

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	9 SEPTEMBER 2026
TITLE OF REPORT:	260149 – REMOVAL OF CONDITION 4 OF PLANNING PERMISSION 240468 (PROPOSED RESIDENTIAL DEVELOPMENT OF 8 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING) AT LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE. For: Ms Price per Mr Geraint John, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=260149
Reason Application submitted to Committee: Redirection	

Date Received: 19 January 2026 Ward: Golden Valley Grid Ref: 332449, 228640 South

Expiry Date: 11 September 2026 (Extension of time agreement)

Local Member: Cllr Matthew Engel

1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped land parcel of Grade 3 (Good to Moderate) agricultural grassland which measures approximately 0.57 hectares. It is located immediately south-east of an existing residential development known as Greyhound Close with topography sloping gently from north to south and east to west. Boundary treatments comprise hedgerows and wire fencing with the occasional gap. There is also a small number of younger trees in the north-east corner of the site.
- 1.2 Vehicular and pedestrian access is taken from an existing field gate off Greyhound Close (U74437), with Greyhound Close itself accessed directly off the C1203, the main thoroughfare through the village of Longtown. With regards to adjoining land uses, the site backs onto residential dwellinghouses and their curtilages to the north-west, north, north-east and south-east. In all other directions, the site borders onto grassland and farmland with the wider area surrounding the site to the south and west of varying topography. The Olchon Brook runs parallel to the application site approximately 220 metres to the south-west although the site is wholly within Flood Zone 1 (Low Risk) and not constrained by surface water according to Gov.uk Flood Map for Planning.
- 1.3 There are no public rights of way (PRoW) which run through the site, although there are several short, medium and long-distance PRoWs surrounding, many of which have varying degrees of intervisibility with the site. The rounded peak of Hatterrall Hill lies approximately 1.3 miles west (as the crow flies), forming an eastern boundary with Bannau Brycheiniog National Park, as well as a county border with Monmouthshire. Offa's Dyke Path passes along this peak with its outlook offering excellent views down into Longtown and the wider area. The site is not within a National Landscape, Conservation Area or designated historic landscape. The site does not contain any heritage assets but is located in close proximity to a scheduled monument, this being Longtown Castle and Town;

and two Grade II listed buildings namely 'The Old Greyhound' and 'Milestone on West Side of approximately 15 metres West of the Old Greyhound'.

- 1.4 Further to planning permission being granted in 2025 for the residential development of 8 no. dwellings with associated access, parking and landscaping (Reference: P240468/F), this current application is submitted under Section 73 of the Town and Country Planning Act 1990 (TCPA 1990). It proposes the removal of condition 4 of P240468/F. Condition 4 is provided verbatim as follows:

"4. Before any works approved under this planning permission commences, works to improve and upgrade the existing public water supply system shall be completed and written confirmation of this shall be submitted to the Local Planning Authority for written approval.

Reason: To prevent further hydraulic overloading of the public potable water supply network to protect the health and safety of residents, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.

- 1.5 For avoidance of doubt, no other conditions are proposed to be varied or removed under this planning application. The application is supported by and has been considered in accordance with the following plans and/or supporting documents:

- Application Form;
- Location Plan;
- Covering Letter from applicants' agent together with appendices;
- Email exchanges between Dŵr Cymru Welsh Water and the applicants' agent during the consideration of this current application; and
- Email exchanges between officers and the applicants' agent during the consideration of this current application.

2. Policies

2.1 National Planning Policy Framework, as amended on 17 August 2026 (NPPF):

Chapter 3: Decision-making policies

- DM1: Preparing Development Proposals
- DM3: Determining Development Proposals
- DM6: Use of Planning Conditions and Obligations
- DM7: Relationship with Other Regulatory Regimes

Chapter 4: Achieving Sustainable Development

- S3: Presumption in Favour of Sustainable Development
- S4: Principle of Development Within Settlements
- S6: Neighbourhood Plans and the Presumption

Chapter 10: Securing Clean Energy and Water

- W4: Water Infrastructure

Chapter 14: Achieving Well-Designed Places

- DP3: Key Principles for Well-Designed Places
- DP4: The Design Process

Chapter 17: Pollution, Public Protection and Security

- P3: Living Conditions and Pollution

Chapter 19: Conserving and Enhancing the Natural Environment

- N2: Improving the Natural Environment
- N6: Areas of Particular Importance for Biodiversity and Geodiversity

The NPPF sets out the government's planning policies for both plan-making and decision-making on development proposals in England. It is a material consideration of critical importance in both contexts. This version now replaces the previous NPPF that was published most recently in December 2024 (including revisions on 7 February 2025). The NPPF can be accessed using the following link: [National Planning Policy Framework - GOV.UK](#)

One of the most notable changes in the recently revised NPPF is the establishment of national plan-making and decision-making policies. The national decision-making policies (NDMP) identified above are considered by officers to be relevant to the determination of this particular application.

Planning law still requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the NPPF are material considerations in making these decisions and should be read alongside the policies in the development plan, albeit ones that the UK Government expects to be given 'critical' importance. Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

The NPPF also confirms that planning decisions should contribute towards the achievement of sustainable development through economic, social and environmental objectives which are mutually supportive and should be pursued together.

Some of the national decision-making policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused. The NPPF at Annex A covers implementation of the NPPF for the purposes of decision-making, particularly in relation to existing local plan policies. Paragraph 2 is implicit that:

"Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework."

This applies to all development plan policies, which includes both local plan policies (i.e. Herefordshire Local Plan - Core Strategy); and made Neighbourhood Development Plan (NDP) policies. The same paragraph then goes on to say that,

"Other development plan policies (including policies in made neighbourhood plans) should not be given reduced weight simply because they were adopted prior to the publication of this Framework."

In practice, this means that the Local Plan does not cease to apply simply because it predates the current publication of the NPPF but that each policy must be considered individually. Where policies in the Local Plan and a NDP remain broadly consistent with the national decision-making policies, they can continue to carry weight. Precisely how much weight that amounts to remains something for decision-makers to assess. However, where policies are materially inconsistent with the national decision-making policies, they should carry very limited weight.

2.2 National Planning Practice Guidance (PPG):

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The PPG can be accessed using the following link: [Planning practice guidance - GOV.UK](#)

2.3 Herefordshire Local Plan Core Strategy 2011 – 2031 adopted October 2015 (CS):

SS1	–	Presumption in favour of sustainable development
SS6	–	Environmental quality and local distinctiveness
LD2	–	Biodiversity and geodiversity
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

The CS policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

[Adopted Core Strategy 2011-2031 - Herefordshire Council](#)

2.4 Herefordshire Minerals and Waste Local Plan adopted March 2024 (MWLP):
SP1 – Resource management

The MWLP together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:-

[Adopted Minerals and Waste Local Plan - Herefordshire Council](#)

2.5 Longtown Group Neighbourhood Development Plan made on 6 March 2020 (NDP):
LGPC10 – Protecting and enhancing the landscape and its features
LGPC14 – Foul and storm water drainage

The NDP policies together with any relevant supplementary planning documentation can be viewed on Herefordshire Council's website using the following link:- [Longtown Group Neighbourhood Development Plan - Herefordshire Council](#)

3. Planning History

3.1 P240468/F - Proposed residential development of 8 no. dwellings with associated access, parking and landscaping – approved with conditions. The previous application and committee minutes can be accessed through the following weblinks, respectively:

[Planning Application Details - Herefordshire Council](#)

[Agenda for Planning and Regulatory Committee on Friday 4 July 2025, 10.00 am - Herefordshire Council](#)

3.2 P211678/F - Proposed residential development of 6 no. dwellings with associated access, parking and landscaping – refused; appeal dismissed. The application which includes the subsequently dismissed appeal decision and committee minutes can be accessed through the following weblinks, respectively:

[Planning Application Details - Herefordshire Council](#)

<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8547&Ver=4>

3.3 SW2002/3732/F - Removal of condition 4 of planning permission SW2000/2640/F (no development shall take place until a programme of archaeological work has been secured) – approved:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=023873

3.4 SW2002/2744/F - Proposed alterations to approved dwellings on plots 5 and 7 – refused

[Planning Application Details - Herefordshire Council](#)

3.5 SW2000/2640/F - Demolition of former agricultural buildings and construction of seven dwellings and associated infrastructure. (AMENDED PLANS) – Approved with conditions

[Planning Application Details - Herefordshire Council](#)

4. Consultation Summary

Statutory Consultations

4.1 Dŵr Cymru Welsh Water – No objection

4.1.1 **1st consultation 24 February 2026:**

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

POTABLE WATER SUPPLY

The demand on our potable water network is constantly changing and as such, we assess each application on its own merit on how the proposal would impact our network, existing customers and the environment. The application site is in an area where there is insufficient capacity to service the proposed development and this has been consistently represented in recent developments proposed within this catchment. The increased demand may adversely affect our service to existing customers and future occupiers of the proposed development. We therefore, require the control at planning via condition 4 to ensure that the network has been upgraded to ensure the development can be accommodated without causing detriment to existing / future supply. We therefore are unable to support this proposed development and OBJECT to this application for the removal of condition 4 of planning permission 240468.

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."

4.1.2 2nd consultation 3 July 2026:

"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 appreciate the concerns that have been raised by local residents regarding the potential impact of the proposed development on the existing water supply network and understand the Authority's need to be satisfied that these matters can be appropriately managed.

Having reviewed the proposal, we recognise that there is a degree of duplication between Condition 4 and the statutory controls available to us under the Water Industry Act. Whilst our preference would be for the condition to remain, we acknowledge that the legislative framework provides us with the necessary powers to assess the impact of any future connection to the public water network and, where necessary, require reinforcement or mitigation works before a connection is permitted.

In this regard, we are satisfied that the removal of Condition 4 would not prejudice our ability to assess capacity within the network or ensure that any future connection can be accommodated without adversely affecting the level of service provided to existing customers.

It is important to note that, regardless of whether Condition 4 is retained or removed, this does not confer an automatic right for the applicant to connect to the public water network. Any request for a connection would remain subject to the relevant application and assessment processes under the Water Industry Act.

Through these processes, we retain the ability to determine whether the network is capable of serving the proposed development with an adequate water supply, whilst safeguarding supplies to existing customers.

On this basis, whilst we understand the concerns that have been raised locally, we offer no objection to the Authority determining the application and are satisfied that sufficient controls exist under separate legislation to appropriately manage any future impact on the water supply network.

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@Dŵrcymru.com Please quote our reference number in all communications and correspondence.”

Internal Council Consultations

4.2 Area Engineer – No objection

“The local highways authority has no comments to make on this application as the condition relates to water issues and there are no highways implications. 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>”

5. **Representations**

5.1 **Longtown Group Parish Council – Objection**

5.1.1 **1st consultation 28 February 2026**

“Longtown Group Parish Council (LGPC) sat on 24th February and discussed the application: Council RESOLVED to object with the following comment: ‘We note that no representations have appeared on the planning portal in respect of application 260149. Infrastructure capacity is uncertain in respect of the pressure of water supply in Longtown. We refer to Policy SD3– Sustainable water management and water resources. ‘9 -Development should not cause an unacceptable risk to the availability or quality of water resources’. Therefore, LGPC believes that Condition 4 should remain in place.”

5.1.2 **2nd consultation 19 and 20 June 2026**

“Longtown Group Parish Council sat on 17th June 2026 and RESOLVED to object with the following comments: LGPC strongly objects to Condition 4 being lifted. Longtown already suffers from low water pressure at peak times. This is acknowledged in a letter to HC from Welsh Water on 24/2/26 in which WW says “ The site is in an area where there is insufficient capacity to service the proposed development... the increased demand may adversely affect our existing customers and future occupants of the development. We therefore require the control at planning to ensure that the network has been upgraded to ensure the development and be commodities without causing detriment to existing or future water supply.” On the 3/6/26 the agent is discussing rewording Condition 4 Section 41 of the Water Supply Act only refers to the right to have a water main connected whereas condition 4 relates to the need for there to be adequate capacity for the development to be added to the system. LGPC strongly believes that the “upgrading of the public water supply” should be complete before building to avoid detriment to existing parishioners Any other decision is unacceptable.

Please see the below response from a Councillor. This has been circulated and has Councils support: The agent on behalf of the developer suggests that there is no requirement for Condition 4 as Section 41 is an equivalent restriction. However, Condition 4 is a legal restriction or requirement imposed on a development by the local authority and requires the issue to be addressed before development begins. Whereas, Section 41 is statutory agreement with a water company to construct or extend a new public water main and it addresses water connections after development has started.

We believe that it is absolutely necessary that condition 4 is retained as it provides critical planning control to prevent harm to public health, residential amenity and the environment, in accordance with

relevant local and national planning policies (that is not provided under Section 41). In this situation, it is relevant because the additional demand created by this development could worsen existing supply constraints and adversely affect existing residents and future occupiers unless the necessary upgrades are completed first.

It ensures a degree of safety for our residents as it is enforceable. The condition requires the upgrade works to be completed and confirmed in writing to the Local Planning Authority before development begins, giving the planning authority a clear point of control that alternatives will not provide. Condition 4 provides the planning department with control over the development that is critical to ensure that the network has been upgraded to ensure that there are not adverse impacts on residents, future occupiers and the environment. This is recognised as important to “protect the health and safety of residents, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and the National Planning Policy Framework.” It is for these reasons that we believe that the application to remove condition 4 should be rejected.”

5.2 At the time of completing this committee report, 33 letters of objection have been received from 25 interested parties. Comments made are summarised as follows:

- DCWW’s position mischaracterised
- DCWW does not guarantee capacity
- Applicant must make formal application to connect and await outcome before being properly discharged.
- Condition is necessary and reasonable and meets six tests of NPPF.
- Removal of planning safeguards
- ‘Error’ argument immaterial
- Impact on water pressure/supply problems
- Position of DCWW is key
- Impact on River Wye SAC
- Request for hydraulic modelling assessment and delivery of reinforcement works.
- Impacts on public health and safety and human health.
- Planning safeguards are necessary, regardless of duplication with Water Industry Act.
- Contrary to Council’s commitments on the River Wye and its recovery
- Lack of technical assessment or change in supply position.
- Increased water pollution
- Conduct of consultation/application process including publicity and timescales for determination.
- Sets a precedent locally
- Object to removal of condition
- Publicity of application
- Applicant motives

5.3 Representations can be viewed on the Council’s website by using the following link:-
[Planning Application Details - Herefordshire Council](#)

6. Officer Appraisal

Policy and Legislative Context

6.1 As set out under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Further to recent revisions to the NPPF, national decision-making policies (NDMP) in the NPPF are a material consideration in decision-making.

- 6.3 The development plan currently comprises the Herefordshire Local Plan – Core Strategy (CS), the Herefordshire Minerals and Waste Local Plan (MWLP) and the ‘made’ Longtown Neighbourhood Development Plan (NDP), albeit all of these pre-date the publication of the revised NPPF, which is a significant material consideration. There is currently no adopted or emerging spatial development strategy.
- 6.4 The revised NPPF NDMP S3 of the NPPF supersedes what was Paragraph 11 in the previously published NPPF. Policy S3 states:
- “1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
- a. Policy S4 in the NPPF should be applied when considering development proposals within settlements;*
 - b. Outside settlements, policy S5 should be applied; and*
 - c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*
- 2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal.”*
- 6.5 The application site is viewed by officers to meet the definition of ‘settlement’ as per Annex B (glossary) of the NPPF. In reaching this view, the definition of ‘settlement’ includes cities, towns, villages and land which is allocated or has permission for development which will form part of the built-up area once the development is complete. This includes areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined). Settlements do not include hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan. For avoidance of doubt, Longtown is clearly identified as a settlement which is a main focus of proportionate housing growth under Policy RA2 of the CS and this site forms part of an allocated site within the settlement boundary for Longtown under the Longtown Group NDP (refer to Policies LGPC1 and LGPC2).
- 6.6 NDMP S4 of the revised NPPF is therefore considered to apply. This is inserted below:
- 1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.*
 - 2. “In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:*
 - a. Have a substantial adverse impact in relation to:*
 - i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or*
 - ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).*
 - b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or*

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

- 6.7 The previous NPPF publication in terms of the concept “out-of-date” has now been replaced. In particular, whether the presumption policies at Policies S4 and S5 are triggered is not about time, date or datedness. It is about place and need. In terms of new tilted balance, Policy S4 effectively means that an application within any settlement should be approved unless its benefits are substantially outweighed by adverse effects. And given the substantial weight, this sets a considerably higher bar in terms of applying the ‘tilted balance’.
- 6.8 The concept of “strong reasons” to refuse permission is also removed. Instead, for decision-making, the tilted balance is likely to be failed if “the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances”. The issue of 5 year housing land supply is also not as important as it was. This is because under new NDMP S5, it’s only one way - just one - that unmet need can be demonstrated. There can be others e.g. it may be that an area which can show a 5 year supply does not in fact have adequate stocks of (for instance) affordable housing, or housing for older people etc. There are many more ways of activating this tilted balance than there were before.
- 6.9 Having regard to the above, whilst the CS was adopted in 2015, paragraph 2 of Annex A of the NPPF confirms that development plan policies should not be given reduced weight solely because they pre-date the current NPPF. The weight afforded to individual policies depends on their consistency with the current NDMPs. Precisely how much weight that amounts to remains something for decision-makers to assess, whereas any materially inconsistent policies should be afforded very limited weight.
- 6.10 In the context of this proposal, the key policies which relate to the determination of this particular application include those relating to protecting, conserving and enhancing assets of environmental value. Policies SS6, LD2, SD3 and SD4 of the CS as well as Policies LGPC10 and LGPC14 of the NDP have a strong alignment with the NPPF as it is broadly an evolution of these themes rather than a replacement, so should continue to be attributed significant weighting whereas Policy SS1 is considered to have very limited weight given to it as it has now been superseded by the NPPF Policies S3-S5.
- 6.11 Having regard to NDMP S6 of the NPPF, the site falls within the Longtown Group Neighbourhood Area, which has a made NDP (made on 6 March 2020). S6 identifies:
- “For development proposals involving the provision of housing, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:*
- a. The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b. The neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).”*
- 6.12 The NDP is now over five years old. The NDP would conflict with a. of S6 of the NPPF. Accordingly, it is Policies S3 and S4 which remain relevant to determination of the application.
- 6.13 The appraisal is still assessed against the policies of the adopted development plan though any decision will need to be considered in accordance with Policies S3 and S4 of the NPPF unless material considerations indicate otherwise. This also includes the need to assess the application against the NDMPs of the NPPF.

Principle of Development

- 6.14 The principle of development has already been established through planning permission reference P240468/F for the erection of 8 dwellings, of which a material start has yet to have been made appreciating that there are a number of pre-commencement conditions which have yet to have been discharged. The current application, made under section 73 of the TCPA 1990, seeks to remove condition 4. Accordingly, the assessment is focused on the acceptability of the proposed amendment rather than the establishment of the principle of development. Nevertheless, as section 73 results in the grant of a new planning permission, the proposal has been assessed against the current development plan and NDMPs including Policies S3 and S4 of the NPPF. The site remains within a settlement and the proposed amendments do not alter the previously accepted principle of development.
- 6.15 Legislation within the TCPA 1990 sets out that an applicant can make an application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. There is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission. Under a Section 73 application, a Local Planning Authority can only consider those conditions for which changes have been sought and if the proposed amendments are not acceptable or revised conditions to secure a more appropriate form of development cannot be achieved, then the application shall be refused.
- 6.16 Provisions relating to statutory consultation and publicity do not apply. However, a local planning authority has the discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties. In this instance, it is considered reasonable to allow for engagement locally and comments to be taken into account. Accordingly, site notices have been erected and consultation undertaken with the local group parish council to enable any interested party wishing to make representation to do so, as well as the statutory undertaker Dŵr Cymru Welsh Water given the nature of the application.
- 6.17 In assessing such applications under Section 73, Policy DP4 (the design process) of the NPPF is highly pertinent which states that local planning authorities should not allow the quality of approved development to be materially diminished between permission and completion, as a result of changes proposed following its initial approval (for example through changes to approved details such as the materials used). As such, one can only comment on the changes before the Local Planning Authority to which this variation of condition application relates to, namely condition 4. In this instance, the proposal provides sufficient information under NDMP DM1 to make an assessment of this application.

Assessment

- 6.18 It is appropriate to review the site history in terms of how the current situation has been arrived at. Notably, this requires reference back to a previous planning application submitted and determined in 2022 under reference P211678/F. This sought the erection of 6 dwellings on the site. Whilst that particular application was refused and subsequently dismissed on appeal, the reason for refusal was solely pertaining to the proposed housing mix. Dŵr Cymru Welsh Water's consultation response and position on that particular application relating to potable water supply is inserted below for assistance:

POTABLE WATER SUPPLY

The proposed development is in an area where there are water supply problems for which no improvements are planned within our current Capital Investment Programme. Any increased demand will exacerbate the situation and adversely affect our service to existing customers and potential users of this proposed development. We consider the proposal to be PREMATURE and therefore OBJECT to the development. It may be possible for the developer to fund the accelerated provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991 or through planning obligations of the Town and Country Planning Act 1990.

(Source: Dŵr Cymru Welsh Water consultation response for P211678/F dated 31/12/2021)

- 6.19 Dŵr Cymru Welsh Water identified infrastructure capacity concerns regarding that proposed development and advised that there were at that time no improvements planned in regard to upgrading water supply. This said, the applicant/developer can fund the provision of essential improvements by way of a water requisition under Sections 40 - 41 of the Water Industry Act 1991.
- 6.20 Officers nevertheless acknowledge that the consultation response identified the pressures on the local water mains and set out that any further connection could pose a risk of hydraulic overloading which could lead to health and safety concerns. As such, a prior commencement condition was requested at that time. Whilst planning permission was refused [and dismissed on appeal], the position of Dŵr Cymru Welsh Water was clearly set out and noted.
- 6.21 Turning to planning application reference P240468/F and the application for eight dwellings, Dŵr Cymru Welsh Water did not specifically highlight issues pertaining to potable water supply at the time. They stated the following:

POTABLE WATER SUPPLY

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

(Source: Dŵr Cymru Welsh Water consultation response for P240468/F dated 20/03/2024; reinforced by consultation response dated 30/04/2025)

- 6.22 It is important to note that demand on the potable water network is constantly changing. At that time, Dŵr Cymru Welsh Water did not raise an objection and did not necessitate the need for a condition which in itself illustrates how pressure on the potable water network can vary over time.
- 6.23 Despite this, as a result of seeking to correlate and promote a consistency of approach between the officer committee reports prepared for P211678/F and P240468/F, the committee report stated,

"6.94 Welsh Water have identified infrastructure capacity in regards to this proposed development and have advised that there are currently no improvements planned in regards to upgrading water supply. The applicant can fund the provision of essential improvements by way of water requisition under Sections 40 - 41 of the Water Industry Act 1991. As such, a suitably worded condition can ensure that the water supply can cope with an increased load. This will be secured through a planning condition to secure funding for the provision of Welsh Water services via Sections 40-41 of the Welsh Water Act. The condition is 'pre-commencement' to ensure that a resolution to this issue before works are commenced."

(Source: Extract from officer committee report P240468/F presented to Planning Committee 4 July 2025)

- 6.24 It is appreciated that interested parties did make representation raising the issue and that officers were responding to that matter at the time but effectively condition 4 was attached to the Decision Notice granted under P240468/F as an 'overhang' by the Local Planning Authority.
- 6.25 With hindsight this was an error on the part of the Local Planning Authority, appreciating that Dŵr Cymru Welsh Water did not actually necessitate or require a condition to be added. However, no challenge to the imposition of the condition was received at the time by the applicants/their agent and no appeal was made to the Inspectorate in relation to the imposition of the condition.
- 6.26 This current application which is to be determined by the committee proposes removal of the condition on the basis that Dŵr Cymru Welsh Water, as the statutory water undertaker, confirmed under P240468/F that it raised no objection to the development proceeding without the condition.
- 6.27 When considering whether a planning condition should be retained, national policy requires that it meets the tests set out within the NPPF. NDMP DM6 of the NPPF explicitly states that:

"Planning conditions should only be attached to planning permissions and other associated consents for development where they are:

- a. Necessary to make the development acceptable in planning terms;*
- b. Relevant to the development and to planning considerations generally;*
- c. Sufficiently precise to make them capable of being complied with and enforced; and*
- d. Reasonable in all other respects."*

- 6.28 With regards to whether a condition is considered necessary, PPG outlines that in some cases a condition is clearly unnecessary, such as where it would repeat provisions in another condition imposed on the same permission. In other cases, the lack of need may be less obvious, and it may help to ask whether it would be considered expedient to enforce against a breach. If not, then the condition may well be unnecessary.
- 6.29 Given Dŵr Cymru Welsh Water's response to P240468/F confirming that capacity was available in the water supply system to accommodate the development, it is appreciated that the planning permission could not reasonably have been refused in the absence of this condition. As such, whilst the consistency of approach was given weight, it is now evident that the condition is not deemed necessary to the development from the planning regime. It is noted that Dŵr Cymru Welsh Water have confirmed this position as part of consideration of this current application.
- 6.30 Furthermore, NDMP DM7 (relationship with other regulatory regimes) of the NPPF states that the focus of proposals should be assessed on the basis of whether the proposed development is an acceptable use of land, rather than a means of controlling processes or emissions where these are subject to separate pollution control regimes. NDMP DM7 is inserted below for ease:
- 1. "Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.*
 - 2. Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed (see policy PM13).*

3. *The parallel processing of planning and other regulatory consents is encouraged where this can help to align and expedite the consenting of development.*
4. *Where compliance under a separate regulatory regime requires subsequent changes to an approved development proposal, such changes should be approved unless they would mean the development is no longer acceptable when assessed against development plan and national decision-making policies.”*

- 6.31 The above NDMP is clear that planning decision-making should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by other pollution control authorities.
- 6.32 In this particular instance, there is legislation in place under the Water Industry Act which enables the statutory undertaker (i.e. Dŵr Cymru Welsh Water) to review connections for potable water supply and enables them to reconsider their position at the appropriate time. They have the powers to require reinforcement or mitigation works before a connection is permitted. It is clear that this was the case in 2022 when Dŵr Cymru Welsh Water had requested the condition but not so when the Local Planning Authority considered the 2024 application when permission was subsequently granted by the Local Planning Authority.
- 6.33 The Local Planning Authority has sought to engage Dŵr Cymru Welsh Water under this current application, also in accordance with NDMP DM3 of the revised NPPF. With reference to their revised response, they have confirmed that Condition 4 has a degree of duplication. In this regard, the statutory undertaker responsible for the provision and maintenance of the public water supply network has confirmed no objection to the removal of the condition. In the absence of any objection from Dŵr Cymru Welsh Water regarding the capacity of the network to serve the development, there is insufficient evidence to demonstrate that the development would be unacceptable without the condition. Accordingly, the Local Planning Authority considers that the necessity of the condition has not been substantiated.
- 6.34 The condition requires completion of works to the public water supply network prior to commencement of development. Such works would ordinarily fall within the responsibility and control of the statutory undertaker operating under the provisions of the Water Industry Act 1991. Section 41 of the Act establishes a statutory mechanism through which new water infrastructure may be requisitioned and provided by the water undertaker where necessary.
- 6.35 The condition effectively places implementation of the planning permission at the discretion of a third party and requires works which may be outside the applicants' direct control. Given Dŵr Cymru Welsh Water's confirmation that it has no objection to the removal of the condition, the Local Planning Authority considers that retention of the condition would not be reasonable.
- 6.36 Whilst clearly needing to acknowledge the extent of local concern regarding local water pressure/potable water supply, the evidence does not demonstrate that the development would result in unacceptable impacts that cannot be appropriately addressed through the existing statutory water industry regime. In these circumstances, retention of the condition would duplicate controls that would be more appropriately exercised by the statutory undertaker. The recent revisions to the NPPF also provides further clarity with NDMP DM7 clear that planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes other than where there is a development plan policy in place applying optional technical standards for the development proposed, which is not what is being considered here in terms of the proposed removal of condition.
- 6.37 Having regard to the updated consultation response from Dŵr Cymru Welsh Water, the provisions of the Water Industry Act 1991 and the tests for planning conditions contained within the NPPF, it is considered that Condition 4 is not justified. The condition fails to adequately satisfy the tests

of necessity and reasonableness. The continued imposition of the condition is therefore not necessary to make the development acceptable in planning terms. Accordingly, on the evidence above and appreciating that the planning regime is satisfied that it should assume that other regimes and legislation will operate effectively, Condition 4 can be considered acceptable to remove.

6.38 In also reaching this position, officers note NDMP W4 of the NPPF insofar as,

“1. In considering proposals for water supply, drainage and wastewater development, substantial weight should be given to the benefits of:

a. Providing the capacity needed to serve proposed development and/or improving the security of supply and capacity for existing users (both residential and commercial, including agricultural users); and

b. Improving water quality and reducing water-borne pollution.

2. Applicants should not be required to demonstrate the need for water infrastructure developments.”

6.39 Given the current position of Dŵr Cymru Welsh Water, which does not formally object, officers do not consider there to be conflict with Policy W4 of the NPPF.

Other matters

6.40 In the context of the proposed amendment, it is not considered that the previously undertaken Habitat Regulations Assessment which was done under P240468/F needs to be revisited given there are no changes proposed to the drainage characteristics/arrangements. Having regard also to cumulative effects, officers do not identify conflict with NDMP P3, N2 or N6 of the NPPF. Indeed, Policy P3 of the NPPF states that,

“In applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory regimes for the control of pollution will operate effectively, as set out in policy DM7. This means that it will be appropriate to take into account emissions limits set through those other regimes.”

6.41 The relevant policies of the adopted development plan have also been considered namely SS1, SS6, LD2, SD3 and SD4 from the CS, and Policies LGPC10 and LGPC14 of the NDP. Officers do not consider the proposed removal of the condition would manifestly conflict with any of these policies appreciating also the weight that should be afforded to them as set out in the appraisal above.

6.42 This is a Section 73 application to a previously approved application for full planning permission which benefitted from the small-sites exemption in force at the time as it was submitted prior to the small sites exemption being lifted in April 2024. The application therefore remains exempt from requiring statutory Biodiversity Net Gain (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

6.43 In accordance with the adopted MWLP which policies are considered to be consistent with the NPPF and should continue to be afforded significant weight, any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) that includes built development will be required to be accompanied by a comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. Being mindful that the original grant of planning permission already imposed the condition, it would be reasonable for it to continue to be imposed.

- 6.44 There are no other matters considered material to the determination of this particular application. Whilst it is noted that several interested third parties have sought to challenge the publicity and handling of the application, the Local Planning Authority has displayed site notices outside the application site and C1203 on two separate occasions to enable any interested party to make representation in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has also notified the local group parish council on both occasions to enable them to make representation.

7. Summary, Planning Balance and Conclusion

- 7.1 Based on the aforementioned appraisal, officers consider the proposal accords with the statutory development plan policies and would not diminish the quality of development, as per Policy DP4 of the NPPF.
- 7.2 In relation to the application for planning permission, the NPPF has at its heart the presumption in favour of sustainable development, as per Policy S3. Policy S3 is clear that Policy S4 in the NPPF applies when considering development proposals within settlements, which is the case here.
- 7.3 Policy S4 1) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. On the basis of the aforementioned appraisal, any perceived harm, when taken together, is not considered to be substantially outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. Appropriate weight has been factored into all technical considerations though the proposal is compliant with NDMPs, as set out in the NPPF in the view of officers. The planning balance of NDMP S4 must be applied appropriately given the bar of 'substantial'. Turning to 2), there are no circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects as listed within NDMP S4 and notably, the proposal would not fail to comply with one of the NDMP which state that development proposals should be refused in specific circumstances.
- 7.4 There are no material considerations which otherwise substantially outweigh the presumption in favour of sustainable development. Accordingly, the application is viewed to benefit from the presumption and is recommended for approval.
- 7.5 Section 73 applications are commonly said to be seeking to vary or remove conditions to which an existing permission is subject. However, that is not strictly the case. If such applications (or appeals against their refusal or non-determination) succeed, a completely new permission is created that stands alongside the original and an applicant or appellant is able to choose which is implemented. This has become evident through case law on the matter. Lord Carnworth held in the Supreme Court (in *Lambeth LBC v SSHCLG [2019] UKSC 33*) that it is strongly desirable for all of the conditions of previous consent(s) to be restated to ensure clarity in the reading of the decision without the need to refer back to previous decisions in the future in a common-sense manner.
- 7.6 The PPG also makes clear that the decision notice should set out all of the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect. Relevant conditions are updated to reflect the changes sought and where any approval of details reserved by conditions applications has been submitted and details approved through subsequent letters, these are referred to accordingly. These conditions are set out in the schedule of conditions 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. The development hereby permitted shall be begun before the expiration of 8 July 2028.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and in having regard to Paragraph: 014 Reference ID: 17a-014-20140306 of National Planning Practice Guidance, planning permission cannot be granted under Section 73 to extend the time limit within which a development must be started.

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

- 1001 REV B (Location Plan);
- 1102 REV L (Proposed Site Plan);
- 1103 REV L (Site Plan);
- 1201 REV B (House Type A – Plans);
- 1202 REV A (House Type B – Plans);
- 1203 (House Type C – Plans);
- 1204 REV A (House Type D – Plans);
- 1301 REV D (House Type A – Elevations);
- 1302 REV C (House Type B – Elevations);
- 1303 REV D (House Type C – Elevations);
- 1304 REV C (House Type D – Elevations);
- 18484_500 REV.03 (Drainage Strategy); and
- 18484_501 REV. 02 (Foul Drainage Connection Plan)

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 Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1 and LGPC2 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

3. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policies P3 and P4 of the National Planning Policy Framework.

4. No works, including any site clearance, materials being brought onto site or groundworks, shall take place until details and the 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;

- Siting of site office/compound/storage area;
- Tree/hedgerow protection; and
- Soil 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, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies M4, M6 TR4 and TR6 of the National Planning Policy Framework.

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

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

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy SP1 of the Herefordshire Minerals and Waste Local Plan and Policies M4 and M6 of the National Planning Policy Framework.

6. With the exception of any site clearance, no further works shall take place until visibility splays, and any associated set back splays at 45 degree angles are provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 23 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2 and LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4 and TR6 of the National Planning Policy Framework.

7. With the exception of site clearance, formation of visibility splays and groundworks, no further development beyond damp course proof levels shall take place until manufacturers details or samples pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:

- Roof materials to be used externally;
- Wall materials to be used externally;
- Materials to be used externally on all windows and doors;
- Details (i.e. location, design and appearance – including stain colour of any timber fencing) of all means of enclosure (i.e. gates, walls, fencing and other means of enclosure); and
- Details of all rainwater goods (i.e. design, profile, material & colour).

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

Reason: To ensure a satisfactory appearance to the development and to ensure a quality development, in accordance with policies SS6, LD1 and SD1 of the

Herefordshire Local Plan Core Strategy 2011-2031, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

- 8. All parts of the approved development which are to be of stonework shall be of a local stone, properly coursed, laid on its natural bed in a mortar. Details of the stone, coursing details and mortar shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works in relation to the stonework.**

The works shall be carried out in accordance with the approved details and completed prior to first occupation of the dwellinghouse.

Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3, DP4, HE4 and HE6 of the National Planning Policy Framework.

- 9. Notwithstanding the details which have been provided to date, with the exception of any site clearance, formation of visibility splays and groundworks, no further development beyond damp course proof levels shall take place until an enhanced landscaping scheme is submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a scaled plan identifying:**

- a) All proposed new planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details; and**
- b) All proposed hardstanding, paving and boundary treatments.**

The approved details shall subsequently be implemented as follows in accordance with the following timescales:

- All new soft landscaping boundary treatment planting and new ‘orchard’ planting shall be carried out in the first planting season following the approval of the landscaping details.**
- All hard landscaping shall be completed prior to first occupation of each dwellinghouse.**
- All other planting, seeding or turf laying in the approved landscaping scheme, unless otherwise specified above, shall be carried out in the first planting season following the occupation of the first dwellinghouse 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 10 years of planting will be replaced in accordance with the approved plans.

Reason: Having regard to the submitted details to date, an enhanced landscaping scheme is necessary to safeguard and enhance the landscape character and visual amenity of the area including streetscene. Additionally, the condition is to ensure implementation of the subsequently approved landscape scheme in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC2, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policies DP3 and DP4 of the National Planning Policy Framework.

10. Prior to relevant works commencing in relation to foul and surface water drainage arrangements, details pertaining to the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed design/construction drawings of the proposed surface water and foul water drainage systems and proposed features;
- Full network calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event; and
- Confirmation that the adoption and maintenance of the foul drainage system has been agreed with Welsh Water.

The development shall subsequently be carried out in accordance with the approved details together with the details agreed in the Drainage Strategy Report (DSR) REF: 18484-DSR Revision 3 dated 31 March 2025, and drawing numbers 18484_500 REV.03 (Drainage Strategy) and 18484_501 REV. 02 (Foul Drainage Connection Plan) prior to first occupation of the dwellinghouses hereby approved and thereafter maintained as such for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory drainage arrangements in accordance with policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, DP3, DP4, P3, P4 and F7 of the National Planning Policy Framework.

11. Prior to first occupation of each dwellinghouse, the related areas for car parking shall be laid out within the curtilage of each dwellinghouse, in accordance with the approved plans pursuant to Condition 2. The car parking areas shall be properly consolidated, surfaced and drained, in accordance with further details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each dwellinghouse and subsequently completed prior to first occupation of each dwellinghouse.

Once first occupied, the car parking areas shall not, thereafter, be used for any other purpose other than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

12. Prior to first occupation of any dwellinghouse approved under this permission, a scheme demonstrating measures for the efficient use of water for each dwellinghouse approved under this permission, as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan - Core Strategy (or successor policy), shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and completed prior to first occupation of each dwellinghouse.

Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood

Development Plan and Policies CC1 and DM7 the National Planning Policy Framework.

13. Works in relation to the provision of road and drainage infrastructure shall not commence until the following details have been submitted to and approved in writing by the local planning authority:

- Surface finishes;
- Drainage details; and
- Future maintenance arrangements

The works shall subsequently be carried out in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted, unless an alternative delivery/completion schedule is submitted to and approved in writing by the Local Planning Authority.

Thereafter, these shall be maintained in accordance with the approved details.

Reason: To ensure an adequate and acceptable means of access is available before any dwellinghouse is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

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

The approved works shall thereafter be implemented and completed prior to first occupation of each dwellinghouse hereby permitted.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

15. Prior to first occupation of each dwellinghouse, the driveways and/or vehicular turning areas shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway.

Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to relevant commencement of any works in relation to the driveway and/or vehicle turning area.

The works shall subsequently be carried out in accordance with the approved details and completed prior to the first occupation of each dwellinghouse hereby permitted unless an alternative delivery / completion schedule is submitted to and approved in writing by the Local Planning Authority. Thereafter, these shall be maintained in accordance with the approved details.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

16. Construction of highway works proposed for adoption shall not begin until details of such works have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority.

No dwellinghouse shall be occupied until the approved works have 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, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

17. Prior to first occupation of the first dwellinghouse under this permission, details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwellinghouse shall be submitted to the Local Planning Authority for written approval.

The covered and secure cycle parking facilities shall be provided in accordance with the approved details and made available for use upon the first occupation of each dwellinghouse and thereafter maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SS4, SS7, SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Policies LGPC1 and LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies CC2, TR4, DP3 and DP4 of the National Planning Policy Framework.

18. No works in relation to any of the specified highways works shall begin until further details of the drop crossing point on the C1203, as indicated on Drawing Number: 1102 REV L (Proposed Site Plan), have been submitted to and approved in writing by the Local Planning Authority, following the completion of the technical approval process by the Local Highway Authority.

No dwellinghouse shall be occupied until the scheme has been constructed in accordance with the approved works.

Reason: To enhance pedestrian connectivity, improve highway and pedestrian safety, improve active travel modes and to conform to the requirements of Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy, Policy LGPC8 of the Longtown Group Neighbourhood Development Plan and Policies TR4, DP3 and DP4 of the National Planning Policy Framework.

19. Details of the installation of water butts, to collect rainwater and improve surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwellinghouse approved under this permission.

The works shall subsequently be carried out in accordance with the approved details and completed prior to first occupation of each dwellinghouse. Thereafter, these facilities shall be maintained.

Reason: In the interests of improving surface water drainage on-site, measures to address climate change through improved water storage and to accord with Policies SS7 and SD3 of the Herefordshire Local Plan – Core Strategy; Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, DP3 and DP4 of the National Planning Policy Framework.

20. Prior to first occupation of the last dwellinghouse approved under this permission, evidence of the suitably placed installation on the approved dwellings, or on other land under the applicant's control, of a minimum of EIGHT bird nesting, EIGHT bat roosting features of mixed types, and ONE hedgehog home per dwelling with hedgehog highways through all impermeable boundary features to be submitted to and approved in writing by the local planning authority; and shall be maintained hereafter as approved, unless otherwise agreed in writing by the local planning authority.

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, Policies CC2 and N2 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policies LGPC1, LGPC2 and LGPC10 of the Longtown Group Neighbourhood Development Plan.

21. 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, in accordance with Policies SS6, LD2, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy LGPC14 of the Longtown Group Neighbourhood Development Plan and Policies CC2, W4, DP3, DP4 P3, P4 and N6 of the National Planning Policy Framework.

22. At no time shall any external lighting, except low power (corrected colour temperature not exceeding 2700K and brightness of 500 lumens or less), 'warm-white' LED lighting on directional down-lighters only with 0 degree tilt angle and 0% upward light ratio and controlled by means of a PIR sensor with a maximum overrun time of 1 minute, that is directly required in relation to the immediate safe use of the dwelling and garage, shall be installed or operated throughout the application site, unless otherwise agreed in writing with the Local Planning Authority.

No permanently illuminated external lighting shall be operated at any time within the application site, without the written approval of the local planning authority.

All lighting shall be maintained thereafter in accordance with these details with all lighting installed demonstrating compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscapes 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); Policies DP3, P3 and N2 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan – Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Policy LGPC10 of the Longtown Group Neighbourhood Development Plan.

23. All foul water shall discharge through a connection to the local Mains Sewer network (Longtown Wastewater Treatment Works) and all surface water shall be managed through a Sustainable Drainage System (SuDS) within land under the applicant's control; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Policies CC2, W4, DP3, DP4 P3, P4 and N6 of the National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policies LGPC1 and LGPC14 of the Longtown Group Neighbourhood Development Plan.

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

Reason: In order to protect the character and amenity of the locality, enable re-assessment of impacts upon landscape character, visual amenity and heritage assets, to maintain the amenities of adjoining property and to comply with Policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, Policies LGPC1, LGPC3, LGPC10 and LGPC13 of the Longtown Group Neighbourhood Development Plan and Policy DM6 of 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. The applicant may need to apply to Dŵr 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 publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.Dŵrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on 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 in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times. In accordance with the National Planning Policy Framework, 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.

- 3. 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.**
- 4. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to 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.**
- 5. 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.**
- 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. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
- 8. 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'.**
- 9. 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.**

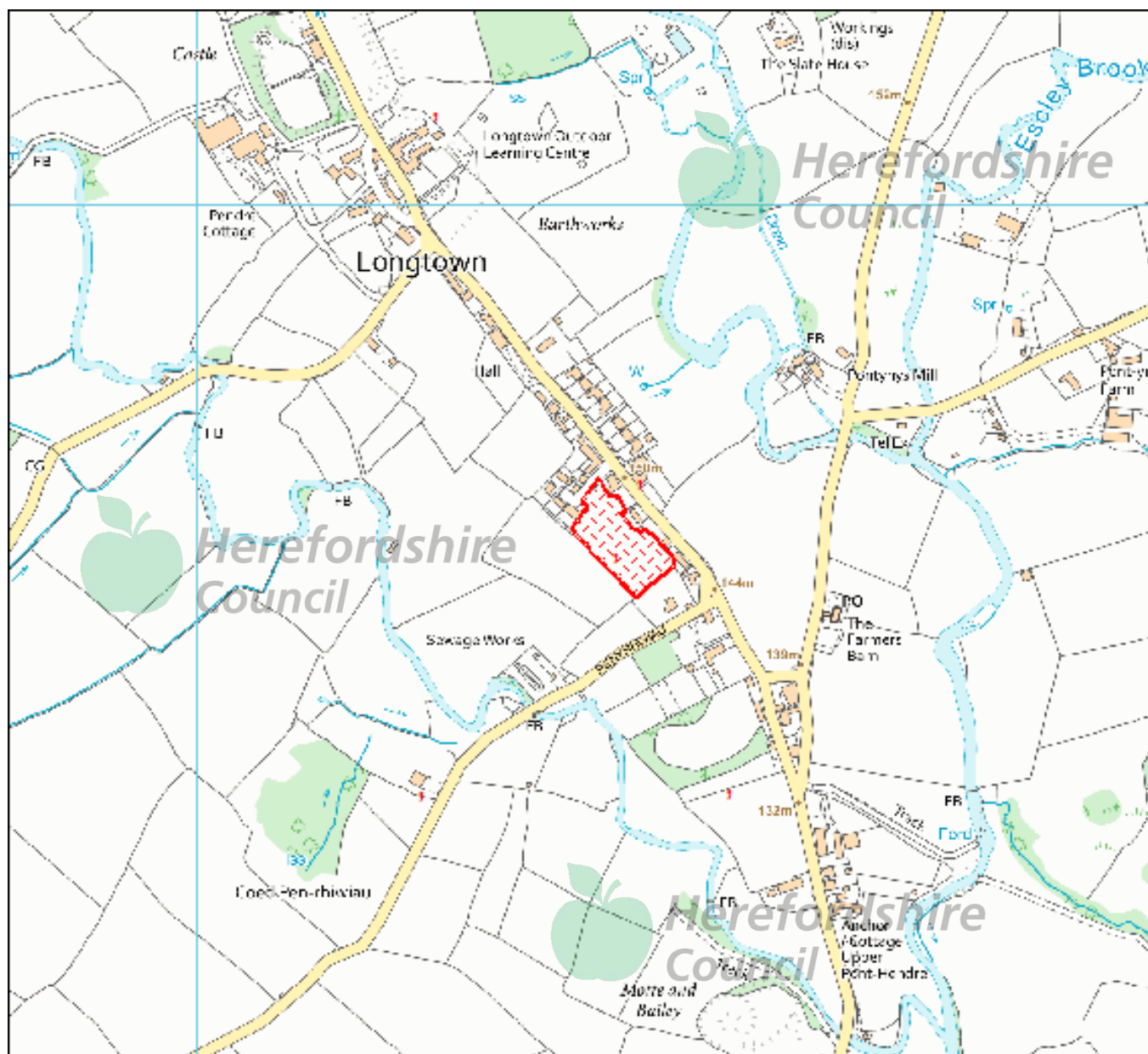
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 260149

SITE ADDRESS : LAND SOUTH EAST OF GREYHOUND CLOSE, LONGTOWN, HEREFORD, HEREFORDSHIRE

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