

Agenda

Planning and Regulatory Committee

Date: **Wednesday 5 June 2024**

Time: **10.00 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Matthew Evans, Democratic Services Officer

Tel: 01432 383690

Email: matthew.evans@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson **Councillor Terry James**
Vice-chairperson **Councillor Clare Davies**

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Dave Boulter
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Elizabeth Foxton
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Richard Thomas
Councillor Mark Woodall

Agenda

	Pages
PUBLIC INFORMATION	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive declarations of interests in respect of items on the agenda.	
4. MINUTES	13 - 32
To approve the minutes of the meeting held on 1 May 2024.	
5. CHAIRPERSON'S ANNOUNCEMENTS	
To receive any announcements from the Chairperson.	
6. 233688 - LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE	33 - 46
Change of use of agricultural land to use for holiday huts. 2 shepherd huts and creation of car parking area.	
7. 240780 - WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ	47 - 56
Proposed replacement changing rooms and associated facilities.	
8. 240602 - BRICK HOUSE, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1QW	57 - 62
Proposed erection of single storey garden shed.	
9. DATE OF NEXT MEETING	
Date of next site inspection – 16 July 2024	
Date of next meeting – 17 July 2024	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues

- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 1 May 2024 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Dan Powell, Stef Simmons, John Stone and Richard Thomas

In attendance: Councillor Dan Hurcomb

Officers: Legal Advisor, Development Manager Majors Team and Highways Advisor

72. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Peter Hamblin and Diana Toynbee.

73. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes.

74. DECLARATIONS OF INTEREST

There were no declarations of interest.

75. MINUTES

RESOLVED: That the minutes of the meeting held on 13 March be approved.

76. 233225 - 182 LEDBURY ROAD, HEREFORD, HR1 1RH

Councillor Elizabeth Foxton left the committee to act as the local ward member for the application below.

The Senior Planning Officer provided a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Milln spoke on behalf of Hereford City Council and Mr Tompkins, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the application site was located in a densely populated area that experienced significant traffic congestion. The proposed houses would be situated opposite three retail units with a high level of pedestrians and traffic. Accident data showed that there had been three accidents involving cars on the local area recently. The application was contrary to core policy MT1 due to the impact on highway safety posed by the proposed driveways emerging onto a busy pedestrian and traffic area. Due to the adverse impact posed by the application on the safety of local residents the proposed developments were

contrary to core strategy policies SS4, OS1, OS2, OS3 and SC1. The site had been the subject of two previous applications which had been refused and which had been upheld on appeal. The proposed houses on the site represented overcrowding and overdevelopment. The proposed properties would be in very close proximity to each other and existing, neighbouring houses. There was concern that the distance between properties could have an adverse impact upon access for the emergency services. Due to the limited space on the application site cars could not manoeuvre safely, impacting adversely upon highway safety, and demonstrating that the site was not big enough for the proposed houses.

The committee debated the application. There was division among members of the committee.

There was support for the officer recommendation of approval among some members of the committee. The proposed development provided two off street parking places and was in a busy urban area; the addition of two households would not pose a significant impact on local infrastructure. The scale and density of development on the site was accepted as it was consistent with the nature of the local area.

There were objections to the application among other members of the committee who considered that:

- The density of housing on the application site which represented over development of a restricted site. The proposed development was in very close proximity to neighbouring properties which posed an unacceptable impact upon residential. The constrained nature of the application site and the density of development would result in properties being overlooked and an absence of outdoor space which would result in adverse living conditions for residents in the new properties and the existing, neighbouring houses. The proposals was contrary to Policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework;
- Technical problems existed with the application including the location of the proposed properties in proximity to the main sewer;
- The application could not achieve the required visibility splays from the driveways which posed an adverse effect upon highway safety. Pedestrians and children using the pavement in front of the proposed development would be at risk from traffic emerging from the site;

The Highways Advisor provided a point of clarification to confirm that accident data in the vicinity of the application site demonstrated that there had been three slight accidents in the previous three years and there were no obvious trends in the reported incidents.

The Development Management Service Manager provided a point of clarification to confirm that during the planning inspectorate's consideration of the previous appeals concerning the site the refusals were not upheld on the basis of highways matters.

The local ward member was given the opportunity to closer the debate.

Councillor Bruce Baker proposed the approval of the application in accordance with the with the case officer's recommendation. The proposal was not seconded and not moved.

Councillor Polly Andrews proposed and Councillor Richard Thomas seconded the refusal of the application due to the unacceptable impact on residential amenity and adverse living conditions posed by the application, contrary to core strategy policy SD1, posed by: the density of development and the overcrowding of housing on the site; the limited outdoor space in the curtilage of the application site; and the proximity of

proposed buildings to existing, neighbouring properties. The motion was put to the vote and was carried by a simple majority.

RESOLVED: That planning permission is refused due to the unacceptable impact on residential amenity and the adverse living conditions posed by the application, contrary to core strategy policies SD1, LD1 and SS6 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework posed by: the density of development and the overcrowding of housing on the site; the limited outdoor space in the curtilage of the application site; and the proximity of proposed buildings to existing, neighbouring properties.

Councillor Elizabeth Foxton resumed her seat on the committee.

Councillor Polly Andrews left the committee to act as the local ward member for the application below.

77. 233009 - HEREFORD RAILWAY STATION, STATION APPROACH, HEREFORD, HEREFORDSHIRE, HR1 1BB

Councillor Dan Powell left the meeting at 10:55 a.m.

The Principal Planning Officer provided a presentation on the application.

In accordance with the criteria for public speaking, Ms Davis spoke on behalf of Hereford City Council, Mr Frecknall, local resident, spoke in objection to the application and Mr Butterworth, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the principle of a transport hub was supported but the current proposal had a number of shortcomings. The proposed transport hub would not provide a central location for all city buses but only services from the county bus station. The four bays at the hub for buses would not be adequate for the number of services using the transport hub or the National Express coaches. The layby for the Zipper bus service on the City Link road was not a good solution to provide a bus stop for the service. The access to the layover area would be impeded by parking on the junction by the Hereford Medical Group. It was queried how motorists would be prevented from accessing the taxi drop off area. The lack of covered bicycle racks was a concern. There was a concern that the design of the building would form a wind tunnel. It was acknowledged that the proposal was an improvement on the current frontage to the station but it was a missed opportunity to construct a comprehensive transport hub to co-ordinate services across the City.

The committee debated the application. There was division among the members of the committee.

There were objections to the application among some members of the committee who considered that:

- The design was poor and a redesign was required. The proposals of the civic society should be incorporated into the design;
- Four bus bays at the hub were not sufficient;
- There were highway safety concerns relating to reversing buses;
- The proposed drop off/pick up point was too far from the railway station.

There was support for the case officer's recommendations among other members of the committee but clarification was sought on the following issues:

- A possible change to conditions to ensure that that dedicated drop off/pick spaces were allocated in the NCP car park, as a minimum 11 drop off/pick up places and 11 disabled placed. The car park was often full which would prevent the drop off/pick up arrangements as proposed in the application;
- A possible change to conditions to include a requirement to plant screening around the perimeter of the layover area to reduce the impact of parked buses on the landscape;
- The natural desire line for pedestrians from the student accommodation across the taxi rank to the station posed highway safety concerns;
- The surface treatment and dressing of the local highway network should demonstrate where there was priority for pedestrians and cyclists to counter the predominance of motor vehicles on roads around the station.

Points of clarification, in response to the issues raised above, were provided by the Development Management Service Manager and the Principal Planning Officer:

- A condition could be attached to the permission to secure a revised scheme for drop off/pick up arrangements;
- A condition could be attached to the permission to require planting around the perimeter of the layover area to provide screening;
- The design team for the proposal would be asked to consider changes to address the desire line from the student accommodation to the train station;
- Surface treatment and dressing to indicate priority and right of way for pedestrians and cyclists would be considered during the section 278 process.

Councillor Clare Davies proposed and Councillor Bruce Baker seconded the approval of the application subject to the change to conditions as outlined below:

- To secure a revised scheme for drop off/pick up arrangements including as a minimum 11 drop off/pick up spaces and 11 disabled spaces; and
- To secure a scheme to require the planting of screening around the perimeter of the layover area.

The motion was put to the vote and was carried by a simple majority.

RESOLVED: That planning permission be granted subject to: the following conditions; a condition for a scheme for drop off/pick up arrangements; a condition for a scheme for the planting of screening aournd the perimeter of the layover area; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **Time Limit for Commencement – Three Years**
2. **Development in accordance with approved plans**

The development hereby approved shall be carried out in accordance with the following approved plans and documents;

Document / Plan Title	Document / Plan Reference
1APP Form	PP-12208121
Planning Statement	964-ARP-GEN-ZZ-RP-Z-000003, Issue 6 October 2023
Design and Access Statement	Issue 02

Transport Assessment	964-ARP-HGN-ZZ-RP-H-000001, Rev: P04
Heritage and Townscape Assessment	September 2023
Equality Impact Assessment	964-ARP-GEN-ZZ-RP-Z-000002, Rev: P02
Drainage Strategy	964-ARP-HDG-ZZ-RP-C-000001, Rev: P04
Flood Risk Assessment	964-ARP-HGN-ZZ-RP-C-000001, Rev: P03
Preliminary Ecological Appraisal	964-ARP-EAC-ZZ-RP-OE-000001, Rev: P01
Ecological Impact Assessment	964-ARP-EAC-ZZ-RP-OE-000002
Biodiversity Net Gain Assessment	964-ARP-EBD-ZZ-RP-OE-000001
Habitats Regulations Assessment	964-ARP-EGN-ZZ-RP-OE-000001
Bat Emergence Survey Report (Appendix C of EclA)	964-ARP-EGN-ZZ-RP-OE-000002
Otter Survey Results Report (V01, Appendix D of EclA)	V01
Reptile Survey Report (Appendix E of EclA)	Issue 12/10/2023
Bird Survey Report (Appendix F of EclA)	V01
Applicant Response Letter	Dated 19 March 2024
Drainage Strategy Addendum	964-ARP-HDG-ZZ-RP-C-000002, Rev: P03
Response to Active Travel England Comments	964-ARP-HGN-ZZ-TN-H-000001 (dated 19/03/2024)
Architecture	
Location Plan Existing	964-WWP-BGN-00-DR-A-000001
Existing Ownership Plan	964-WWP-BGN-00-DR-A-000002
Proposed Sitewide Plan	964-WWP-BGN-00-DR-A-001000, Rev: P02
Proposed Movement Strategy	964-WWP-BGN-00-DR-A-001050, Rev: P02
Existing Site Plan and Section	964-WWP-BGN-XX-DR-A-001001
Proposed Site Plan and Section	964-WWP-BGN-XX-DR-A-001002, Rev: P02
Proposed Bus Shelter Plan	964-WWP-BGN-00-DR-A-001003, Rev: P02
Proposed Bus Shelter Roof Plan	964-WWP-BGN-RF-DR-A-001004
Proposed Bus Shelter Elevation 01 & 02	964-WWP-BGN-XX-DR-A-002001, Rev: P02
Proposed Bus Shelter Elevation 03 & 04	964-WWP-BGN-XX-DR-A-002002, Rev: P02
Bus Shelter Visual 1 of 4	964-WWP-BGN-00-DR-A-009001
Bus Shelter Visual 2 of 4	964-WWP-BGN-00-DR-A-009002
Bus Shelter Visual 3 of 4	964-WWP-BGN-00-DR-A-009003
Bus Shelter Visual 4 of 4	964-WWP-BGN-00-DR-A-009004
Proposed Landscape Planting and Paving	964-WWP-BGN-00-DR-L-003000, Rev: P02

Proposed Landscape Sections	964-WWP-BGN-XX-DR-L-003001, Rev: P02
Proposed Landscape Furniture and Lighting	964-WWP-BGN-00-DR-L-003002, Rev: P02
Civils	
Proposed Drainage Bus Interchange & Layover	964-ARP-HDG-ZZ-DR-C-000001, Rev: P06
Proposed Manhole Schedules	964-ARP-HDG-ZZ-DR-C-000002, Rev: P04
Drainage Details Sheet 1	964-ARP-HDG-ZZ-DR-C-000003, Rev: P03
Drainage Details Sheet 2	964-ARP-HDG-ZZ-DR-C-000004, Rev: P03
Drainage Details Sheet 3	964-ARP-HDG-ZZ-DR-C-000005, Rev: P03
General Notes	964-ARP-HGN-ZZ-DR-C-000001, Rev: P03
General Arrangement Bus Interchange & Layover	964-ARP-HGN-ZZ-DR-C-000002, Rev: P05
General Arrangement Car Park	964-ARP-HGN-ZZ-DR-C-000003, Rev: P03
Finished Levels and Kerbing Bus Interchange & Layover	964-ARP-HGN-ZZ-DR-C-000004, Rev: P04
Formation Levels Bus Interchange & Layover	964-ARP-HGN-ZZ-DR-C-000005, Rev: P05
Coach Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000006, Rev: P04
Water Tanker Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000007, Rev: P04
Refuse Vehicle Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000008, Rev: P04
Articulated Vehicle Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000009, Rev: P04
Large Car and Taxi Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000010, Rev: P04
Fire Tender Swept Path Analysis	964-ARP-HGN-ZZ-DR-C-000011, Rev: P04
Construction Finishes Bus Interchange & Layover	964-ARP-HKF-ZZ-DR-C-000001, Rev: P06
Construction Finishes Build Ups	964-ARP-HKF-ZZ-DR-C-000002, Rev: P03
Construction Details Sheet 1	964-ARP-HKF-ZZ-DR-C-000003, Rev: P03
Construction Details Sheet 2	964-ARP-HKF-ZZ-DR-C-000004, Rev: P03
Site Clearance Bus Interchange & Layover	964-ARP-HSC-ZZ-DR-C-000001, Rev: P03
Existing Utilities	964-ARP-UTL-ZZ-DR-UT-000001, Rev: P03
Existing Utilities Car Park	964-ARP-UTL-ZZ-DR-UT-000002, Rev: P03
Proposed Utilities Bus Interchange & Layover	964-ARP-UTL-ZZ-DR-UT-000003, Rev: P05
Existing Site Layout & Topography Bus Interchange & Layover	964-ARP-VTO-ZZ-DR-Y-000001, Rev: P03
Existing Site Layout Topography Car Park	964-ARP-VTO-ZZ-DR-Y-000002, Rev: P04

Reason: To ensure adherence to the approved plans in the interests of securing a satisfactory form of development which complies with policies MT1, HD2, HD3, SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

Pre-Commencement Conditions

3. Archaeology Survey and Recording

Prior to the commencement of the development, the developer shall submit details of a programme of archaeological survey and recording to the Local Planning Authority for written approval. The programme shall be designed to document any below ground deposits that may be encountered and affected by the works and shall include a written scheme of investigation which has been prepared in accordance with a brief prepared by the County Archaeology Service. The scheme of survey and recordings shall subsequently be implanted in accordance with the approved details.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

4. Contamination Risk Assessment

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

- a) The Desk Study Report and risk assessment prepared by Arup (November 2022, Job No:287750, file ref:4-50) confirmed the possibility of a significant pollutant linkage(s) and as such a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

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

5 Construction Environmental Management Plan (CEMP)

No development and/or site preparation works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, as a minimum, a detailed Ecological Working Method Statement and consideration of all potential environmental effects of construction processes. This shall include specific consideration of the potential impacts associated with the installation of headwalls and associated drainage works within or adjacent to the Widemarsh Brook, including risk avoidance and mitigation measures to safeguard the water quality and biosecurity of the watercourse. The approved CEMP shall be

implemented in full for the duration of all construction works at the site, unless subject to any variation which has first been approved in writing by the Local Planning Authority.

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

6 Construction Management Plan

Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

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

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

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

Conditions to be Discharged

7 Detailed Landscaping Scheme

With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) A drawing detailing hard surfacing materials
- b) Boundary treatments and means of enclosure
- c) Vehicle /Cycle /Pedestrian access and circulation areas.
- d) Vehicle parking layouts
- e) Lighting and CCTV
- f) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details.
- g) A plan and details detailing water attenuation/ SUDS schemes.
- h) An implementation programme – setting out phasing of work where appropriate.

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

8 Ground Conditions for Planting

Prior to any planting being undertaken in relation to the approved landscape

scheme, a strategy for ensuring that all new trees and shrubs are provided with suitable ground and soil conditions to support successful establishment and growth shall be submitted to an approved in writing by the Local Planning Authority. The planting shall subsequently be carried out in accordance with the approved details.

Reason: In the context of the known presence of made ground and soil contamination, it is necessary to ensure that suitable ground conditions are provided to support the successful establishment and longevity of the landscaping scheme in order to secure compliance with policies LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

9 Landscape Management and Maintenance

Before the development is first brought into use, a schedule of landscape management and maintenance for a minimum period of 10 shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

10 Details of Covered Cycle Storage

Prior to their installation on site, details of the proposed cycle storage shelters (as indicated on approved plan 964-WWP-BGN-AA-DR-A-001002 REV P02 Proposed Site Plan and Section) shall be submitted to the Local Planning Authority for written approval. The covered cycle storage shall subsequently be provided in accordance with the approved details prior to the development being brought into use and thereafter those facilities shall be maintained in perpetuity, unless any variation is agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate covered cycle parking is provided to support sustainable transport choices and to ensure that this is provided to a design which is conducive with respecting the setting of the Grade II listed Barr's Court Railway Station and the character of the wider area, in order to secure compliance with policies MT1, SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework and Section 66 of the Town and Country Planning Act 1990

11 Bus Shelter Material Finish and Colour

Prior to the installation of the relevant materials of site, details of the proposed external materials and colour finish for the bus shelter structure (as shown on approved plans 964-WWP-BGN-XX-DR-A-002001 REV P02 and 964-WWP-BGN-XX-DR-A-002002 REV P02) shall be submitted to the Local Planning Authority for approval. The works shall not be carried out until written approval has been given and works shall subsequently be carried out in accordance with the approved details.

Reason: To ensure the development is carried out in accordance with details which are conducive with upholding the character of the area and the setting of the station building, in accordance with policies SD1, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework

and Section 66 of the Town and Country Planning Act 1990.

12 Travel Plan

Prior to the first of the development hereby approved, a Travel Plan which contains measures to promote uptake of sustainable transport modes amongst users of the transport interchange shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first use of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13 Ecological Enhancement Measures

Prior to the first use of the development hereby approved, a specification and annotated location plan demonstrating a range of species net gain enhancement including appropriately located habitat boxes for bat and bird species must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full within 3 months of the development being brought into use and thereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

14 Vehicular access construction

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

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

15 Highways Improvement/off site works

Development shall not begin in relation to any of the proposed highways works until full details of these have been submitted to and approved by the local planning authority in writing, following the completion of the technical approval process by the Local Highway Authority. The development shall not be brought into use until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

16 Cycle Lane Specification

Prior to the implementation of the relevant works, details of the surfacing specification for the shared cycleway running along the site frontage with the A465 City Link Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall allow for a 3.5m wide machine laid tarmac unsegregated route, consistent with the existing route and delineated at the northern edge with an edging kerb. The development shall not be brought into use until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and efficient function of the cycleway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

17 On site roads - submission of details

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

- **Surface finishes**
- **Drainage details**
- **Future maintenance arrangements**

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

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Compliance and Monitoring Conditions

18 Provision of Visibility Splays

Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles, shall be provided to all accesses in accordance with the details shown on approved plan 964-ARP-HGN-ZZ-DR-C-000002 Rev P05. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility splays.

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

19 Implementation of Approved Drainage Strategy

Prior to the occupation of the site the foul and surface water drainage system shall be completed in accordance with the approved details as per drawing reference DR-C-000001 P06. Thereafter no further surface water and/or land

drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policies SD3, SD4 and LD2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

20 Implementation of Contaminated Land Measures

The Remediation Scheme, as approved pursuant to condition no. XXX above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

21 Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

22 Implementation of Landscaping

The hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition xx attached to this permission before the development is first brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.

Reason: To ensure implementation according to the hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant**

planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 With regards to the contaminated land assessment required pursuant to condition, the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2023. All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission. Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance.

3 Welsh Water Informative

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

- 4 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 5 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 6 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
- 7 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**
- 8 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
- 9 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.**
- 10 The brightness of the floodlit surface, or illuminated sign face, shall not exceed the values stipulated in the Institution of Lighting Engineers Technical Report No. 5: 1991 "The Brightness of Illuminated Advertisements".**
- 11 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.**
- 12 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**
- 13 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the**

course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

There was an adjournment at 11:48 a.m.; the meeting reconvened at 12:02 p.m.

Councillor Polly Andrews resumed her seat on the committee.

78. 204317 - LAND AT BICTON HOUSE, BICTON, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PR

The Development Manager North Team provided a presentation on the application.

In accordance with the criteria for public speaking a statement was read on behalf of the applicant Mr Godding in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. He explained that the application was supported by the local parish council and local residents. As the local member he was content also to add support to the application.

The committee debated the application. There was unanimity in support of the case officer's recommendation to approve the application.

The local ward member had the opportunity to close the debate.

Councillor Bruce Baker proposed and Councillor John Stone seconded the approval of the application in accordance with the case officer's recommendation. The proposal was put to the vote and was carried unanimously.

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

1. **C01 Time limit for commencement (full permission)**
2. **C13 Samples of external materials**
3. **C65 Removal of permitted development rights**
4. **The dwelling hereby approved shall not be occupied until the foul and surface water management arrangements have been implemented in accordance with the approved scheme as detailed in supplied information. The approved arrangements shall thereafter be maintained for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4

5. **The dwelling hereby approved shall not be occupied until the foul water connection between existing dwelling “Bicton House (HR6 9PR)” and the existing septic tank has been removed and replaced with connection to a new package treatment plant (Otto Graf One2Clean) discharging to a drainage field, as detailed in supplied drainage report by H+H Drainage dated 25th August 2023.**

Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

6. **Unless otherwise agree in writing by the local authority the legally recorded owner of “Bicton House (HR6 9PR)” shall be responsible for management and maintenance of all shared parts of the installed foul water system for the lifetime of all developments connected to it; including ensuring foul water system is operating correctly at all times.**

Reason: To ensure that the scheme would achieve nutrient neutrality and avoid detriment to the integrity of the River Lugg/ River Wye SAC, in accordance with the Conservation of Habitats and Species Regulations (2017), policy LD2 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

7. **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

8. **Prior to first use of the dwelling approved by this planning permission, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control (excepting Ash Trees) of a minimum total of TWO Bat roosting features and TWO bird nesting boxes (mixed types) and ONE hedgehog home, 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.**

Reason: To ensure Biodiversity (species) 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.

9. CAB Visibility splays
10. CAE Vehicular access construction
11. The dwelling hereby approved shall not be occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the Local Planning Authority. The said agreement shall secure the provision of affordable housing in accordance with the approved scheme and shall include:
 - i. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable home; and,
 - ii. the occupancy criteria to be used for determining the identity of occupiers of the affordable home and the means by which such occupancy criteria shall be enforced.

The affordable dwelling shall be retained in accordance with the approved scheme.

Reason: In order to provide ensure that the dwellings are secured and maintained as affordable housing for having regard to the requirements of policy SS2, H2 and RA3 of the Herefordshire Local Plan – Core Strategy and guidance contained within 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. Wildlife Protection Informative

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), with enhanced protection for special “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.

79. LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY

The committee considered a report by the Principal Licensing Officer to adopt the statement of licensing policy in respect of the licensing of sex establishments. The report was introduced by the Principal Licensing Officer.

The committee debated the report.

Councillor Polly Andrews proposed and Councillor Bruce Baker seconded the recommendation in the report to adopt the statement of licensing policy as contained in appendix 1. The motion was put to the vote and was carried unanimously.

RESOLVED: That the policy as presented be adopted (appendix 1)

The meeting ended at 12.21 pm

Chairperson

233225 - THE ERECTION OF TWO DWELLINGS AND ASSOCIATED WORKS AT 182 LEDBURY ROAD, HEREFORD, HR1 1RH

For: Mr & Mrs Williams per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL

ADDITIONAL REPRESENTATIONS

3 letters of support have been received with main points raised including:

- County needs bungalow accommodation
- Ideal location for housing
- Present opportunity to have affordable housing in easy walking distance on Hereford

OFFICER COMMENTS

Attention is draw to the conditions of which have been miss-numbered the detail under condition 2 should be a separate condition as:

'No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.'

With condition 2 detailed as:

'Development in accordance with approved plans and materials

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 1415-10 Rev B, 1415-11 & 1415-21) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.'

It is also noted two additional conditions are recommended:

'Details of Boundary treatments

No works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before (the use hereby permitted is commenced) (before the building(s) is/are occupied (in accordance with a timetable to be agreed in writing with the local planning authority)). Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.'

Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of each dwelling for the parking and turning of 1 car in accordance with the 2006 Herefordshire Highways Design Guide. This shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

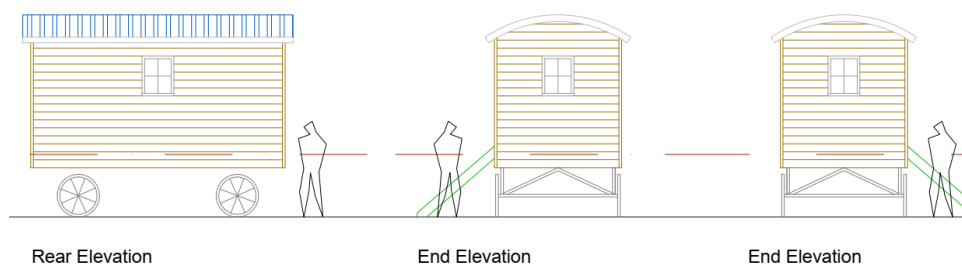
MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 JUNE 2024
TITLE OF REPORT:	233688 - CHANGE OF USE OF AGRICULTURAL LAND TO USE FOR HOLIDAY HUTS. 2 SHEPHERD HUTS AND CREATION OF CAR PARKING AREA. AT LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE, For: Mr & Ms Judd & Dray per Mr Derrick Whittaker, 1 Farjeon Close, Ledbury, Herefordshire, HR8 2FU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233688
Reason Application submitted to Committee - Redirection	

Date Received: 13 December 2023 Ward: Old Gore Grid Ref: 364479,231260

Expiry Date: 8 February 2024
Local Member: Cllr Barry A Durkin

1. Site Description and Proposal

- 1.1 Upper House lies to the north-west of Lyne Down and to the south-west of Much Marcle, the nearest identified settlement. The site is accessed from a single width access track some 4 metres wide. The access is shared by three properties (Upper House, The Kittles and White Cottage). The site slopes to the south-east and is elevated above main access road. The site has an existing parking and turning area and is located to the north-east of the Grade II listed building (The Kittles).
- 1.2 The proposal is for two holiday units, with a footprint of 13.44 square metres each and a height of 3.8 metres. The proposal also includes for the provision of additional car parking and associated landscaping and has evolved during the course of the application. Specifically, it has been reduced from four shepherds huts to two. A typical elevation treatment is provided below.



Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011 – 2031 (CS)

SS1 Presumption in favour of sustainable development
SS5 Employment provision
SS6 Environmental quality and local distinctiveness
SS7 Addressing climate change
RA3 Herefordshire's countryside
RA5 Re-use of rural buildings
RA6 Rural economy
E1 Employment provision
E4 Tourism
LD1 Landscape and townscape
LD2 Biodiversity and geodiversity
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

2.2 Much Marcle Neighbourhood Development Plan (MMNDP)

SD1 Sustainable Development
EM1 Employment & Economy
NE2 Biodiversity

2.3 National Planning Policy Framework (NPPF)

2. Achieving sustainable development
6. Building a strong, competitive economy
11. Making Effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

2.4 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

2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The 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.

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

3. Planning History

3.1 No Planning History

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water Comments

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

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.

Internal Council Consultations

4.2 Area Engineer Team Leader

13 March 2024

Whilst there are no objections to the principle of the development there are concerns over the existing access and its current use. The access shows limited visibility splays to the western side.

Please supply visibility splays from the existing access as well as the number of movements/vehicles which currently use this lane for access to the highway.

20 May 2024

- The number of shepherds huts has been reduced from 4 to 2, therefore reducing the movements down from the site
- The shepherds huts are singular bedrooms therefore the number of vehicles likely to be associated with them is also only one.
- It is noted that the visibility splays do not meet current standards however MfS 2 states "It has often been assumed that a failure to provide visibility at priority junctions according to the values recommended in Mfs1 and 2 will result in an increase in injury collisions. Research carried out by TMS consultancy for Mfs2 has found no evidence of this".
- The proposed site would also have vehicles associated with it due to the agricultural nature of the site, whilst the vehicles size would potentially change, the numbers of vehicles using the former site had the potential to be higher.

With the small increase in vehicles these proposals will look to put on the network, under the NPPF these proposals would not be classed as severe and therefore should not be refused.

4.3 Principal Natural Environment Officer (Ecology)

19 February 2024

From supplied and available information there are no HRA, SSSI or other statutory nature conservation constraints for this specific development at this location.

From supplied and available information the LPA has sufficient information to consider that the development will not have a detrimental effect on any local populations of protected species (eg bats). An informative to remind the applicant of their and their contractors' obligations to wildlife protection during construction is suggested.

Wildlife Protection Informative

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), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, 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 is advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance ("Net Gain") the Species (Biodiversity) potential of the area. To secure these enhancements a relevant Condition is suggested:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwelling approved under planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes and TWO Bat roosting features/boxes 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. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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.

As the site is an area that affords an intrinsically dark landscape that benefits local amenity and nature conservation, including presence of local populations of light sensitive protected species, a condition to secure and manage any proposed or future external lighting is requested on any planning permission finally granted.

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.

25 March 2024

I note the new amended documents. Having read through the documents attached to this application and the previous consultation by internal consultee J. Bisset we have no further ecology comments to make. We refer to the consultation and conditions proposed on the 19 February 2024 as follows:

Wildlife Protection Informative

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), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, 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 is advised that advice from a local professional ecology consultant is obtained.

As identified in the NPPF, NERC Act, Core Strategy LD2 and action within the council's declared Climate Change & Ecological Emergency all developments should demonstrate how they are going to practically enhance (“Net Gain”) the Species (Biodiversity) potential of the area. To secure these enhancements a relevant Condition is suggested:

To obtain Species (Biodiversity) Net Gain

Prior to first occupation of the dwelling approved under planning permission, evidence of the suitably placed installation on the approved building, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes and TWO Bat roosting features/boxes 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. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

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.

As the site is an area that affords an intrinsically dark landscape that benefits local amenity and nature conservation, including presence of local populations of light sensitive protected species, a condition to secure and manage any proposed or future external lighting is requested on any planning permission finally granted

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,

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

5. Representations

5.1 Much Marcle Parish Council

Much Marcle Parish Council have considered the application at the meeting held on the 10th January. The application is supported with conditions that the access road and visibility are taken into proper consideration

5.2 Third Party Representations

A total of 24 letters of objection have been received. The responses can be summarised as follows:

- Concern over residential amenity
- Concern over impact upon and condition of the local highway network
- Concern over commercial waste
- Concern over foul water discharges to cesspit (addressed within revision of scheme)
- Concern over biodiversity impacts
- Concern over noise
- Legality over use of access road
- Concern over lighting
- Concern over further intensification
- Impact upon the Grade II listed asset

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=233688&search-term=233688ncil

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), and the made Much Marcle Neighbourhood Development Plan, and the National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS Policy RA6 seeks to support employment generating proposals which help to strengthen and diversify the rural economy; a range of economic activities will be supported to this end.
- 6.4 This includes the support and strengthening of local food and drink production as well as supporting the retention or diversification of existing agricultural businesses. Proposals will need to be of a scale suitable for the location and setting. The economic benefits for the rural economy will need to be weighed against any impact on the amenity of nearby residents, impact of the local road network and ensure they do not undermine the achievement of water qualities target. The policy incorporates the following criteria
- Ensure that the development is of a scale which would be commensurate with its location and setting;

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- Do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design, mass, noise, dust, lighting and smell,
 - Do not generate traffic movement that cannot safely be accommodated within the local road network; and
 - Do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4.
- 6.5 It also sets out to promote the rural economy through supporting proposals that will help to diversify the rural economy and generate employment. This includes through “supporting and/or protecting the vitality and viability of commercial facilities of an appropriate type and scale in rural areas, such as village shops, petrol filling stations, garden centres and public houses”.
- 6.6 CS Policy E1 states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:
- the proposal is appropriate in terms of its connectivity, scale, design and size;
 - the proposal makes better use of previously developed land or buildings;
 - the proposal is an appropriate extension to strengthen or diversify an existing business operation;
- 6.7 CS Policy E4 provides the framework as to the criterion for the support of development proposals which relate to tourism in Herefordshire. It is stated that the county will be promoted as a destination for sustainable tourism. Development proposals would be supported where;
- It is ensured that there is no detrimental impact on the county’s varied natural and heritage assets and the overall character and quality of the environment
 - there would be new accommodation and attractions throughout Herefordshire which would diversify the tourist provision and extend the tourist season and increase the number of visitors staying overnight.
 - Regards are had to the visual amenity of public/cycling routes such as Public Rights of Way (PRoW).
- 6.8 The policies above make it clear that there is local and national support ‘in principle’ for sustainable tourism related proposals and the use of the shepherds huts can be controlled through a condition limiting their occupation to holiday accommodation only. The scheme here would make a contribution to the wider economy through increasing visitor numbers to the area. There are benefits in the social and economic sense. Whilst site specific impacts are dealt with in more detail below, it is considered that the principle of the development in the revised and scaled back form is acceptable and in accordance with the strategic aims of the CS and NPPF

Impact upon the Highway Network

- 6.9 CS policy MT1 promotes development that provides a safe means of access and that can be accommodated on the local highway network. This is underpinned by Paragraph 115 of the NPPF which 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 would be severe.
- 6.10 It is acknowledged that the proposal would represent a modest intensification in vehicular activity associated with the use of the site as the occupants would be reliant on private transport methods to access the site. It is however acknowledged that there has been no objections raised by the local highways authority with regard to the proposed scheme. Furthermore it is recognised that the isolated nature of the site is such that guests would be reliant upon the use of a car to access the site but clearly this is part of its attraction for tourism and as such there is an inevitable tension

in terms of the sustainability of the location and the benefits associated with small scale tourism enterprises. It is considered that the benefits of the proposal should be given appropriate weight.

Scale, Design, and Appearance

- 6.11 CS Policy LD1 is also of relevance to this proposal and requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development. The proposal is also considered against CS Policy SD1, which relates to the design of new buildings including garages. The policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, and proportions and massing of surrounding development.
- 6.12 Policy SD1 of the MMNDP states that proposals for development should take into account, the location, scale, density, design, form, construction and operation of development.
- 6.13 It is considered that the revised proposal, consisting of two shepherds huts, is limited in scale which when combined with their temporary form and the well screened nature of the site is such that it would not have an adverse impact upon the wider landscape. It is noted that a commitment to additional landscaping is provided and as such it is considered reasonable to ensure a proper species mix and details of treatments are secured by condition.

Water Resources

- 6.14 CS 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. CS 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
- 6.15 The proposal seeks to replace an existing septic tank with a modern package treatment plant (One 2 Graf). It is noted that owing to the topography the proposal would be gravity fed and would result in a positive impact in relation to the quality of water resources of Herefordshire. The proposed car park does not feature any non porous hardstanding as such there would be limited impacts upon surface water. The site does not fall within any of the impact zones that require a Habitat Regulations Assessment and as such there is no objection raised to the replacement of the existing cesspit with a new phosphate treatment plant which represents a significant enhancement.

Ecology

- 6.16 CS Policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.17 It is not considered that the proposal would have an adverse impact upon any protected species. It is however advised that should any protected species be identified during construction that work should cease and an accredited ecologist consulted prior to recommencing work. Furthermore, the site is located within a rural area and in this regard it is considered reasonable to protect the intrinsically dark skies of Herefordshire and secure an appropriate level of biodiversity net gain. In accordance with the positive response from the Ecologist, conditions are recommended.

Residential Amenity

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- 6.18 CS Policy SD1 states that development must safeguard the amenity of existing and proposed residents.
- 6.19 The intended use is not an inherently noisy one, particularly if it is responsibly managed. Furthermore, given the distance between the site and adjacent properties and the relatively small scale nature of the proposed use it is not considered that there are reasonable grounds upon which to withhold planning permission. Some control over activities are considered appropriate to protect the amenity of adjacent residents and these include a restriction on amplified music, fireworks, and open fires within the application site.

Protection and Conservation of Heritage Assets

- 6.20 CS Policy LD4 states that proposals affecting heritage assets should conserve, and where possible enhance the asset and their settings through appropriate management, uses and sympathetic design.
- 6.21 Policy SS6 states that development proposals should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county's residents and its economy
- 6.22. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.23 The site lies around 90 metres to the North East of the Grade II listed building (The Kittles). It is your officers view that the proposal would not adversely impact the character nor setting of the Grade II listed asset given the topographical change, the establishing vegetation and the scale of the proposed development.

Conclusion

- 6.24 Whilst acknowledging the relatively high level of local concerns in respect of the application, when the proposal is assessed against the adopted development plan, it is considered that it is compliant with regard to all relevant planning policy and material considerations. It is therefore concluded that the proposal is recommended for approval.

RECOMMENDATION:

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (23_515/sk01D; 23_515/SK02 A; 23_515/SK03 C; 23_515/01 C; 23_515/02 A; 23_515/03 A; 23_515/ 04; and the schedule of materials indicated thereon.**

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SD1 of the Much Marcle Neighbourhood Development Plan, and the National Planning Policy Framework

3. **No development shall commence, including site clearance and ground works, until a landscape scheme, is submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:
 - A. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
 - B. All existing and proposed hardstanding and boundary treatment.**

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

4. **The shepherds huts shall be used for holiday accommodation and for no other purpose (including any other purpose in Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5. **As detailed in supplied plans and reports all foul water shall discharge to new One 2 Graf Treatment Plant discharging to a drainage field and all surface water shall be managed by appropriate onsite infiltration-soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with 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, SD3, SD4 and LD2

6. **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

7. **No amplified or other music shall be played outside the following times 10:30pm and 08:00am. There shall be no fireworks nor open fires within the application site.**

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **Prior to first occupation of the shepherds huts hereby approved, evidence of the suitably placed installation on the approved building, or on other land under the applicant’s control, of a minimum total of FOUR bird nesting boxes and TWO Bat roosting features/boxes 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. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.**

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.

9. **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.**

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 and the National Planning Policy Framework

INFORMATIVES:

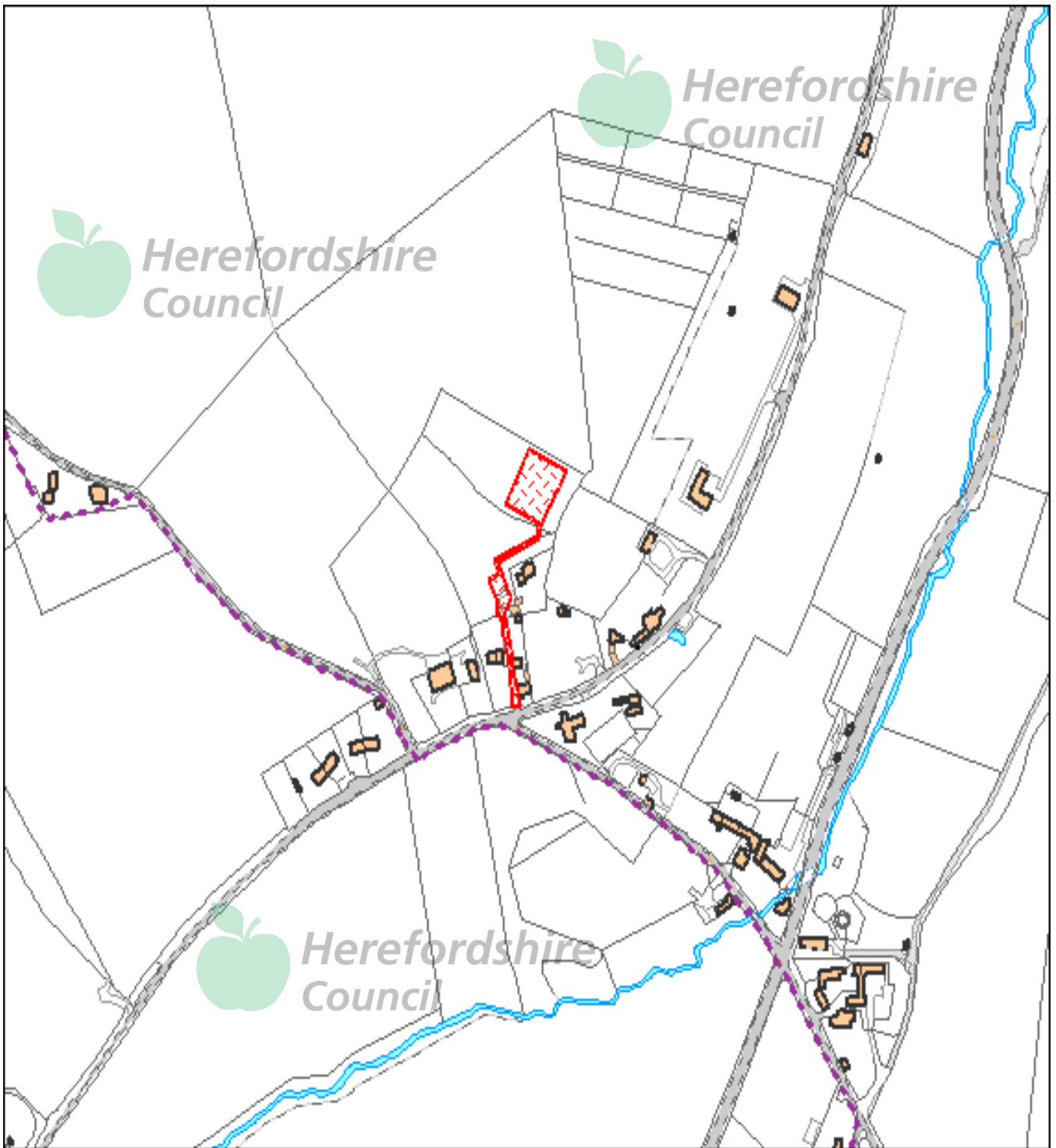
1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **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), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, 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.**

Decision:

Notes:
.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 233688

SITE ADDRESS : LAND AT UPPER HOUSE, LYNE DOWN, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 JUNE 2024
TITLE OF REPORT:	240780 - PROPOSED REPLACEMENT CHANGING ROOMS AND ASSOCIATED FACILITIES. AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ For: Mr Saer per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240780&search-term=wyeside
Reason Application submitted to Committee – Councillor/Staff interest	

Date Received: 20 March 2024

Ward: Greyfriars

Grid Ref: 350288,239475

Expiry Date: 3 June 2024

Local Member: Cllr Diana Toynbee

1. Site Description and Proposal

- 1.1 The site is accessed directly off Belvedere Lane so the south of Broomy Hill and is adjacent to the River Wye, a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSI). The site comprises of two full sized rugby pitches along with facilities comprising a bar/changing rooms and function room. To the east of the site sits the Great Western Way with the embankment between the walkway comprising of existing mature trees and vegetation screening the site from the public way. To the north is a relatively modern residential development of apartments which overlooks the application site, with a mature hedgerow forming the boundary. To the east is the boundary with the Sea Cadets site which is formed by hedgerow and fencing. To the south is the river bank and public footpath. Levels across the site are flat and it is located within Flood Zone 2 and 3. The site is also within the Central Conservation Area.
- 1.2 The proposal is for replacement changing rooms and associated facilities.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy policies (CS)

SS1	-	Presumption in favour of sustainable development
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sport and recreation facilities
OS2	-	Meeting open space, sport and recreation needs
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

- 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

2.2 National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 3. Plan Making
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 10. Supporting high quality communities
- 11. Making Effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.3 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

2.4 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 202191/F – Proposed additional balcony areas to increase entrances into the building. East facing elevation moved forward to increase clubhouse floor area and remove area that is vandalised. Approved

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

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 can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Internal Council Consultations

4.2 Area Engineer Team Leader

The Local Highways Authority have reviewed this application for the proposed replacement changing room and associated facilities at Hereford Rugby Club and has the following comments:

It does not believe that the proposal will lead to an intensification of the site, but instead an improvement of its facilities and therefore the existing access arrangements are appropriate. The site is served by an appropriate level of parking and the proposed amendments do not result in a loss of parking.

As such, the Local Highways Authority feel that the proposal has no highways implications and has no objections to the proposal.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.3 Principal Natural Environment Officer (Ecology)

The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The development is within 50m of the River Wye SAC (and SSSI) and Natural England must be formally consulted on all applications prior to any grant of planning permission.

Notes in Respect of HRA

The proposed development is within 50m of the boundary of the River Wye SAC (SSSI). The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities – including foul and surface water management.

- The existing facilities discharge foul water to the local mains sewer network and the proposed replacement facilities will retain use of this existing connection.
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- At this location the mains sewer system is managed through the Welsh Water Waste Water Treatment Works at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'
- The Hereford WWTW has capacity to manage the additional flows created.
- The proposal is a 'like for like' replacement and no significant additional foul water flows are identified as a result of the proposed development.
- As previously agreed with Natural England any potential additional flows (nutrient pathways) can be considered as being accommodated within the residential foul water flows created through player and supporter's existing 'home' residential foul water flows – with the majority being already within the River Wye SAC catchment.

As no significant new or additional nutrient pathways are identified this effect can be considered as being 'screened out' from requiring any further detailed consideration.

- No significant changes in use of the sporting facilities are proposed and no change or increase in associated noise or light, or intensity of use is anticipated.
- Due to the proximity to the River Wye the demolition and construction processes have the potential to affect the Habitats and Species associated with the River Wye SAC. These effects can be ecological (eg directly on species) or through wider environmental effects such as noise, vibration, dust and general run-off of pollutant and contaminants in to local surface water flows that connect to the River Wye.
- A comprehensive Construction Environmental Management Plan can be secured by condition for implementation during all permitted works will provide mitigation and assurance that all such effects are fully considered and appropriate mitigation and working measures implemented.
- The CEMP will also ensure any potential effects on opportunistic local wildlife and protected species are considered and mitigated.

With a CEMP secured by condition no unmitigated effects on the River Wye SAC (SSSI) are identified from the proposed development

The HRA appropriate assessment completed by the LPA should be subject to formal consultation with Natural England PRIOR to any final grant of planning permission

Suggested condition

Ecological Protection and Construction Environmental Management Plan

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

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.

Informative: A helpful guide to all considerations within a CEMP can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

Subject to the HRA process and CEMP identified above there are no other ecology comments and no objection is raised.

4.4 **Environmental Health Service Manager (Noise / Nuisance)**

No objections from a noise and nuisance perspective

5. **Representations**

5.1 **Hereford City Council** – No response provided.

5.2 No representations have been received from any third parties.

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240780&search-term=240780

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

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

6. Officer's Appraisal

Policy context 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.
- 6.3 CS policy SC1 states that development proposals which protect, retain or enhance existing social and community infrastructure will be supported. Such proposals should be in or close to settlements and where possible be safely accessible by foot, cycle and public transport. The proposal is compliant in these respects. Also, proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets, which is specifically catered for within this extension scheme. Importantly, the proposal would not involve the loss of any part of the playing fields. There would also be no impact on the amenity of neighbouring residents by reason of the discrete, sheltered clubhouse location.

Design and visual amenity

- 6.4 The site is located within the Central Conservation Area and therefore the statutory test under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This is underpinned by the requirements of CS policy LD4 which seeks to protect, conserve and where possible enhance the character and appearance of heritage assets
- 6.5 The proposed extension will follow the mono pitch form of the building and will be clad in similar composite materials. The new facilities will comprise of four separate changing rooms each with toilet and shower, a medical and treatment/physio room, two separate referee changing rooms and the reconfiguration of the existing kitchen area to provide improved kitchen facilities.
- 6.6 The scale and design of the proposed extension is considered the respect the character of the existing building and given its well established presence and its screened location, no harm to the Conservation Area or the wider landscape is identified.
- 6.7 The proposed site plan shows that the works are a suitable distance from any trees and no trees or hedgerows would need to be removed as a result of this proposal. Given the existing vegetation to boundaries, including mature trees, no additional native planting within the site is considered necessary. Overall there is no conflict with CS policies LD1, LD3, LD4 and SD1.

Flood risk and surface water drainage

- 6.8 CS 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

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

water quantity to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Development will not result in the loss of open watercourse and culverts should be opened up where possible to improve drainage and flood flows.

- 6.9 CS 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. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal.
- 6.10 The site is located within Flood Zone 2 & 3 and an appropriate flood risk assessment has been undertaken. Having regard to Environment Agency's Standing Advice and given flooding of the clubhouse in recent past the floor level of the extension will be set to the same level as the floor level of the clubhouse, which is around 1 metre above existing ground levels. The extension will be constructed on steel posts or pillars allowing flood water to pass under the extension the same as currently exists. The footprint of the foundations will be similar to the existing building and so the work is not considered to displace any flood waters. Consideration has also been given to flood resilience measures such as ensuring electrical fittings are sufficiently high and demountable flood defences on the doors are proposed.
- 6.11 It is not necessary to consult the EA on proposals for 'minor development' but the application has been considered in light of the standing advice issued. Overall, it would provide for a similar degree of flood protection as the existing clubhouse and is not considered to increase flood risk to the site.
- 6.12 Surface water from the existing roof discharges to soakaways around the building and the same system will be employed for the proposed extension. Welsh Water has advised that no water from the proposed extension should be allowed to drain to the public sewer, so a condition has been recommended accordingly.

Ecology

- 6.13 The proposed development is within 50m of the boundary of the River Wye SAC (SSSI) and this has triggered the need for a Habitat Regulations Screening Assessment. The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities. It is considered that the likely significant effects on the SAC can be mitigated through the submission of a Construction Environmental Management Plan (CEMP) and this is recommended by condition below. The Screening Assessment has been sent to Natural England and a response is awaited. The recommendation reflects this outstanding response which will form part of an update for the Planning Committee.

Other matters

- 6.14 Welsh Water has raised no objection in terms of the capacity to receive any additional foul water flows. No problems are envisaged with the treatment of discharges from this site and no 'significant effects' are likely to arise in relation to the integrity of the River Wye SAC. A condition is attached to ensure no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 6.15 The proposal will not significantly alter the amount of parking spaces on the site. As confirmed by the agent there are approximately 60 car parking spaces within the existing tarmaced area, with

an overspill grassed parking area to the west of the Great Western Way providing a further 50 parking spaces with the club also having use of the Cathedral school sport pitches car parking where a further 30 cars can park. It is therefore not considered that this proposal will cause adverse impact by way of parking. Belvedere Lane whilst of restricted width will not be adversely impacted with no material increase in vehicular activity arising from the proposed development of the site, which does benefit from excellent walking and cycling links.

Conclusion

- 6.16 Overall the proposal would contribute to the betterment and continued success of this important community facility. The proposal is not considered to cause any adverse impact on the local landscape or increase flood risk on the site or elsewhere and therefore approval is recommended subject to the conditions below.

RECOMMENDATION

Subject to Natural England raising no objection to the adoption of the Council's Habitat Regulations Screening Assessment, that planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **Development in accordance with approved plans and materials**

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 407.P30, 407.P31, 407.P35, 407.P02) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.**

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.

4. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. 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 “high 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.**

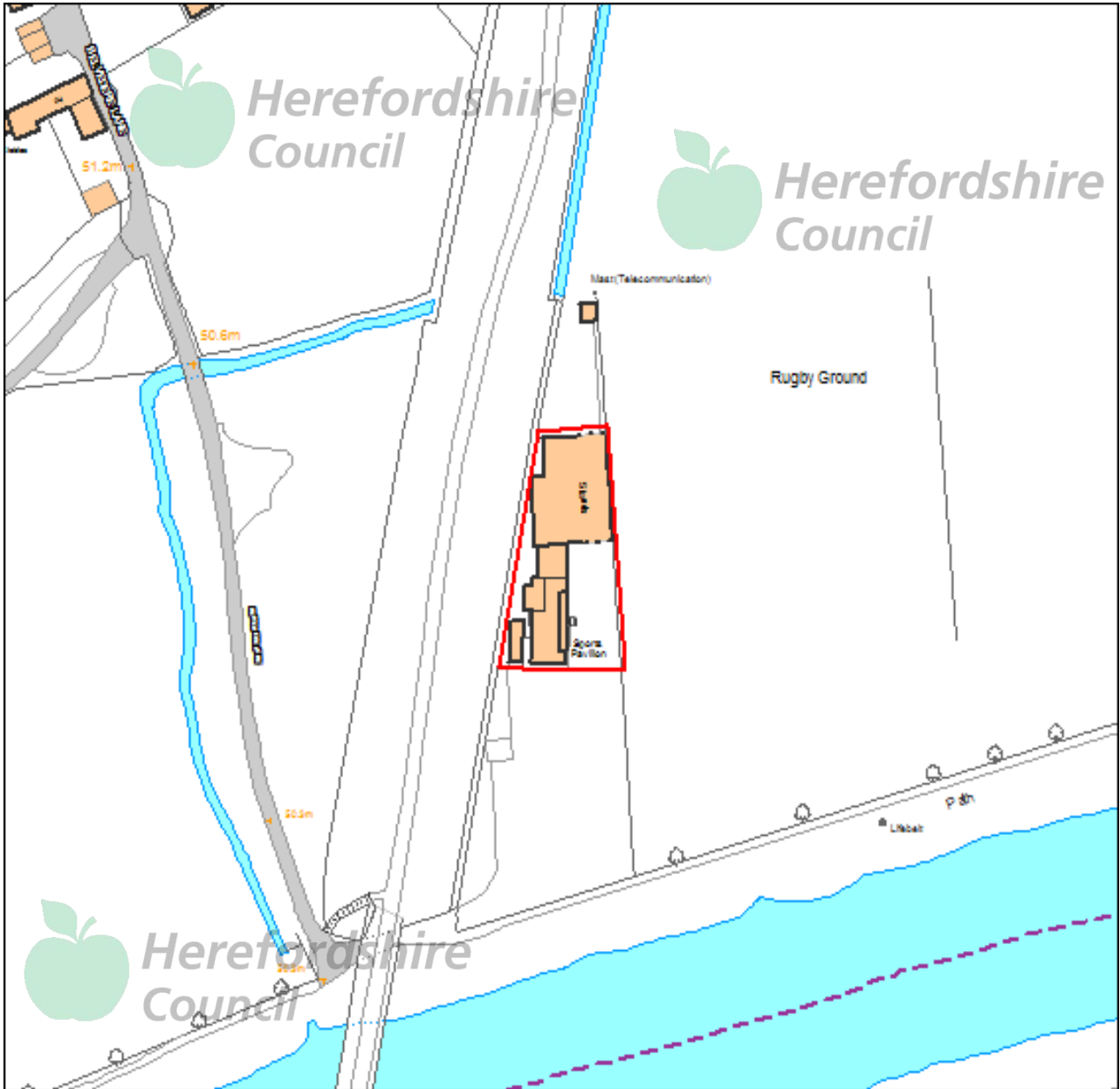
Decision:

Notes:

.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 240780

SITE ADDRESS : WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 JUNE 2024
TITLE OF REPORT:	240602 - PROPOSED ERECTION OF SINGLE STOREY GARDEN SHED AT BRICK HOUSE, BOSBURY, LEDBURY, HR8 1QW For: Mr Kaye per Mr Olly Kaye, Brick House, Bosbury, Ledbury, Herefordshire HR8 1QW
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240602&search-term=240602
Reason Application submitted to Committee – Staff Application	

Date Received: 1 March 2024

Ward: Hope End

Grid Ref: 367930,243846

Expiry Date: 6 June 2024

Local Members: Cllr Helen Heathfield

1. Site Description and Proposal

- 1.1 The application site relates to a two-storey dwelling accessed off a classified road located within the hamlet of Catley. The dwelling lies within a long narrow plot. Mature hedgerow surrounds the site.
- 1.2 The proposal is for the erection of a single storey outbuilding described as a garden shed. The proposed shed would measure approximately 5.6 metres by 4.1 metres with a ridge height of 2.7 metres. The outbuilding would be clad in timber panels under a corrugated roof.

2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

SS1 – Presumption in favour of sustainable development
 SS6 – Environmental quality and local distinctiveness
 MT1 – Traffic management, highway safety and promoting active travel
 LD1 – Landscape and townscape
 SD1 – Sustainable design and energy efficiency
 SD3 – Sustainable water management and water resources
 SD4 – Waste water treatment and river water quality

2.2 Bosbury and Catley Group Neighbourhood Development Plan (NDP)

A referendum for voters within the Bosbury and Catley Group Neighbourhood Area was held on the 11 July 2019 and passed. The Bosbury and Catley Group Neighbourhood Development

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

Plan is therefore part of the statutory development plan.

Policy 2 – Local Character

2.3 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed places

2.4 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

2.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The 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 No site history

4. Consultation Summary

4.1 Statutory Consultations

Forestry Commission – No response

5. Representations

5.1 Bosbury and Coddington Group Parish Council – Support this application

5.2 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240602&search-term=240602

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

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

6. Officer's Appraisal

Policy context and Principle of Development

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

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

“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 Bosbury and Catley Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 16 August 2019.
- 6.3 CS Policy SS1 reaffirms the core concept of the NPPF by outlining the commitment by the Local Planning Authority to take a positive approach that reflects a presumption in favour of sustainable development.
- 6.4 Policy SS6 of the CS states that development proposals should conserve and enhance those environmental assets that contribute positively to the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets.
- 6.5 CS Policies LD1 and SD1 seek to specifically define the ways in which the decision maker will address Policy SS6 of the CS. They outline that proposals should demonstrate that they will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents, and ensuring that design respects the scale, height, proportions and massing of surrounding development.
- 6.6 Policy 2 of the NDP states development should respect and conserve the local character; its historic and natural assets, and take every opportunity, through design and materials, to reinforce local distinctiveness and a strong sense of place.
- 6.7 The scale and massing of the proposed development is modest and appropriate within the context of the setting and would not result in a disproportionate structure when read as an outbuilding for a two storey dwelling, ensuring that the host dwelling remains as the dominant feature of the site. The application site is a large plot within which a garden shed would not be considered out of character for the locality. Furthermore, the proposed shed is designed in a manner which reflects its use as an outbuilding by virtue of its scale and materials. No conflict with CS SD1 is therefore found with regards to design.
- 6.8 No concerns have been raised with regards to the impact the shed would have on the amenity of neighbouring dwellings by way of loss of light and outlook and sense of overbearing scale, however I must give this due consideration. The proposed shed is a small structure that would afford no overlooking or overshadowing of the neighbouring property. The proposal would maintain the amenity of the neighbours and would not result in any visual dominance and to a degree that would be contrary to the above policies.
- 6.9 The materials proposed for the development of timber cladding and corrugated sheet roofing reflects its use as a garden shed. As such, the proposal is deemed to accord with policies SD1 and LD1 of the CS.
- 6.10 There are no other matters pertinent to the proposal which requires discussion or assessment and taking the above into account, it is considered that the proposal generally accords with the provisions of the Herefordshire Local Plan – Core Strategy and the Bosbury and Catley Group Neighbourhood Development Plan together with the overarching aims and objectives of the National Planning Policy Framework. The application is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION

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

- 1 C01 – Time limit for commencement (full permission)
- 2 C06 – Development in accordance with the approved plans

INFORMATIVES:

- 1. **Application Approved Without Amendment**

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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

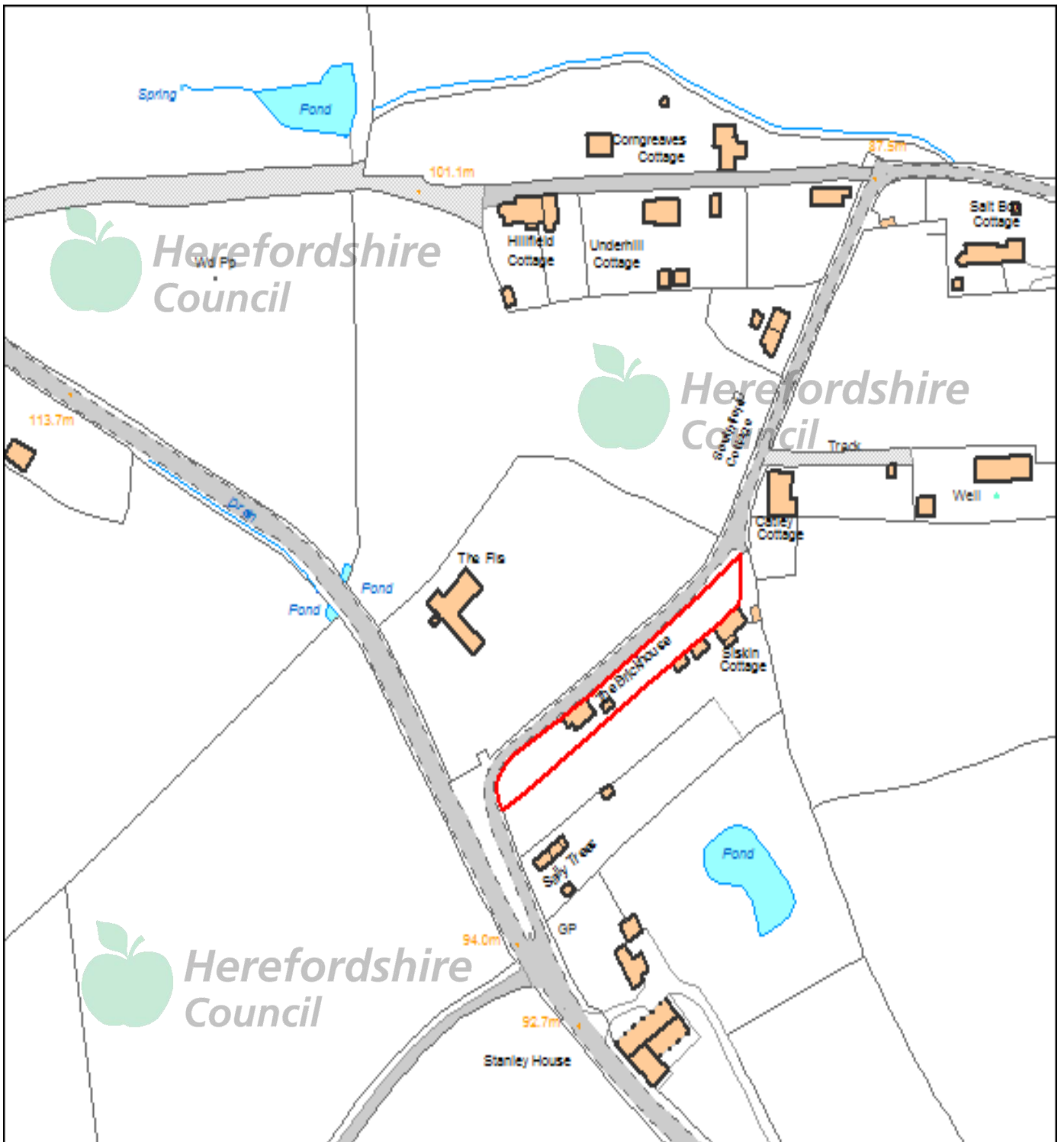
Decision:

Notes:

.....

Background Papers

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 240602

SITE ADDRESS : BRICK HOUSE, BOSBURY, LEDBURY, HEREFORDSHIRE, HR8 1QW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Miss Amber Morris on 01432 260855

