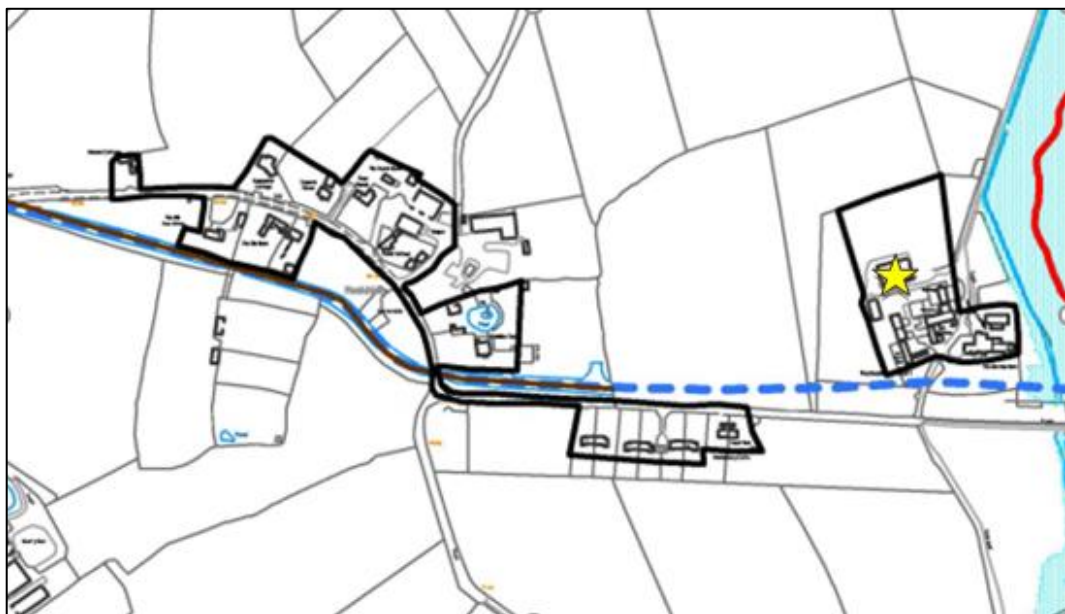


Figure 5: Yarkhill NDP Policy Map for Monkhide
Proposed site indicated by a yellow star

6.18 Policy Y2 supports proposals for new housing development within the identified Settlement Boundaries for Monkhide provided that it meets the criteria as explored below:

1. *New development is designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;*

Complies. The existing materials are brick, blockwork and timber cladding. Similar materials are proposed with the brick and timber cladding to be conditioned to ensure they correspond to the local materials of the site.

2. *Properties and extensions are restricted to two storeys in height and reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping;*

Complies. The proposed dwellings are of two storey height and laid out in a similar fashion to the existing barns which faced a central area of existing open space. The layout would therefore be similar to the existing layout while matching the design of the adjacent barn conversion complex to the north which provided 7 dwellings. Although modern in appearance, the form, density and arrangement of buildings would reflect the already existing barn conversion site.

3. *Development is designed to be sensitive to any nearby built heritage assets such as Listed Buildings and Scheduled Monuments;*

Complies. The site is not located close to any listed buildings, ancient monuments or Conservation Areas.

4. *New developments retain and incorporate natural features such as trees and hedgerows, and where appropriate ameliorate any loss of habitat for wildlife;*

Complies. The land immediately surrounding the two disused barns is made up of mostly pastoral land and a parking area associated with the converted barns nearby. Most trees and shrubs will be retained, but a small group will be lost to make way for unit 1. Some replacement planting could be attainable within the site.

5. *New development should incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes, and landscaping should include locally appropriate species in planting schemes.*

Complies. These have been included within the Preliminary Ecological Appraisal Survey which has been submitted with the application.

6. *Renewable energy installations if proposed are integrated into the design;*

Does not comply. Although none have been included within the submitted scheme, this is not a valid reason for refusal.

7. *Sites have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours;*

Complies. The access was considered suitable on an appeal decision, subject to a condition which will ensure improvements are made to the access. A similar stance will be taken for this application.

8. *Sufficient provision should be made for adequate off street parking;*

Complies. Adequate parking is proposed.

9. *Development is small in scale (preferably up to 3 dwellings), on small infill sites, and where possible on brownfield sites where the new housing development will not be adversely impacted by existing agricultural or commercial activities;*

Complies. The site is for four dwellings, and smaller than the appeal site which was approved for 7 dwellings. It is still regarded as small scale development and no more than 3 is expressed as a preference rather than a limit.

10. *Schemes provide smaller and family accommodation (2 - 3 bedrooms) to meet the needs of young families. Affordable housing is encouraged where viable and possible.*

Discussed below:

- 6.19 The dwellings proposed are for 4 bed dwellings, so do not exactly comply with this criteria. The Herefordshire Local Housing Market Assessment (LHMA) 2013 is quoted within the NDP. It identified that, in rural parts of Ledbury LHMA, between 2011-2031 there is a need for 339 market houses and 226 affordable houses. The study highlights that within the Ledbury HMA the overall estimated housing need by size 2012-2017 is as follows:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	46.8%	22.3%	22.7%	8.2%

The Herefordshire Local Housing Market Assessment (LHMA) 2021 now suggests the following is required:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	5%	30%	50%	15%

- 6.20 There is therefore a greater need for 4 bedroomed dwellings now than the time the NDP was produced, but still a greater need for 2 and 3 bed dwellings. However, the development for 4 bed dwellings, while conflicting with this part of the policy, and this tension must be considered, it is not considered to be a reason for refusal that could be advanced in isolation. Therefore, unless material considerations show otherwise, the application would be considered acceptable. The previous application approved on appeal consisted of a mix of 3 and 4 bed dwellings.

Impact on the Character of the Surrounding Area and Residential Amenity

- 6.21 CS policy RA2 requires that all developments in identified settlements should be of a high quality and appropriate to their context whilst making a positive contribution to the surrounding environment and its landscape setting.
- 6.22 This is further reinforced by policy LD1 which requires that schemes are positively influenced by the character of the townscape in terms of their site selection, design and scale.
- 6.23 SD1 also requires that schemes are designed to maintain local distinctiveness by respecting scale, height, proportions and massing of surrounding development whilst making a positive contribution to the character of the area. Also, development must safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.24 NDP Policy Y2 expects new development to be:

- designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such as Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;
- restricted to two storeys in height and to reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping; and
- designed to be sensitive to any nearby built heritage assets.

- 6.25 The proposed site is adjacent to Monksbury Court which has recently been converted from farm buildings to residential dwellings. Monkhide is described by the Landscape Officer as a 'very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes', describing the area as follows 'landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature.
- 6.26 On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings'.
- 6.27 There have been objections to the proposals from the public and Parish Council to suggest that the proposals do not match the surroundings in terms of design which are large Victorian Barns, and that the scale of the development is too large being dwellings of four bedrooms. The Parish Council stressed the development 'fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned'.
- 6.28 The character of the area has slowly changed from agricultural when the barns were in use, to maintaining agricultural characteristics, but with a more residential character presiding. The previous application utilised similar building materials to reflect the character of the area, and this application has attempted to apply the same principle. Barn 1 to be demolished is a steel framed structure constructed with concrete block walls. Barn 2 is a single storey brick barn. The proposed brick and timber cladding replicates the better material palette of the surrounding built form, and a condition will be requested to ensure that the council retains control over the brick type and finish. Plain tiles are proposed instead of asbestos roof sheeting currently in situ, and the removal of the blockwork barn and asbestos roofing.
- 6.29 The design of the dwellings now proposed are similar in design to the residential site to the north which is already approved, and which also included grey windows and doors, the proposal will be considered to complement the approved residential scheme while still respecting the original agricultural layout. The Landscape Officer agrees, stating that 'the site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development'.
- 6.30 Despite the concerns which have been expressed, the scale of development is visually acceptable, and the dwellings have been arranged to ensure there will be no overlooking between neighbouring properties. As the patio doors to the rear of unit 1 will face towards the garage and utility areas of the dwelling to the north identified as plot 1 of planning consent 192765, these have been considered in terms of amenity impact. However, impacts on existing and future residential amenity is considered acceptable, and the application appears to comply with policies RA1, LD1 and SD1 within the CS, NDP policy Y2 and policies within the NPPF.

- 6.31 Materials to be used within the development can be controlled through a suitably worded condition as detailed below.

Highways

- 6.32 Policy MT1 of the Core Strategy expects new development to provide safe access from the local road network without undue local environmental impacts, promoting active travel and development without adversely affecting the safe and effective flow of traffic on the highway network.
- 6.33 Policy Y2 of the NDP requires sites to have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours. Sufficient provision should also be made for adequate off street parking.
- 6.34 Policy Y7 seeks, wherever possible, to support and improve existing public transport links to local towns and facilities, and to improve local routes and networks for walking and cycling.
- 6.35 NPPF Paragraph 115 (b) requires safe and suitable access to the site can be achieved for all users, and Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.36 The Area Engineer for Highways has noted that the access to be utilised has 'previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use'.
- 6.37 The Area Engineer therefore has no objections subject to the recommended conditions to ensure adequate visibility splays are put in place and maintained, and to ensure that there are improvements made to the existing access from the A417 to the development proposed.
- 6.38 The application will therefore comply with CS Policy MT1, NDP Policies Y2 and Y7 and the requirements of the NPPF.

Ecology

Protected Species:

- 6.39 NPPF paragraph 180(d) seeks to minimise impacts on, and provide net gains for, biodiversity. Policy LD2 of the Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.40 Policy Y2 of the NDP requires new development to incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes.
- 6.41 Policy Y11 expects proposals to give careful consideration to lighting designs in order to minimise light pollution and protect the area's dark skies for the benefit of wildlife and residents' local wellbeing.

6.42 The application has been supported by an Ecology Assessment including bat surveys. As bats were identified as using the buildings, the Ecology Assessment pointed out that a Protected Species License would be required from Natural England. It was therefore up to Natural England to decide whether any further surveys are required. The Council's Ecologist therefore considered that a protected species licence would be granted by Natural England. The ecology report by Turnstone Ecology recommended the protected species licence requirements, mitigation and compensation measures. Therefore, so long as implementation can be secured by condition, the Council's Ecologist would have no objections. Other conditions were also recommended including the control of external lighting to ensure dark skies and nocturnal habitats are maintained.

6.43 The application therefore complies with the above policies.

Habitat Regulations Assessment and Drainage:

6.44 Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures or provide similar to enhance the local flood risk regime.

6.45 Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

6.46 NDP Policy Y8 supports CS policies SD3 and SD4 and development will therefore only be permitted where the capacity of the public sewerage system or waste water treatment works (WwTW) allows, or a suitable private waste water treatment system is installed. In addition, development should not cause an unacceptable risk to the availability or quality of water resources of neighbouring properties, and no development should be allowed to overload the public sewerage system.

6.47 Policy Y9 expects new residential development to be in Flood Zone 1 low risk, and are required to provide effective surface water drainage measures to protect existing and future residential areas from flooding.

6.48 The Flood Risk Assessment and Surface Water Management Plan initially recommended a Sewage Treatment Plant and Drainage Field to discharge Foul Water from the site. This was upgraded to a Haba Bio Easy Flow Package Treatment Plant which reduces phosphate to 0.8 mg/litre Phosphate and which will ensure a betterment to the originally submitted scheme.

6.49 The HRA recognised the following:

FOUR new residential dwellings with new private foul water system foul water discharges
Std occupancy for Herefordshire 2.3
Std water efficient condition to 110lpd (secured by condition))
No mains sewer available
Private Foul water System – Haba Bio Easy Flow (0.8 mg/litre Phosphate)
Discharge to a general binding rule compliant watercourse under the applicant's control.
Annual Rainfall: 850-900mm (applicant data)
Soil Drainage: Slightly Impeded (applicant data)
Existing land use: Mixed agricultural 0.40Ha (application info)

6.50 The Phosphate Budget Calculations show the PTP system proposed would lead to a shortfall of 0.96kg TP/year for the four dwellings. Adequate mitigation has been agreed to be achieved through the purchase of credits which would demonstrate legal certainty of nutrient neutrality for

the lifetime of the development proposed. A copy of the draft legal agreement (S106) is appended to this report – appendix 2.

- 6.51 Both the Council's Ecologist and Land Drainage had no objections to the proposal. A Habitat Regulation Assessment was completed and sent to Natural England who also had no objections so long as the proposed mitigation measures can be secured by either a planning condition or an S106 agreement. As the land is within the applicant's control, a condition will be attached to the Decision Notice to ensure the PTP is provided and adequately maintained for the lifetime of the development. A completed section 106 agreement will confirm the purchase of credits as mitigation/ It is therefore concluded that the proposal is compliant with policies SD3 and SD4 of the Core Strategy, policy Y8 of the NDP, and the requirements of the NDP.
- 6.52 It has been pointed out that this currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be duly considered once the final new scheme has been designed. However, it is not a matter to cause planning permission to be withheld here as there are mechanisms available to the applicant to amend the previously approved drainage scheme.

Drainage

- 6.53 A Flood Risk Assessment and Surface Water Management Plan was included as part of the application which identified the site as being in Flood Zone 1 with no surface water flood risk. However, part of the access road is located within flood zone 2. As such, the applicants were recommended within the Management Plan to check flood alerts during heavy rain so that informed decisions could be taken early if required, and this will be repeated as a Planning Informative on the Decision Notice.
- 6.54 Land Drainage pointed out that the Flood Risk Assessment and Surface Water Management Plan was carried out prior to any infiltration test results being undertaken. They therefore asked for another surface water drainage strategy and layout to be provided along with the associated infiltration test results and calculations.
- 6.55 The updated information confirmed that each property would have its own individual geocellular soakaway, the use of which was supported by the infiltration test results. Land Drainage therefore had no objections so long as the detailed surface water and drainage design drawings and construction layout are provided, which can be secured by condition.
- 6.56 The detailed comments of the Parish Council and other residents in respect of drainage concerns have been noted and reviewed. The submission has been carefully considered by the drainage consultant who raises no objection subject to conditions. It is therefore considered that the application can comply with CS policies SD3 and SD4, policy Y8 of the NDP, and the requirements of the NPPF.

Other

- 6.57 There have been concerns from the British Horse Society that Multi-Purpose Vehicles would use access points through the farm buildings via Yarkhill Footpath 2 and Bridleway Yarkhill 3 towards Monkhide, which would impact the safety of the bridleway, spoiling the enjoyment of the bridleway due to a busy road.
- 6.58 Paragraph 115 of the NPPF requires: in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that - (b) safe and suitable access to the site can be achieved for all users.

- 6.59 The public Bridle Way follows Village Road and also has a public footpath which runs to the east of the application site. The access road goes northwards to the A417 and does not impact the bridleway. A small section of the access road joins with the PROW (public footpath).
- 6.60 There is nothing to prevent traffic from turning towards Monkhide rather than to the A417 as the existing access points will remain unchanged. However, the dispersal of traffic would be throughout the day, and road users would utilise a mix of the two routes. The amount of traffic running along Village Road would not be significant as traffic would most likely prefer the faster route onto the A417 which has a better road surface and traffic speed. It is therefore not considered that the amount of traffic using the narrower road through Monkhide would escalate as a result of the 4 dwellings, and not to the extent that the enjoyment from using the bridleway would be unacceptably spoilt. The application is seen to comply with the requirements of the Development Plan and NPPF in this respect.

Conclusion

- 6.61 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.62 The proposed development represents a small scale and appropriately designed residential scheme situated within the defined settlement boundary of Monkhide, as designated under the Yarkhill Neighbourhood Development Plan. The site is considered to lie in a sustainable location in accordance and the development accords with the general principles of Policies SS1, SS2 and RA2 of the Core Strategy.
- 6.63 The proposal would provide four additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing, and whilst there is some tension with policy in relation to the mix of housing, this is on a small site that is recognised can make an important contribution to meeting the housing requirement for the housing Market Area as a whole.
- 6.64 Furthermore, the proposal is acceptable in terms of scale, layout and design, and would not result in unacceptable harm to residential amenity, landscape character, ecological assets, or highway safety. It would therefore be considered to accord with relevant policy and as there are no other material considerations relevant to this application, it is recommended for approval subject to a the completion of the Section 106 agreement relating to the purchase of Phosphate Credits.
- 6.65 On this basis, it is considered that planning permission should be granted as set out in the recommendation below.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement to secure the payment of phosphate credits, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary:

1. Time limit for commencement (full permission)

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with the approved plans

Location Plans
2219 P01 Block Plans
2219 P 10 Elevations
2219 P 04A Proposed Ground Floor Plan
2219 P 05A Proposed First Floor Plan
2219 P 06A Proposed North and South Elevations
2219 P 07A Proposed East and West Elevations

Reason: To ensure adherence to the approved plans in the interests of proper Planning having regard to policies SD1, LD1, LD2, MT1 of the Herefordshire Local Plan, Core Strategy, Policies contained within the Yarkhill Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

Pre-commencement Conditions

3. No development shall take place until details of improvements to the access from the A417 to the development hereby permitted have been submitted to and approved in writing by the local planning authority.

The approved details shall be completed prior to first occupation of any dwelling approved under this permission and thereafter maintained to an acceptable standard.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

4. No development shall take place until the following have been submitted to and approved in writing by the local planning authority:

- detailed surface water and foul water drainage design drawings and construction layout

Work shall be carried out in accordance with the approved details and shall be installed prior to the first occupation of the dwellings hereby approved and maintained in accordance with the approved details thereafter.

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

5. **Construction Management**

Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location and specification
- c) Parking for site operatives
- d) Construction Traffic Management Plan
- e) Siting of construction compound / site offices / storage
- f) Tree / hedgerow protection measures
- g) Hours of working during construction

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

Reason: The details relate to the duration of the construction period and are required prior to commencement of development in the interests of highway safety, amenity and landscape protection and to conform to the requirements of Policies SD1, LD1, LD3 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. No works, including any site clearance or groundworks, shall take place until details of a site waste prevention plan and management measures has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

Other stage conditions

7. With the exception of any site clearance and groundwork, no development shall take place, a landscape scheme shall be submitted and approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

1. Trees and hedgerow to be retained, setting out measure for their protection during construction, including the location of temporary fencing, in accordance with BS5837:2012.
2. Trees and hedgerow to be removed.
3. All proposed planting and seeding, accompanied by a written specification setting out: species, size, quantity, density and cultivation details. This should include native trees.
4. All proposed hardstanding and boundary treatments.
5. Detailed construction drawings of the southern boundary retaining wall in conjunction with proposed tree pits and any other planting.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policy Y11 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of any site clearance and groundwork, no development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

9. Prior to first occupation of any part of the development works hereby approved, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified

in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approvedT

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981.), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy Y2 of the Yarkhill Neighbourhood Development Plan.

10. Prior to first occupation, the details of the management company responsible for the maintenance of the foul water infrastructure shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.

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.

11. Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the any dwelling hereby permitted and maintained thereafter.

Reason: In the interests of amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

Compliance Conditions

13. No development shall take place until visibility splays, and any associated set back splays at 45 degree angles have been provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 154 metres northbound and 160 metres southbound along the nearside edge of the adjoining carriageway.

Development shall be carried out in accordance with the approved details and nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

14. The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.

15. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

All hard landscaping shall be completed prior to the first occupation of the dwelling to which it relates.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

16. All foul water shall discharge through connection to a private foul water treatment system as detailed in the Flood Risk Assessment and Surface Water Management Plan Revision 2 prepared by Greenaway Planning Ltd (dated February 2022) and all surface water shall be managed through plot specific soakaway infiltration systems.

Reason: In order to ensure Nutrient Neutrality and comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policy Y8 of the Yarkhill Neighbourhood Development Plan.

17. None of the dwellings approved by this permission shall be occupied prior to the 1st of June 2026.

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

18. No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; Policy Y11 of the Yarkhill Neighbourhood Development Plan; and the council's declared Climate Change and Ecological Emergency.

19. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - To ensure the character of the countryside is maintained and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **Application Approved Following Revisions**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year.

Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any

required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. Consent will be required from the Internal Drainage Board for any proposed outfall into the un-named watercourse to the east of the site.
4. Consent will be required from the Internal Drainage Board if any obstructions are proposed within 9 metres of the un-named watercourse to the east of the site.

Decision:

Notes:

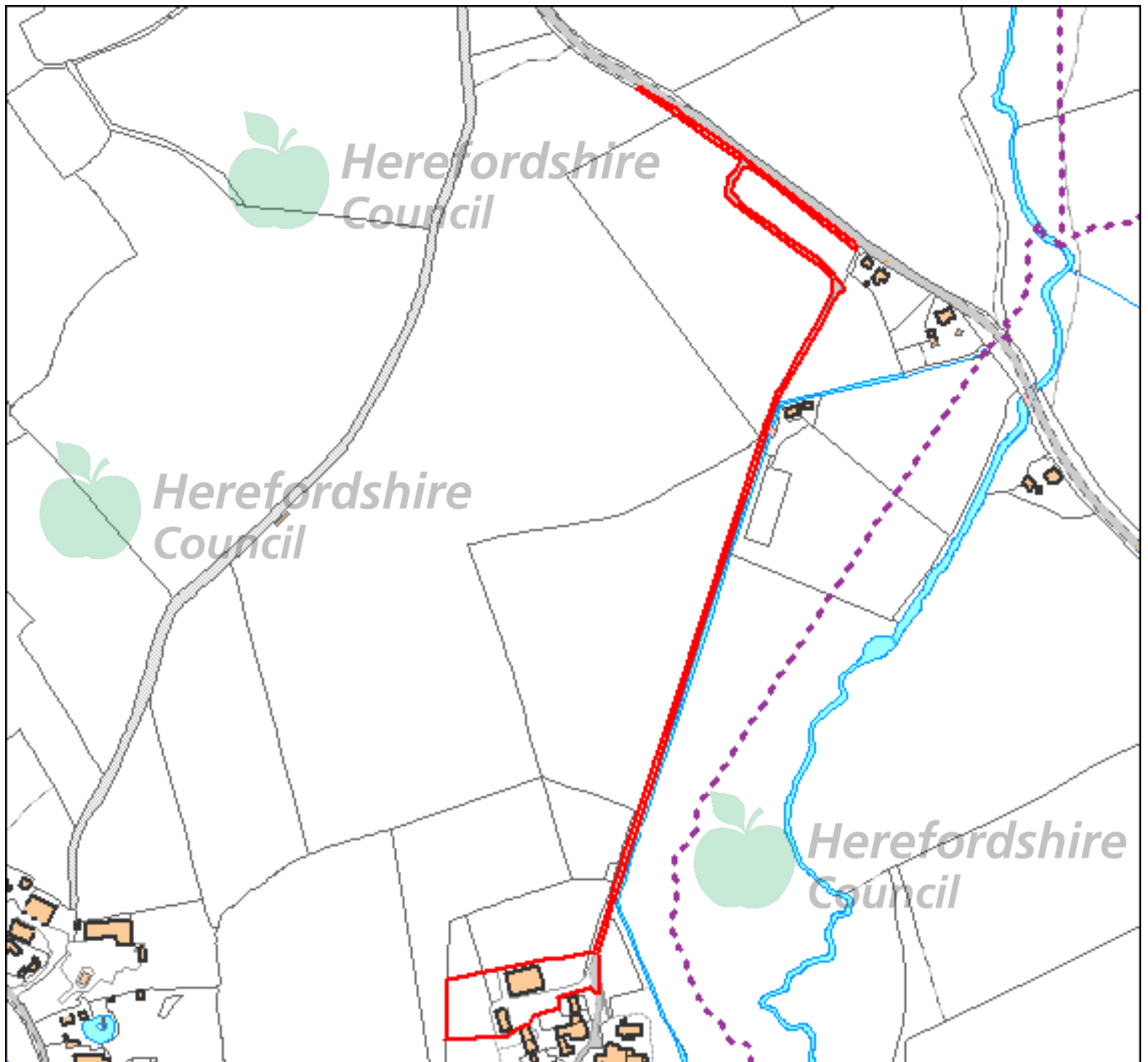
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Appendices

- Appendix 1 – Land drainage Comments
- Appendix 2 – Draft S106 agreement

Background Papers

None identified.



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APPLICATION NO: 223128

SITE ADDRESS : BARNS AT MONKSURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU

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Further information on the subject of this report is available from Ms Tracey Meachen on