

# Agenda

## Planning and regulatory committee

Date: **Wednesday 1 September 2021**

---

Time: **10.00 am**

---

Place: **Three Counties Hotel, Belmont Road, Belmont,  
Hereford, HR2 7BP**

---

Notes: Please note the time, date and venue of the meeting. Watch the meeting on the Herefordshire Council YouTube channel through the link: <https://www.youtube.com/watch?v=hN5wRYSPodQ>

For any further information please contact:

**Matthew Evans, Democratic Services Officer**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto: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](mailto: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 Alan Seldon

**Councillor Paul Andrews**  
**Councillor Polly Andrews**  
**Councillor Sebastian Bowen**  
**Councillor Toni Fagan**  
**Councillor Elizabeth Foxton**  
**Councillor John Hardwick**  
**Councillor Tony Johnson**  
**Councillor Graham Jones**  
**Councillor Mark Millmore**  
**Councillor Jeremy Milln**  
**Councillor Paul Rone**  
**Councillor John Stone**  
**Councillor William Wilding**

## Agenda

	Pages
<b>PUBLIC INFORMATION</b>	
<b>GUIDE TO THE COMMITTEE</b>	
<b>NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 30
To approve the minutes of the meeting held on 4 August 2021.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 203268 - ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP</b>	31 - 46
Change of use of building to commercial storage and motorcycle tyre fitting unit together with associated operational development to include extension to eastern elevation to accommodate toilet and air compressor (AMENDED DESCRIPTION).	
<b>7. 210640 - CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SG</b>	47 - 72
Application for removal of Condition 5 and the variation of condition 16 following Application No: 163902/F. (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites.	
<b>8. 204317 - LAND AT BICTON HOUSE, BICTON, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PR</b>	73 - 88
Proposed detached affordable dwelling and garage/workshop.	
<b>9. 202910 - LAND ADJOINING LUCKNOW COTTAGE, PUTLEY GREEN, PUTLEY, HEREFORDSHIRE</b>	89 - 106
Proposed new dwelling.	
<b>10. DATE OF NEXT MEETING</b>	

Date of next site inspection – Tuesday 28 September 2021

Date of next meeting – Wednesday 29 September 2021



## **The Public's Rights to Information and Attendance at Meetings**

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at [www.herefordshire.gov.uk/meetings](http://www.herefordshire.gov.uk/meetings) and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at [governancesupportteam@herefordshire.gov.uk](mailto:governancesupportteam@herefordshire.gov.uk)

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

## **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.

## **Public transport links**

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.

### 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 Alan Seldon (Vice-Chairperson)	Independents for Herefordshire
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Sebastian Bowen	True Independents
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxtan	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor William Wilding	Independents for Herefordshire

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 assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, 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 assistant director environment and place 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 chairman'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 chairman 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. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



**Minutes of the meeting of Planning and regulatory committee held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Wednesday 4 August 2021 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors:** Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, John Hardwick, Tony Johnson, Mike Jones, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, David Summers and William Wilding

**In attendance:** Councillors: Swinglehurst and Watson (virtual attendees)

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Paul Andrews and Graham Jones.

**12. NAMED SUBSTITUTES (IF ANY)**

Councillor David Summers substituted for Councillor Paul Andrews. Councillor Mike Jones substituted for Councillor Graham Jones.

**13. DECLARATIONS OF INTEREST**

Councillor William Wilding declared an other interest in respect of agenda item no. 8, application 201961 – Hartleton Farm; the applicant was a known associate. Councillor Wilding would leave the meeting for the determination of the application.

Councillor Toni Fagan declared an other interest in respect of agenda item no. 6, application 203907 – land at Woodside Stables and agenda item no. 7, application 204346 – land adjacent to Steepways. Objectors to the application were known associates.

Councillor John Hardwick declared an other interest in respect of agenda item no. 8, application 201961 – Hartleton Farm; the applicant was a known associate.

**14. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 9 June 2021 be approved.

**15. CHAIRPERSON'S ANNOUNCEMENTS**

The Lead Development Manager provided an update on revisions to the National Planning Policy Framework (NPPF) and outlined a change to the procedure for the handling of applications to address the current backlog.

**16. 203907 - LAND AT WOODSIDE STABLES FROM GREAT HALL ROAD TO ST WULSTANS ROAD, WELSH NEWTON, NP25 5RT (Pages 13 - 14)**

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking Ms D Clarke of Welsh Newton and Llanrothal Group Parish Council spoke on the application. Mrs S Parkinson, a local resident, spoke in objection to the application. Ms H Boughton, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary she commented that the proposal had been revised following dismissal of an earlier application at an appeal hearing. There remained significant local objection to the proposal in the application from the local community. Welsh Newton Common was not considered to be a sustainable location for more housing. Access to the site along a narrow lane was a concern and a consultant had been commissioned by local objectors to make an assessment of the access road which had concluded that it was incompatible with the NPPF and sections of the Local Plan. Local objectors also felt that the development would be damaging to the character of Welsh Newton Common and did not feel that it provided the small affordable housing that had been originally envisaged for the plot. The proposed development was also felt to have a detrimental impact upon local protected species including dormice which would be in conflict with the local planning policy. If the committee was minded to agree the application it was encouraged to consider conditions to mitigate construction traffic impacts.

The committee discussed the application.

A motion that the application be refused, as it was not compliant with sustainable planning policies SS6, SS1, NT1, LD1, WNL4, WNL1 and WNLC1, was moved.

The Lead Development manager explained that Welsh Newton Common was an area in the core strategy identified for development. The local Neighbourhood Development Plan (NDP) included support for new development. The applicant had revised plans for the development based on the comments of the planning inspector following dismissal of the original application at appeal. It was confirmed that no objections had been received from statutory consultees. Concerns were expressed regarding the reasons for refusal contained in the motion which were not felt to be sustainable. It was highlighted that condition 15 contained a requirement for a construction management plan which would regulate the impact of construction on the common. Condition 22 could be enhanced to ensure that photovoltaic panels and an air source heat pump would be integral to the build, consistent with the conditioning for an electric car charging point.

The local ward member was given the opportunity to close the debate. She explained that the development was not in a sustainable location. If the committee was minded to agree the application it was urged to consider conditions to protect the Common against the impacts of construction and to ensure the inclusion of environmentally sustainable facilities in the permission.

The motion to refuse the application was put to the vote and was lost.

A motion that the application be approved, subject to an amendment to condition 22, to include photovoltaic panels and an air source heat pump, was moved and was carried.

**RESOLVED – That planning permission be granted subject to the following conditions, the amendment to condition 22 as outlined above and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **C65 (Class A only with non standard reason linked to NDP policy)**
5. **CE6 Efficient use of water**
6. **CBK Restriction of hours during construction**
7. **All foul water shall discharge through connection to a new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4**

8. **The ecological protection, mitigation, compensation and working methods scheme as recommended in the ecology report by Wilder Ecology dated December 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006**

9. **Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat 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. No external lighting should illuminate any habitat enhancement or boundary feature.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

10. CAB Visibility splays (2.4M X 25M)
11. CAD Access gates (5m)
12. CAE - Vehicular access construction
13. CAH - Driveway gradient
14. CAI - Parking – single/shared private drives
15. CAT - Construction Management Plan
16. CB2 - Secure covered cycle parking provision
17. CK9 – Trees in Accordance with plans
18. CKA – Retention of existing trees
19. CKF – Specifications for tree planting
20. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate 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 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

21. With the exception of any site clearance and groundwork, no further development shall take place until the following information has been submitted and approved by the local planning authority:
  - Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.
  - Confirmation of groundwater levels.

The approved scheme shall be implemented before first occupation of the dwelling hereby permitted.

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



22. **Prior to the first occupation of the dwelling hereby permitted a scheme to enable the charging of plug in and other ultralow emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within 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. **I11 – Mud on highway**
3. **I09 – Private apparatus within the highway**
4. **I45 – Works within the highway**
5. **I05 – No drainage to discharge to highway**
6. **I47 – Drainage other than via highway system**
7. **I35 – Highways Design Guide and Specification**

There was a brief adjournment at 11:00 a.m. The meeting reconvened at 11:13 a.m.

17. **204346 - LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT (Pages 15 - 16)**

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking Ms D Clarke of Welsh Newton and Llanrothal Group Parish Council spoke on the application. Mrs S Parkinson, a local resident, spoke in objection to the application. Ms H Boughton, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member, Councillor Elissa Swinglehurst, spoke on the application. Local objectors had expressed concern Welsh Newton Common was not a sustainable location for development. Housing targets had been exceeded locally and the County had over a five-year land supply. The access road was not adequate and was incompatible with the NDP which required developments to be accessed from a 'made-up' road. The development proposed would

be detrimental to the character of Welsh Newton Common and the application did not meet local need. The development would require the removal of hedges that were part of dormouse habitat, which was a protected species, and was therefore in conflict with planning policy.

The committee discussed the application.

A motion that the application be refused as it was not compliant with sustainable planning policies NPPF 175, WNL1, LD2, SS6, SS1 was moved.

The lead development manager explained that a previous application had been dismissed at appeal due to the section 106 agreement which had been missing; the inspector had been content with every other element of the proposal. Any refusal of the application would be difficult for the council to defend. The County had met the 5-year housing supply due to applications of this kind being approved.

The local ward member was given the opportunity to close the debate. She explained the application contained a proposal for two houses increasing road usage locally and accessed on a road which might not meet the requirement in the NDP to be 'made up'. The application would have detrimental impacts on Welsh Newton Common and conditions were encouraged to mitigate any damage caused.

The motion to refuse the application was put to the vote and lost.

A motion that the application be approved, subject to an amendment to condition 26, to include photovoltaic panels and an air source heat pump, was moved and was carried.

#### **RESOLVED –**

**That planning permission be granted subject to the following conditions, the amendment to condition 26 as outlined above and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**That planning permission be granted subject to the following conditions:**

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans and materials**
- 3. Efficient use of water**
- 4. Samples of external materials**
- 5. C65 (Class A only with non standard reason linked to NDP policy)**
- 6. Restriction of hours during construction**
- 7. HRA New Private Treatment Plant & Surface Water to Soakaway**
- 8. Ecological Protection & Protected Species**
- 9. Ecological Protection**
- 10. Visibility splays**

11. **Access gates**
12. **Vehicular access construction**
13. **Driveway gradient**
14. **Parking - single/shared private drives**
15. **Construction Management Plan**
16. **Retention of existing trees**
17. **Trees In accordance with plans**
18. **Remedial Works**
19. **Habitat Regulations River Wye SAC – Foul Drainage Strategy**

**As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all foul water shall discharge through connection to a new shared private foul water treatment system on 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

20. **Habitat Regulations River Wye SAC – Surface Water Management Plan**

**As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all surface water shall be managed through a Sustainable**

**Drainage Scheme on 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.**

21. **Habitat Regulations River Wye SAC – Foul and Surface Water Management Arrangements**

**Prior to first occupation of any dwellings hereby approved details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.**

**22. Nature Conservation – Dormice (Protected Species)**

**The working methods scheme, mitigation and enhancement features relating to Dormice as detailed in the Dormice report by Natasha James on behalf of Wilder Ecology supplied December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.**

**Reason: To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.**

**23. Nature Conservation – Ecology Protection, Mitigation**

**The ecological protection, mitigation, compensation and working methods scheme including for Great Crested Newts, as recommended in the ecology report by Wilder Ecology dated October 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.**

**Reason: To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.**

**24. Nature Conservation – Biodiversity Net Gain**

**In addition to the secured Dormice mitigation-enhancement, prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements, FOUR bird nesting boxes, TWO insect hotels/invertebrate habitat boxes, and ONE Hedgehog habitat 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. No external lighting should illuminate any biodiversity net gain enhancement feature or boundary feature.**

**Reason: To ensure that all species are protected 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'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

**25. Prior to the occupation of the development, submission of an updated strategy for the proposed foul and surface water drainage arrangements with the following information:**

- Site specific calculations to size the proposed surface water and foul water drainage features**
- Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.**
- Confirmation of groundwater levels**

**Shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of any of the buildings hereby permitted.**

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

**26.**

**Prior to the first occupation of the dwelling hereby permitted a scheme to enable the charging of plug in and other ultralow emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within 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. I11 – Mud on highway**
- 3. I09 – Private apparatus within the highway**
- 4. I45 – Works within the highway**
- 5. I05 – No drainage to discharge to highway**
- 6. I47 – Drainage other than via highway system**
- 7. I35 – Highways Design Guide and Specification**

**18. 201961 - HARTLETON FARM, BROMSASH, ROSS-ON-WYE, HR9 7SB (Pages 17 - 18)**

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and appended to these minutes.

In accordance with the criteria for public speaking Mr A Reeves of Linton Parish Council spoke on the application. Mr J Arrowsmith a local resident spoke in objection to the application. A statement from Mr D Baume, the applicant's agent, in support of the application was read to the committee.

In accordance with the council's constitution the proxy local ward member spoke on the application. Councillor Yolande Watson queried why site visits had not taken place and why the legal opinion sought by the council regarding the application had not been shared. The absence of a site plan was raised and the discernible difference in the position of the access on the landscape plan from the permission granted. The inconsistency of planning permission references was raised as a concern. It was proposed that the applicant could be asked to submit another application. The committee was encouraged to refer to the submission from counsel, as commissioned by the local community. The work that had been undertaken on site was not considered to comply with section 73 (2) (b) Town and Country Planning Act 1990 which undermined the claim that permission was extant.

The committee debated the application.

The lead development manager explained that the need for a site visit was discussed with the chairman but it was not felt necessary as the decision to be made by the committee was a technicality. The principal planning officer explained that there was a discrepancy between the site access on the permission and on the Landscape plan. Once the Landscape plan had been accepted by the planning department the new access had superseded that contained in the permission. Counsel's advice had been sought on this matter and there was felt to be no issue. Case law had established an objective test as to when development had commenced; works were deemed to have started on the site therefore the permission was extant. It was noted that conditions 1, 2 and 6 were all compliance conditions that required development to be carried out in accordance with details concerning materials, landscape and drainage that were approved by letter dated 9th December 2003. The letter would be appended to the decision notice which would be sent to the applicant.

The proxy local ward member was given the opportunity to close the debate. She urged the deferral of the application to allow the committee to undertake a site visit to see the scrapings that represented the commencement of development. The scrapings were not felt to be compliant with lawful material commencement contained in the Town and Country Planning Act 1990. A proper site plan was required which complied with condition 10 otherwise approval would be based on the landscape plan.

A motion that the application be approved was carried.

**RESOLVED - That planning permission be granted subject to the following revised and reimposed conditions:**

- 1. Development shall be carried out in accordance with the external materials approved by letter dated 9.12.2003 (reference SE1999/2612/F).**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.  
Time limit for commencement (full permission)**

- 2. Development shall be carried out in accordance with the landscaping details approved by letter dated 9.12.2003 (reference SE1999/2612/F).**

**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.**

- 3. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.**

**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.**

- 4. The chalets hereby permitted shall only be used for holiday purposes and shall not be used as a permanent or main residence.**

**Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of separate units of residential accommodation in this rural location, with limited access to facilities for day to day living.**

- 5. Provision shall be made for a water storage facility to serve the proposed development. Precise details of this facility shall be submitted to and approved by the Local Planning Authority in writing prior to work commencing on site and the approved scheme shall be implemented and operational prior to the occupation of the chalets.**

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

- 6. Development shall be carried out in accordance with the drainage details approved by letter dated 9.12.2003 (reference SE1999/2612/F). Development shall be carried out in accordance with the approved details before occupation of any of the chalets.**

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

- 7. All vehicular access to the chalet sites shall be via the access road off the Class II B4224 at South Herefordshire Golf Course.**

**Reason: In the interests of highway safety, so as to adhere to Policy MT1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.**

- 8. The proposed development shall be carried out strictly in accordance with the approved plans:**
- **Site Location Plan**
  - **Site Plan of Village & Proposed minor amendment to siting (incorporating reduced no. of holiday cottages – Plan A Sept '94**
  - **V:2781:9 – Holiday Chalet Type A**
  - **V:2781:10 - Holiday Chalet Type B**
  - **V:2781:11 – Holiday Chalet Type C**
  - **L:2781:4 – Site Plan of lakeside holiday units**
  - **L:2731:5 – Holiday Chalet Type D (lakeside)**
  - **L:2781:6 - Holiday Chalets Lakeside (section and lakeside & motorway elevations)**
  - **256/01 – Landscape Layout and Maintenance**
  - **256/02 – Detailed Landscape Proposals**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.**

- 9. Prior to their construction elevations, floor plans of the garaging (footprint not to exceed that shown on the approved Site Plan) and an external material specification shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.**

**Reason: To ensure the scale and appearance of the garaging is acceptable in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.**

**INFORMATIVE:**

- 1. The Local Planning Authority has acted positively and proactively in determining this section 73 application to vary an imprecise condition by assessing it against the extant planning permissions. It has subsequently determined to grant planning permission.**



**203907 - PROPOSED NEW DWELLING AT LAND AT WOODSIDE STABLES, FROM GREAT HALL ROAD TO ST WULSTANS ROAD, WELSH NEWTON, NP25 5RT**

**For: Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH**

**ADDITIONAL REPRESENTATIONS**

Committee Members will have received via email, a further representation over the weekend from Sue Parkinson, a local resident. The representation makes comments in regards to Welsh Newton Common as a village and also individual points on the application site itself about the footprint of the proposed dwelling; drainage, the existing stone barn and ecology.

**OFFICER COMMENTS**

I have reviewed the additional comments made within the representation and consider that the points have already been addressed within the Officers Committee Report and will be further addressed within the Officers presentation.

**CHANGE TO RECOMMENDATION**

No change



**204346 - PROPOSED DEVELOPMENT OF TWO DWELLINGS.  
AT LAND ADJACENT TO STEEPWAYS, WELSH NEWTON,  
HEREFORDSHIRE, NP25 5RT**

**For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-  
On-Wye, Herefordshire, HR9 5JH**

**ADDITIONAL REPRESENTATIONS**

Committee Members will have received via email, a further representation over the weekend from Sue Parkinson, a local resident. The representation makes comments in regards to Welsh Newton Common as a village and also individual points on the application site itself about the access road; drainage and biodiversity.

**OFFICER COMMENTS**

I have reviewed the additional comments made within the representation and consider that the points have already been addressed within the Officers Committee Report and will be further addressed within the Officers presentation.

**CHANGE TO RECOMMENDATION**

No change



**201961 - PROPOSED VARIATION OF CONDITION 10 OF PLANNING PERMISSION SE1999/2612/F GRANTED ON APPEAL (REFERENCE: APP/W1850/A/00/1039625) FOR 22 HOLIDAY CHALETs WITH PARKING FACILITIES – ‘ORIGINAL’ PLANNING PERMISSION REFERENCE: SS980398PF) TO EXPLICITLY DETAIL THE APPROVED DRAWINGS AT HARTLETON FARM, BROMSASH, ROSS-ON-WYE, HR9 7SB.**

**For: Bellamy per Mr David F Baume, Studio 2, Thorn Office Centre, Holme Lacy Road, Rotherwas, Hereford, Herefordshire HR2 6JT**

#### **REPORT UPDATE**

Reference to paragraph 55 of the NPPF, at paragraph 5.9 of the Report, is hereby amended to paragraph 56 following the publication of the NPPF July 2021, which replaces the previous version of the NPPF (published February 2019). There is no change to the wording of this paragraph and consequently no other update to the Report.

#### **ADDITIONAL REPRESENTATIONS**

A further letter has been received from the Preservation of Rural Beauty – Herefordshire and Gloucestershire (PRuB). This questions where the plans can be found on the website and if a recently submitted application (reference: 211926/F - Proposed demolition of existing toilet and shower block and replace existing dilapidated lodge with new lodge) will also be considered by Committee at the same time. It is stated that the applications are interrelated, being by the same applicant and rely, to some degree, on old permissions. The representation reasserts the view that original proposals can no longer be delivered, are irrelevant and seek to take speculative advantage of developing houses in the open countryside. It further states that the variation of condition is not justified under current development arrangements.

#### **OFFICER COMMENTS**

PRuB have been advised where the drawings can be found on the website. Whilst the referenced, recently submitted application falls within in the same wider site as that subject to this application, it is not intrinsically linked. Each application falls to be considered on its own facts and/or merits and do not need to be determined at the same time.

#### **CHANGE TO RECOMMENDATION**

No change.



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 SEPTEMBER 2021</b>
<b>TITLE OF REPORT:</b>	<p><b>203268 - CHANGE OF USE OF BUILDING TO COMMERCIAL STORAGE AND MOTORCYCLE TYRE FITTING UNIT TOGETHER WITH ASSOCIATED OPERATIONAL DEVELOPMENT TO INCLUDE EXTENSION TO WESTERN ELEVATION TO ACCOMMODATE TOILET AND AIR COMPRESSOR (AMENDED DESCRIPTION) AT ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP</b></p> <p><b>For: Mr Parry per Mr Thomas Parry, The Wain House, Dumblehole Lane, Ashford Carbonel, Ludlow, SY8 4DE</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268&amp;search-term=203268">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268&amp;search-term=203268</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 24 September 2020      Ward: Leominster      Grid Ref: 351334,267598**  
**North & Rural**

**Expiry Date: 7 December 2020**  
 Local Members: Cllr Stone

## **UPDATE**

Members will recall that this application was deferred at the Planning and Regulatory Committee on 9 June 2021 in order for a formal request for details of the air compressor to be supplied by the applicant, along with details of the insulation proposed for the lean-to extension proposed to house the compressor. The applicant supplied these details on 15 June 2021 and the Environmental Health Officer has provided updated comments at Paragraph 4.4.

### **1. Site Description and Proposal**

- 1.1 The application site is found within the parish of Brimfield, located to the west of Woofferton Grange and west of the village of Wyson; 4.5 miles to the south of Ludlow. It forms part of a wider cluster of buildings including converted agricultural buildings that now form dwellings, once associated with the Grade II listed Woofferton Grange. Access to the site is taken directly off Wyson Lane and serves the former agricultural building subject to this application; together with other associated buildings to the immediate east; now purposed for car restoration (ref: 194049/F). The yard area is laid to hardstanding and is currently in an unkempt appearance. The boundary with Wyson lane is bounded by mature species hedgerow and a wide gateway and to the west; the site is bound to the west by a mature hedgerow, screening it from Robin's Nest. Lydiatt Place adjoins the site to the north-east

---

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

1.2 This application is made in full and seeks planning permission for the continued use of the building on the site for commercial storage (B8) and the additional motorcycle tyre fitting unit use (B2). 289m<sup>2</sup> of the building would be purposed for commercial storage; that being for the housing of scaffolding used by local companies and demarked on the submitted plan as the area in yellow. The motor-cycle tyre fitting unit would be housed in a self-contained portion of the building, amounting to 34m<sup>2</sup> and blocked in red on the submitted plan. The remainder of the building would continue to be used as general storage. It is understood that this is serving as long-term storage of household wares. The application also seeks permission for operational development which includes the provision of a small toilet block to the western elevation which would also house an air-compressor. The addition would extend 4.5 metres in depth and would benefit from a pitched roof. Roller-shutter doors would serve the southern elevation providing access to the building.

## 2. Policies

### 2.1 The Herefordshire Local Plan - Core Strategy (CS)

SS1 - Presumption in Favour of Sustainable Development  
SS4 - Movement and Transportation  
SS6 - Environmental Quality and Local Distinctiveness  
RA6 - Rural Economy  
E1 - Employment Provision  
E4 - Homeworking  
MT1 - Traffic Management, Highway Safety and Promoting Active Travel  
LD1 - Landscape and Townscape  
LD2 - Biodiversity and Geodiversity  
LD3 - Green Infrastructure  
LD4 - Historic Environment and Heritage Assets  
SD1 - Sustainable Design and Energy Efficiency  
SD3 - Sustainable Water Management and Water Resources  
SD4 - Wastewater Treatment and River Water Quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Herefordshire Council website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### 2.2 Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP)

BLH7 - Local Heritage List  
BLH8 - Building Design Principles  
BLH9 - Landscape Design Principles  
BLH18 - Developments Supporting Rural Enterprise

The Brimfield and Little Hereford Neighbourhood Development Plan policies together with any relevant supporting documentation can be viewed on the Herefordshire Council website by using the following link; -

[https://www.herefordshire.gov.uk/downloads/file/8681/neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/downloads/file/8681/neighbourhood_development_plan)



## 2.3 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
3. Plan Making
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
12. Achieving well designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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. 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.

## 3. **Planning History**

### 3.1 **194049/F** - Change of use from storage to car restoration – **Approved 10 March 2020**

*This permission relates to the building which immediately adjoins the site to the east.*

### 3.2 **013497/F** - Retrospective change of use of existing barn and yard for storage of industrial packaging and process machinery – **Approved 25 May 2002**

*This permission relates to the northern portion of the building which immediately adjoins the site to the east, together with the forecourt area which forms part of this application.*

### 3.3 **930023/F** – Use of disused agricultural buildings as furniture workshops – **Approved 3 August 1993**

*This permission relates to the building which is subject to this application.*

## 4. **Consultation Summary**

### Internal Council Consultations

#### 4.1 **Transportation Manager (23 February 2021)**

The previous highways response for the application requested further information about vehicle parking and manoeuvring space, the provided drawing, viewed in conjunction with the location plan shows sufficient space for the scale of the development.

There are no highways objections to the proposal.

## Transportation Manager (15 October 2020)

The proposal is likely to result in an intensification of both the access to the workshop and Wyson Lane over the permitted use of the site. Whilst this single point is unlikely to result in cumulative impacts that could be classed as severe in the NPPF, further information is required prior to the LHA returning a response of no objection to this proposal.

The site plan has some basic outlines of areas for use, however it is not clear how vehicle parking for both drop off and pick up of the commercial storage or customers to the tyre fitting centre are to use the site. In addition it is not clear where staff might park. This is important at sites such as this as displacing parking into the surround network is considered unacceptable.

Linked to the above, the demonstration that vehicles accessing the site to turn is also required to support this application to ensure that unsafe manoeuvres are kept to a minimum.

Following submission of this clarification the LHA will finalise a response for this application.

- 4.2 Located within the IRZ of the River Teme Site of Special Scientific Interest (SSSI), the reasons for designation include multiple aquatic species, including various fish and Crayfish and associated species, including Otter. IRZ for Downton Gorge SSSI, SAC. Within a historic rural setting, an area of deciduous woodland is also recorded to the north of the building; this habitat is designated nationally as a Habitat of Principal Importance (Priority Habitat Inventory or HPI). A recorded Damson Hedgerow is recorded immediately opposite the entrance of the site. Herefordshire's 'Damson Hedgerows' are part of a network of fruit hedges characteristic of the northeastern part of Herefordshire into Worcestershire. They are a locally important series of hedgerows which fall under the protection of planning policy relating to landscape and biodiversity.

The effects on the SSSI and associated designated species, Protected Species in general, the local Priority Habitat must all be fully considered by the LPA as part of the planning process, and relevant consultation with Natural England satisfactory outcome before any grant of planning consent.

From the information currently available, the following areas of the proposed development cannot demonstrate that there will be no effects on the conservation status of designated sites or species

The proposed foul water treatment system (existing septic tank) is located within the River Teme SSSI Impact Risk Zone for all discharges. The existing septic tank appears to be located to the north of the building, borders an area designated as a Priority Habitat. The proposed foul water management scheme should be reviewed and any system's location, including the proposed surface water discharge to an existing watercourse. This is contrary to Core Strategy policies SD3 and LD2 and the principles of nature conservation sites in General Binding Rules. No direct outfall into the Brimfield Brook (River Teme SSSI catchment) or any local watercourse will be acceptable.

A full detailed drainage plan for surface water and foul water is requested, including information to demonstrate that the existing septic tank has the capacity and is compliant with the Core Strategy policies SD4 and General Binding Rules. There remain pathways for pollutants to enter the hydrological network and impact the River Teme SSSI and the associated species and wider protected species such as fish species and Crayfish that are also part of the regular diet for Otters.

If a new private treatment system is proposed, any final outfall from a septic tank or PTP must be through a soakaway drainage field on land under the applicant's control. No soakaway field should be closer than 50m to any watercourse or identified Priority Habitat. All appropriate plans percolation and groundwater tests and reports should be supplied. (Core Strategy SD4 and LD2, Habitat Regulations, NPPF, NERC Act, General Binding Rules).

A fully detailed surface water management scheme must be supplied, demonstrating compliance with CS policies SD3 and LD2. Any discharge of surface water to local culverts or any watercourse must demonstrate no pathways for any pollutants or contaminants (e.g. car washing, lubricants and discharges by users of the property to surface water). If any surface water discharge to any foul water or storm drain system is proposed, confirmation that this is acceptable to the relevant operator must be supplied.

In respects of matters of ecology, CS policy LD1, LD2 and LD3 applies. A detailed BS5837:2012 tree/hedgerow survey is requested to clearly show any impacts on the designated Priority Habitat and any other trees or hedgerows on or adjacent to the site. No loss or impact on any trees within the Priority Habitat or other 'important' trees or protected hedgerows is likely to be acceptable. Any loss or works to hedgerows, e.g., creating any required access OR drainage Strategy, should be detailed. Any trees or hedgerows impacted by the development should be subject to additional ecological assessment.

No additional illumination of the surrounding habitats, Priority Habitat, would be permitted. These features are highly likely to be used by foraging and commuting nocturnal species, due to the historic hedgerow corridors, Priority Habitats and Listed Building within 50m of the proposals wider connecting habitats.

The development must be supplied to demonstrate compliance with the Environmental Legislation and Planning Policy. As identified in the NPPF, NERC Act, Draft Environment Bill and Core Strategy SS6 and LD2, all developments should demonstrate how they will enhance practically ("Net Gain") the Biodiversity potential of the area. If planning permission is approved, a detailed Biodiversity Enhancement Plan would be requested: consideration of existing environmental features on and around the site or within land owned by the applicant, which can be retained or enhanced or what new features could be incorporated into the development proposal. All tree and shrub planting on development should only consist of locally characteristic native species. Opportunities for enhancement could consider a wide range of species including as a minimum for bats, birds, hedgehogs, pollinating insects and invertebrates built in to or attached to the buildings and any other relevant species enhancement within boundary features and soft landscaping as appropriate.

No external lighting should illuminate any adjacent habitats, boundary, or enhancement features, and all development lighting should support the Dark Skies initiative (DEFRA/NPPF Guidance 2018/2013). Once this additional detailed information, plans, and reports have been submitted, the LPA can undertake the required detailed consideration and final comments can then be made. Reasons to demonstrate compliance with: Conservation of Habitats and Species Regulations, Wildlife & Countryside Act, NPPF, Core Strategy policies SS6, SD3, SD4 and LD2 and the council's duties under the NERC Act.

#### 4.3 **Environmental Health – Housing**

No objection.

#### 4.4 **Environmental Health – Noise**

Our comments are with regard to potential noise and nuisance issues that might arise from development. There is currently insufficient information contained with this proposal. Our department requests further information. In relation to the scaffold store - how many HGV or similar vehicle movements are likely to be involved? With regard to the motorcycle tyre fitting unit. - how many persons are to be employed, how many visits from customers per day, where the tyres are to be stored and full details of any noise generating powered machinery. This is to assess the impacts on the amenity of residents in the vicinity.

## **Environmental Health – Noise (10 February 2021)**

My comments are from a noise and nuisance perspective. My initial comments made on 25th October requested further information. This was supplied on 11th and 14th November and a site visit undertaken on 25th November.

The proposal is for the use of a barn building – to store a caravan, commercial scaffolding storage and a unit for a motorcycle tyre fitting unit. From a noise perspective, the two areas of the barn that could have the potential to have amenity impacts on neighbours are the siting of the compressor in the toilet block to the western side of the barn and the tyre fitting unit 34m<sup>2</sup>. (Total barn floor area 392m<sup>2</sup>)

The tyre fitting unit is very small and the size of this unit to a degree makes the intensity of its use self-limiting. The scale of this proposal is in itself therefore unlikely to cause significant impacts.

Our department has no objections to this proposal subject to the following conditions:

The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.

The number of persons working in the proposed motor tyre fitting until shall be restricted to no more than 2 at all times.

No noise generating external plant and equipment shall be installed externally without prior written approval from the authority.

The door to the room housing the compressor shall be kept closed when the compressor is in operation.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

## **Environmental Health – Noise (7 July 2021)**

Our department has been reconsulted following additional information supplied by the applicant dated 15th June 2021. The applicant outlines that the compressor which is the only piece of noise generating plant to be used will be housed in a purpose built room screened from the closest residential properties behind the main barn area with acoustic reduction properties. It will be used for a very short period to inflate tyres and for no other purpose. No other use of noise generating plant is anticipated. The applicant has supplied further clarification as to the increase in road traffic. We are of the opinion that any increase in road traffic noise will be marginal, will not cause nuisance and not cause significant adverse impacts.

We have reviewed our earlier consultation response of 10th February 2021 and reiterate our request for the following conditions:

The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.

The number of persons working in the proposed motor tyre fitting until shall be restricted to no more than 2 at all times.

The door to the room housing the compressor shall be kept closed when the compressor is in operation.

In addition I would add the following condition:

No external noise generating plant nor machinery shall be used outside or fitted to the exterior of the property without written permission from the local authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

## **5. Representations**

### **5.1 Brimfield and Little Hereford Parish Council (11 November 2020)**

We have no objections to the commercial storage of materials. However, we feel that concerns from neighbouring residents are valid regarding the potential for increased amounts of traffic and noise a motorcycle tyre fitting unit may generate and as such it could be contrary to policy BLH18 of our neighbourhood plan, having a detrimental impact on the character of the rural landscape and its properties, adversely affecting the surrounding infrastructure and impacting local residents amenity. The Parish Council is supportive of small rural businesses, if permission is granted we would like to be reassured that conditions regarding noise, additional traffic and opening hours are adhered to.

### **Brimfield and Little Hereford Parish Council (18 March 2021)**

In addition to our previous comments, we still do not have any objections to the commercial storage of materials. However, having reconsidered the amended plans and taking into account the concerns raised locally, the Parish Council support residents in their objections to the motorcycle tyre fitting unit. There would be an increase in traffic through the village, the access to which would be off an already dangerous junction from the A49 Salwey Arms. As there seems to be no provision for local employment opportunities, we feel this business is not suited to this location and therefore is contrary to policy BLH18 of the Neighbourhood Development Plan.

### **Brimfield and Little Hereford Parish Council (8 July 2021)**

In addition to our previous comments, we still do not have any objections to the commercial storage of materials. Again, having reconsidered the amended plans and taking into account the concerns raised locally, the Parish Council support residents in their objections to the motorcycle tyre fitting unit. Although the applicant is taking into account the potential noise levels generated by the air compressor unit and moving this to the western elevation to reduce the impact on neighbours, there would still be an increase in traffic through the village, the access to which would be off an already dangerous junction from the A49 Salwey Arms. As there seems to be no provision for local employment opportunities, we feel this business is not suited to this location and therefore is contrary to policy BLH18 of the Neighbourhood Development Plan.

5.2 To date, 21 households have submitted letters of objection to the application. Some have submitted multiple representations. The comments can be summarised as follows; -

- Inaccuracies contained within the application form and lack of detail submitted with
- application
- Use of building as storage has existed before August 2020
- Intensification of traffic along Wyson Lane which is already dangerous and is used by
- school children and dog-walkers
- No suitable parking could lead to inappropriate parking on the lane
- Noise, dust, smell from traffic and proposed use would cause harm to the amenity of
- residents and is inappropriate in this rural location
- Appropriate industrial space available in Brimfield, Ludlow and Leominster.
- Proposal would include retail use which is incompatible

- Proposal is not self-limiting as it use would largely take place outside
- Number of vehicular visits has not been addressed
- Disposal of industrial waste
- Access should be taken via private road off B4362 (Station Road)
- Site plan boundary includes land not in control of applicant

The consultation responses can be viewed in full on the Herefordshire Council website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=203268](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203268)

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

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

## 6. Officer's Appraisal

### 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."*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the adopted Brimfield and Little Hereford Neighbourhood Development Plan (BLHNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration. The application site is located outside of Brimfield/Wyson and therefore, whilst found within a small cluster of buildings and not isolated in the truest sense; is within open-countryside and therefore broadly unsustainable. The site is located between Leominster and Ludlow and is only 1 mile off the A49(T); a trunk road forming part of the Strategic Road Network (SRN) and connecting the aforementioned market towns with the key centres of Hereford and Shrewsbury.

- 6.2 With the above in mind, policy BLH18 states small scale local rural enterprise will be supported, providing it does not have a detrimental effect on the character of the rural landscape and settlements, as well as benefitting the local community. Most importantly, where feasible, development that supports small scale rural enterprise will be supported where it involves the reuse of existing buildings; or is part of a farm diversification. This echoes the tenets of the CS whereby policy RA6 states that employment generating uses which help to diversify the rural economy; such as creative industries, environmental technologies, business diversification and home-working will be supported. It proceeds to state that applications will be permitted in cases where they; -
- ensure that the development is of a scale which would be commensurate with its location and setting;
  - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
  - do not generate traffic movements that cannot safely be accommodated within the local road network; and finally;

- do not undermine the achievement of water quality targets in accordance with policies SD3 and SD4

- 6.3 At paragraph 85, the NPPF directs that planning policies and decisions should enable the sustainable growth of all types of business in rural areas. This is reflected at a local level of Objective 8 of the CS, which states that the plan will strengthen the economic viability of rural settlements and their surrounding areas by facilitating employment generation and business diversification. These aims are broadly reflected by strategic policy SS5.
- 6.4 It is recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to, or beyond existing settlements, and in locations that are not well served by public transport, as set out within the NPPF. It emphasises, similarly to the aforementioned policies of the development plan, that proposals should not have an unacceptable impact on local roads, should be sensitive to their surroundings and where possible, make use of previously developed land and be well-related to existing settlements. The NPPF at paragraph 141 also sets out that planning decisions should promote and support the development of underutilised land and buildings.
- 6.5 In this case, the cessation of an agricultural use of the site evidently occurred a significant time ago and noting changes in farming practices, a future agricultural use here appears unlikely. The land and buildings appear to have been used for a variety of storage purposes over recent years, and the buildings to the east of the site, but forming the same group, are now being used for car restoration purposes following the grant of planning permission in 2020 (194049/F refers). The proposal looks to continue using part of the of the former agricultural building for commercial storage (scaffolding) and to introduce a small enterprise undertaking motorcycle tyre-fitting in a smaller portion of the building. As set out, the remainder of the building would continue to be used for stroage (B8), as per its existing use. Although the site is outside of Brimfield/Wyson, it would use an existing building to accommodate a small start-up enterprise. It is accepted that there may be other 'built-for-purpose' business units locally in Leominster, Brimfield or Ludlow; however there is no requirement for the applicant to demonstrate why such options have been discounted. Whilst it is acknowledged that B2 uses are those which should generally be avoided in residential areas, the site lies in open-countryside and it is for the LPA to consider any potential impacts on neighbouring properties. Further, subject to a consideration of the proposals impact on the local highway network, the setting of the site – including impacts upon the amenity of adjoining properties; it is considered that in principle, the use of the existing building for small-scale enterprise is accepted.

#### Impact on local highway network

- 6.6 In addition to the policy requirements of policies RA6 and BLH18 of the development plan and as set out above, policy MT1 of the CS together with the NPPF require development proposals to give genuine choice as regards movement. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF paragraph 111).
- 6.7 The application has raised concerns in respect of the proposals impact on the local highway network; specifically relating to an anticipated uplift in vehicular movements along Wyson Lane associated with both the motorcycle tyre fitting unit and the commercial storage elements. The initial comments from the Transportation Manager set out that whilst the proposal would result in the intensification of the site; it would not result in cumulative impacts that could be considered severe given the small scale nature of the propsoed use. In respect of the use of the site for storage of scaffolding; vehicular movements to and from the site are on an ad-hoc basis, as and when the company requires but by it's very nature, does not present as an intensive use where multiple trips a day would be expected.

- 6.8 The motorcycle tyre-fitting unit is restricted to 34m<sup>2</sup> and would be operated by the applicant's tenant, with no regular employees. The supporting information supplied by the applicant states that the nature of the business would be largely internet based, whereby wheels would be collected from the clients address and brought back to the workshop for new tyres to be fitted. Whilst the enterprise would allow for motorcycles to drive directly to the site to allow work to be undertaken; the scale of the enterprise and the time taken to change two tyres (around an hour) would mean that the number of motorcycles that would visit on any given day; within the stipulated operating hours; would be self-restricted. Conditions are recommended which would control the scale and intensity of the use and therefore would have a direct relationship on vehicular movements to and from the site.
- 6.9 The applicant has clarified parking arrangements and it is noted that the hardstanding yard provides ample accommodation for the parking and turning of vehicles. This would prevent any inappropriate parking off-site although, it is anticipated by the nature of the uses; any vehicles would need to be parked close to the building in order to load/unload goods (i.e scaffolding and wheels).
- 6.10 It is understood that Wyson Lane is used by residents, as the only road out of the hamlet, and for children walking on their way to and from school. Further representations stress the narrow nature of the lane and the danger of the Salwey Arms junction at Woofferton, from which Wyson Lane is taken. However, on the basis of the above assessment and noting the scale and intensity of the proposed use; it is not considered that the cumulative impacts of the proposal would be severe. As such, officers take the view that the proposal, in highways terms, accords with policy RA6, MT1 and BLH18 of the development plan and refusal on this basis would not be warranted in context of paragraph 111 of the NPPF, as explained above.

#### Impact on neighbouring properties

- 6.11 Whilst located outwith the main part of Brimfield, Wyson and Woofferton; the site is found within a small cluster of buildings, several of which are residential properties. Namely, Lydiatt Place adjoins the site to the northeast and is served by the private access running to the east of the building used for car-restoration; the access also serving 'The Coach House' and 'The Oast House'. Accordingly, it is a requirement that any application for rural enterprise does not cause harm to the amenity of neighbours; and is commensurate to its setting, in accordance with policy RA6, SD1 and BLH18 of the development plan.
- 6.12 Many concerns have been raised in respect of noise emanating from the proposed use of the building; mostly the motorcycle tyre-fitting unit. Following concerns raised by the Council in respect of noise generating equipment, the applicant has supplied details of the proposed air compressor which would be housed in the small lean-to on the western elevation of the building. The details confirm the proposed unit as having a noise power is 97dB and noise pressure of 72.1dB. Given that this would be contained within a small and well insulated lean-to extension to the west of the building, it is not considered that its occasional use (within the controlled working hour limits) would result in any harm to the amenity of neighbours. Further, the unit is small, and operations would not take place outside of this unit or within the forecourt, as secured through condition. In addition, the use of noise generating equipment would be restricted to the hours as set out in the relevant condition below. A condition is also recommended to ensure that the door to the air-compressor remains closed, whilst it is in operation. Any deviation from the approved use and requirements of the safeguarding conditions would require further consideration and permission from the LPA.
- 6.13 With the above safeguarding measures controlling the use of the building; it is not considered that the proposal would result in any demonstrable harm to the amenity of neighbouring properties. Indeed, it must be remembered that the pre-existing use of the building for agricultural and storage purposes has been unencumbered; allowing for potentially greater impact on the amenity of neighbouring properties. Officers therefore consider that the proposal of this scale and nature



would not be inappropriate in this location and that no conflict with policy SD1, RA6 and BLH18 of the BNDP.

#### Impact on visual amenity and the historic environment

- 6.14 The application seeks planning permission for some minor operational development through the insertion of the roller shutter doors to the southern elevation, together with the small lean-to to the western elevation which would house the toilet and air compressor.
- 6.15 Policy BLH8 of the BLHNDP generally reflects the requirements of policy SD1 of the CS and states that proposals should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings. It should not disrupt the amenities of the streetscene and impact on wider landscape views; with extensions being small in scale and subordinate to the original building.
- 6.16 The proposed extension would be small in scale and subordinate to the main building. Whilst the addition of the roller-shutter doors would add a degree of industrialisation to the site; such features are found on the building to the immediate west; that used for car restoration and therefore, would not be wholly out of keeping.
- 6.17 The site is located a significant distance to the west of the Grade II listed Woofferton Grange and noting the intervening development; inter and co-visibility between the site and the asset is extremely limited. As such, it is not considered that the minor operational development proposed would lead to any harm to the setting of the building. Consequently, officers identify no conflict with policy SS6, LD4 or BLH7 and the LPA can discharge the duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Drainage and ecology

- 6.18 The site is not located within a flood zone and no Flood Risk Assessment is required and it is not considered that the small lean-to addition would result in an increase in surface water run-off which would give rise to an increased risk of flooding elsewhere.
- 6.19 Whilst noting the priority habitat which lies to the north of the site; the existing foul drainage infrastructure existed to serve the residential use of the caravan housed within the building which has now ceased. As such, notwithstanding the comments of the Planning Ecologist, the septic tank which has outfall to a drainage field on the land within the control of the applicant, would not experience an uplift in use given that it would solely be used during the day as a facility for those working on site, often limited to one person.
- 6.20 Therefore, neither surface water nor foul water arrangements would be altered by the proposal and with the proposal limited to the use of the building and minor operational development, the proposal would not lead to any adverse impacts on the River Teme SSSI or the priority habitat and/or protected species found close to the site. However, a condition is recommended which secures compliance in this regard. A condition is also recommended ensuring that there is no external illumination of the site without the express agreement of the LPA; ensuring the proposal would not lead to any prejudicial impact on the priority habitat to the north of the site. With the forgone considerations in mind, the proposal is considered to accord with the requirements of policy BLH9, BLH12, LD2, SD3 and SD4 of the development plan.

#### Conclusion

- 6.21 In weighing the above considerations; the proposal represents a scheme for the re-use of a rural building in the open-countryside; supported in principle by the prevailing policies of the development plan and, the objectives of the NPPF. The proposal would provide employment in a

rural setting. The concerns raised in respect of the proposals impact on the amenity of neighbouring properties (in respect of noise) and on the local highway network are acknowledged. However, it is considered that the scale and nature is such that subject to conditions, would be controlled and self-limiting, safeguarding against any adverse impacts in this regard. As such, it is considered the proposal accords with the principal and relevant policies of the development plan and the overarching aims and objectives of the NPPF. Therefore, it can be considered a sustainable form of development as is 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. 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 shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission.**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and Policy BLH8 of the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework.**

- 3. The site shall be used only for commercial storage (B8) and for motor-cycle tyre fitting (B2) as per and within the area marked on the approved plan and for no other purpose (including any other purpose in the B Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

**Reason: In order to protect the amenity of occupiers of nearby properties and in the interest of highway safety so as to comply with Policy SD1, MT1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 4. The use of all noise generating equipment within the proposal shall not take place outside the hours of 08:30 and 18:30 Mondays to Fridays and 08:30 to 13:00 Saturdays. No noise generating equipment shall be used on Sundays and Bank Holidays.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

- 5. The number of persons working in the proposed motor tyre fitting unit shall be restricted to no more than 2 at all times.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

6. The door to the room housing the compressor shall be kept closed when the compressor is in operation.

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

7. All activities and operations associated with the motor cycle tyre fitting unit including all external noise generating plant and machinery shall take place within the area marked red on the proposed plans and no such activity shall take place in the outside yard area.

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

8. The building proposed to house the air-compressor unit would be constructed and insulated in accordance with the details set out in the applicant's email dated 15 June 2021.

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 and RA6 of the Herefordshire Local Plan - Core Strategy and Policy BLH18 of the Brimfield and Little Hereford Neighbourhood Development Plan, together with the National Planning Policy Framework.**

9. All foul water shall discharge through connection to the existing private foul water treatment system with final outfall to the existing soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate SuDS or soakaway system; unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4 and the Brimfield and Little Hereford Neighbourhood Development Plan.**

10. At no time shall any external lighting be installed on any part of the application site without the written approval of this local planning authority.

**Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3, the Brimfield and Little Hereford Neighbourhood Development Plan and the Dark Skies initiative (DEFRA-NPPF 2013/18).**

**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.**

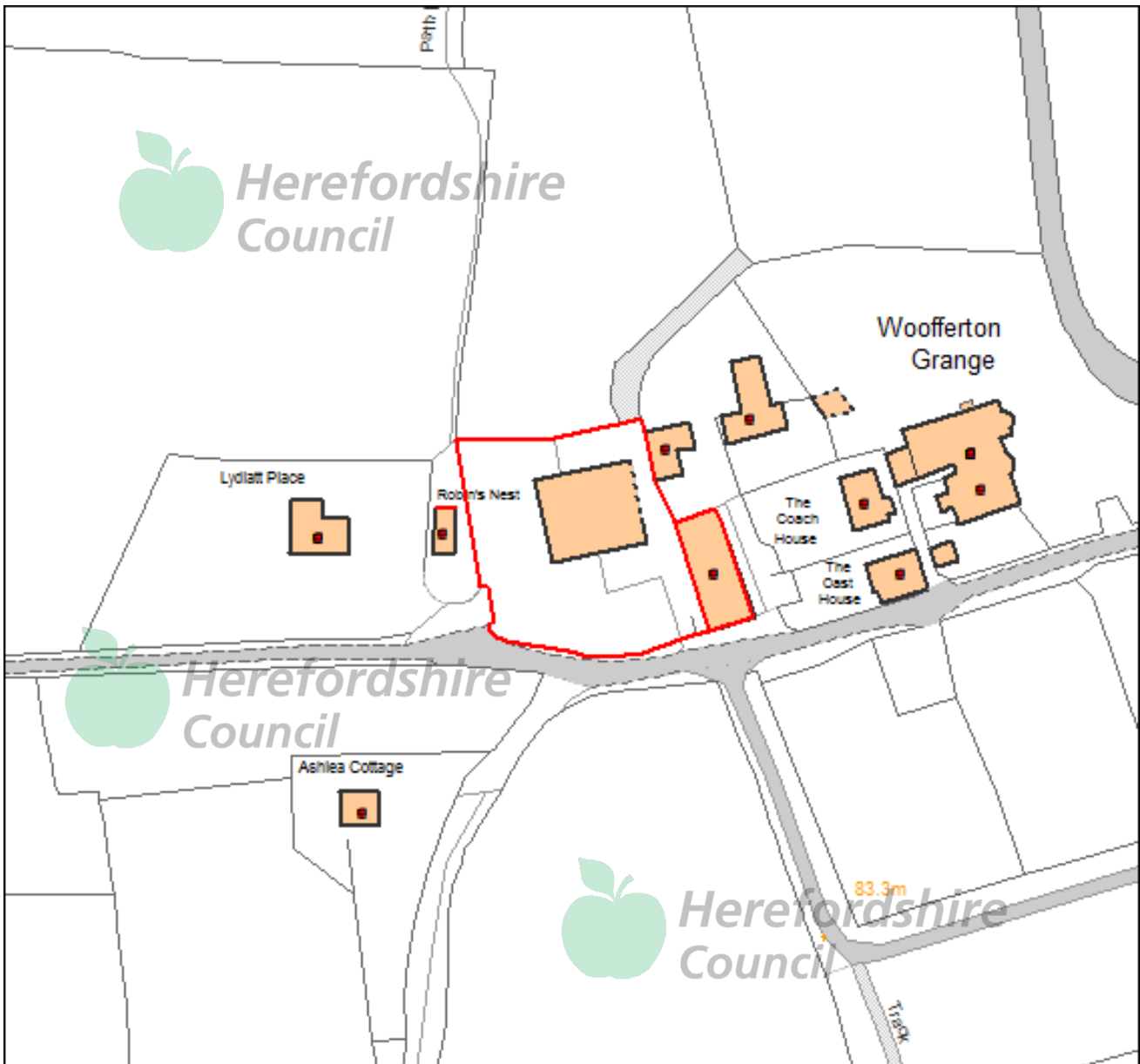
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 203268

**SITE ADDRESS :** ROBINS NEST AT THE YARD, WOOFFERTON GRANGE, WYSON LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4NP

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 Ollie Jones on 01432 260504



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 SEPTEMBER 2021</b>
<b>TITLE OF REPORT:</b>	<p><b>210640 - APPLICATION FOR REMOVAL OF CONDITION 5 AND THE VARIATION OF CONDITION 16 FOLLOWING APPLICATION NO: 163902/F (DEMOLITION OF 5NO. EXISTING REDUNDANT AGRICULTURAL OUTBUILDINGS TO FACILITATE EXPANSION OF EXISTING RESTAURANT AND FOLLOWING EVENTS FACILITIES: FUNCTION SUITE, FINE DINING RESTAURANT AND LOUNGE, CONFERENCE SPACE AND 16NO. AT CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, WR6 5SG</b></p> <p><b>For: Mr E Evans per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210640&amp;search-term=210640">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210640&amp;search-term=210640</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 17 February 2021

Ward: Bromyard  
Bringsty

Grid Ref: 369989,256913

Expiry Date: 19 May 2021

Local Member: Cllr Shaw

## 1. Site Description and Proposal

- 1.1 The site comprises a moderately sized complex of modern buildings with associated host farmhouse, located approximately 1.25 miles (as the crow flies) west of Whitbourne. The site houses 'Green Cow Kitchens' restaurant, with associated buildings surrounding the restaurant, which were granted permission in 2017 (LPA reference: P163902/F). The majority of surrounding buildings are agricultural form with a mixture of Victorian brick alongside contemporary steel and timber framed structures, and presence of stone and extensive glazing.
- 1.2 The site is set within estate farmland, defined by grazing fields and woodland beyond the northern boundary, leading up to Badley Wood Common. Boundary treatments post-and-rail and wire fencing and recently planted hedgerow to the western boundary adjacent to the main tarmacked car parking area. The topography of the land is that the buildings appear slightly elevated when viewed from the south of site at the point of the private access road, looking west towards the main parking area and site access (when viewed from the south elevation), before flattening off across the remainder of the application site. The topography to the south-east gradually rises as you head towards Whitbourne Hall Unregistered Park and Garden and to the north with topography rising towards Badley Wood Common.
- 1.3 The closest residential properties are the on-site farmhouse and 'The Helts', a pair of semi-detached dwellings located approximately 100 metres south-west of site. They are tenant occupied. Approximately 415 metres south-east of the application site (as the crow flies), is the

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Grade II\* Listed 'Whitbourne Hall', sub-divided into residential apartments. There are also a small cluster of dispersed dwellings heading north towards Badley Wood Common and adjacent to the common itself, albeit at varying orientations and distances. The nearest is approximately 450 metres north as the crow flies and 435 metres measuring north-east, as identified on the Council's Geographical Information System ('GIS')). PROW Footpath WH16 runs to the east of the site, albeit almost equidistant between the site and Whitbourne Hall.

1.4 In 2017, planning permission was granted (reference: P163902/F) with the following description of development: *"Demolition of 5 no. existing redundant agricultural outbuildings to facilitate the expansion of the existing restaurant and the following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16 no. Accommodation Suites"*.

1.5 The development is complete, although a number of conditions are currently in the process of being discharged. However, none are viewed to run to the heart of the permission or constitute pre-commencement conditions, most notably conditions 8 (passing places on Norton Lane) and 21 (signage), which are relevant commencement and first occupation, respectively.

1.6 This application, made as a Section 73 application, proposes to amend two conditions from the 2017 permission (reference P163902/F), namely conditions 5 and 16. Condition 5 states:

*This permission shall enure for the benefit of Mr J & Mrs K Evans only and not for the benefit of the land or any other persons interested in the land.*

*Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework*

Condition 16 states:

*No amplified or other music shall be played in the premises outside the following times: 12.00hrs to 23.00 hrs.*

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

1.7 This application proposes to remove condition 5 and vary condition 16 to read as follows:

*16. No amplified music shall be played in the premises outside of the following times: 12:00pm hours to 00:00am.*

1.8 The site area is the same as set out in the original permission. Thus, as a Section 73 application, this does not necessarily require plans to be submitted for consideration. It is noted that the two conditions relate to whom the permission benefits and different times for the playing of amplified music. Therefore, there are no plans for consideration.

1.9 Members of committee will be familiar with the site following a previous section 73 application to remove condition 4 and vary condition 16 in November 2020 (reference: 194408/F). The application was refused on grounds of highway safety and residential amenity and an appeal has been lodged with the Planning Inspectorate. However, this application is materially different given the application seeks to remove condition 5, instead of condition 4.



## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy (CS)

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS5	-	Employment provision
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA6	-	Rural economy
MT1	-	Traffic management, highway safety and promoting active travel
E1	-	Employment provision
E4	-	Tourism
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
LD3	-	Green infrastructure
LD4	-	Historic environment and heritage assets
SD1	-	Sustainable design and energy efficiency
SD2	-	Renewable and low carbon energy
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed in full on the Council's website through the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

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 has yet to be made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. From reviewing those policies contained within the Core Strategy that are pertinent to the determination of this application, they are viewed to be entirely consistent with the NPPF and as such, significant weighting can be afforded to these policies.

### 2.2 Whitbourne Neighbourhood Development Plan (Whitbourne NDP) made on 1 December 2016

LU9	-	Environmental Considerations
-----	---	------------------------------

The Whitbourne NDP, together with any relevant supplementary planning documentation can be viewed on the Council's website through the following link:-

[https://www.herefordshire.gov.uk/directory\\_record/3119/whitbourne\\_neighbourhood\\_development\\_plan\\_made\\_1\\_december\\_2016](https://www.herefordshire.gov.uk/directory_record/3119/whitbourne_neighbourhood_development_plan_made_1_december_2016)

### 2.3 National Planning Policy Framework (July 2021)

- 2 - Achieving sustainable development
- 4 - Decision-making
- 6 - Delivering a strong, competitive economy
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed places

- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

## 2.4 Planning Practice Guidance

Planning Practice Guidance, can be accessed through the following link:  
<https://www.gov.uk/government/collections/planning-practice-guidance>

## 3. **Planning History**

- 3.1 P210527/U – application for a certificate of lawfulness for the continued use of the venue for hosting civil weddings and wedding receptions – undetermined
- 3.2 P210447/XA2 – application for approval of details reserved by conditions 2 3 4 5 6 11 13 & 15 attached to planning permission 200500 – APPROVED on 10 June 2021
- 3.3 P194408/F – Proposed removal of condition 4 and variation of condition 16 of planning permission P163902/F (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: function suite, fine dining restaurant and lounge, conference space and 16no. accommodation suites) – REFUSED on 10 November 2020, currently being considered by Planning Inspectorate (APP/W1850/W/21/3271872)
- 3.4 P200500/F – 1) Change of use of the barn from agricultural to office space. Works undertaken include replacement beams and glazing to open north gable end of barn. 2) Formalise an historic change of use from riding arena to car park - works included tarmacking the arena. 3) Access road. (All works retrospective) – APPROVED WITH CONDITIONS on 10 November 2020.
- 3.5 P200858/XA2 – Application for approval of details reserved by conditions 8 20 & 21 attached to planning permission 163902 – SPLIT DECISION issued on 3 April 2020 (Condition 8 is currently being signed off with regards to technical aspects of S.278 agreement; Condition 20 discharged; Condition 21 cannot yet be discharged, although this is pre-occupancy).
- 3.6 P200335/F – Proposed variation of conditions 2 and 4 of planning permission 182223 (Proposed construction of new mono-pitch building) - To allow for 2nd biomass boiler – APPROVED WITH CONDITIONS on 6 April 2020.
- 3.7 P193647/F – Proposed variation of condition 16 of planning permission 163902 (Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites) - No amplified music shall be played in the premises outside the following times 12.00hrs to 00.00hrs – WITHDRAWN on 9 December 2019.
- 3.8 P182223/F – Proposed construction of new mono-pitch building – APPROVED WITH CONDITIONS on 8 October 2018
- 3.9 P181441/XA2 – Application for approval of details reserved by conditions 9 & 18 attached to planning permission P163902/F – APPROVED on 26 July 2018
- 3.10 P181140/XA2 – Application for approval of details reserved by condition 3 attached to planning permission 163902 – APPROVED on 1 May 2018
- 3.11 P180280/XA2 – Application for approval of details reserved by conditions 8, 11, 14, 17, 22 attached to planning permission P163902/F – APPROVED on 27 July 2018 (Conditions 11, 14,

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

17 and 22 are fully discharged with condition 8 subject to a Section 278 agreement so condition not fully discharged)

- 3.12 P163902/F – Demolition of 5no. existing redundant agricultural outbuildings to facilitate expansion of existing restaurant and following events facilities: Function Suite, Fine Dining Restaurant and Lounge, Conference Space and 16no. Accommodation Suites) – APPROVED WITH CONDITIONS on 3 August 2017
- 3.13 P131619/F – Retrospective change of use of existing outbuilding from B1 to A3 – APPROVED WITH CONDITIONS on 2 August 2013

#### 4. Consultation Summary

##### 4.1 Statutory Consultations

None

##### 4.2 Internal Council Consultations

###### **Transportation – No objection**

*“The local highway authority has no objection to the removal of condition 5 and the variation of condition 16 as proposed by this application. 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](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>”*

###### **Environmental Health (Noise & Nuisance) – No objections and conditions recommended**

*“With reference to noise and nuisance this application represents a resubmission of planning application 194408 with a request to extend the hours when amplified music can be played inside the main hall (Grand Hall) from 23:00 to midnight.*

*Our department did not object to this proposal on noise and grounds and does not object to this proposal.*

*We take the view that noise emanating from this venue at peak occupancy will not, with controls in place, cause unacceptably adverse impacts on neighbours and that there are therefore no planning grounds on which noise could be cited as a reason for refusal. (RA6 and SD1).*

*The amended noise report dated 4th March 2020 undertaken by Audio Definitions is submitted by the applicant. The context is that the venue opened briefly at the end of 2019. Our department received noise complaints from 2 local residences at the end of 2019. We understand that during this period not all noise mitigation that could have been in place was. In January 2020 Audio Definitions visited the site made some recommendations for mitigation and undertook a noise survey. As a result of the visit a set of heavy duty acoustic curtains were installed to the north window of the Grand hall as well as the 2 fire exit doors to the east and west. Noise readings were then undertaken to measure the impact of this immediately to the north of the dance studio and also at the boundary to the premises of this mitigation the result of which is discussed on 4th March 2020 report. Our department was notified prior to a subsequent single large event with the mitigation in place which we understand was held on 1st March 2020 but no further complaints were made to ourselves. Since that time a number of lockdowns in relation to the Coronavirus pandemic have taken place which means that there has been no further opportunity for the mitigation to be demonstrated.*

*The noise assessment finds a 6dB reduction in noise at 1 m from the outside of the Grand Hall and concludes that the curtain should be used in all instances where a live band is playing at*

night. The applicant has supplied an updated noise management plan which includes the planned use of this curtain as a control measure when amplified music is played.

The noise assessment uses the BS4142 methodology as a tool to assess the impact of noise 300m to the north. Whilst this methodology is designed for the assessment of industrial noise, (and not noise from the entertainment industry for which there is no technical assessment available), it has been used to as a mechanism to assess the impact of the attenuated noise at 300m distance against background noise levels. The calculation supplied in the assessment finds that with the curtains in place, noise levels emanating from the premises will be significantly below the background noise level. The applicant's acoustic technician included within this assessment the effects of attenuation by distance, ground absorption and topography of the landscape.

It is noted that a desk top review (no site assessment) of Audio Definitions report was undertaken by Clear Acoustic Design commissioned by an objector dated 3rd March 2020 which is supplied as an objection to this application. This desk top review made a number of critiques of the Audio Definitions report and a response was supplied by Audio Definitions on 1st April 2020 this is contained in the email trail for this application under 'correspondence'. Our department reviewed this correspondence at the time of the earlier reports and concluded together with supporting evidence that there were no grounds to object to the earlier proposal on noise and nuisance grounds. We have taken this opportunity to review this correspondence as part of this application and conclude that the original Audio Definitions working background noise levels against which the assessment was made of 27dB LA90 are considered appropriate.

We have had sight of the comments provided by the applicant's noise consultant Audio Definition Ltd dated 18th March 2021 which is in further response to the comments made by Clear Acoustic Design in their second submission dated 28/5/20.

A site visit was undertaken by 3 local authority Environmental Health Officers on 18th March 2021 in the early evening. The purpose of the visit was to evidence the noise mitigation in place and also to witness the impacts of amplified music on and off the site including inside and outside some local residences. At this visit we were able to witness the noise limiter in operation (we understand that this is for all the noise including singing and speaking as well as amplified music in the Grand Hall as noise is monitored from the ceiling), the acoustic curtains as recommended by Audio Definitions Ltd and additional mitigation by way of sound absorption installed over the glazing of the 2 fire doors in the Grand Hall. The music was put on a loop by the applicant and the door leading from the Grand Hall to the reception area (The Atrium) left open. Reception area doors were left open and the bar door (The Drinking Trough) leading to the sunken terrace outside to the west of the proposal left open. The music remained on and doors open until departure. With the fire doors kept shut, there are no openings direct to the outside from the Grand Hall where amplified music is played.

Whilst the music was playing officers undertook some noise clips and measurements of the music in different locations. It was noted that the noise from the music playing was substantially attenuated between the Grand Hall and the reception area and then again into the bar area. The main opening from the reception area is to the south and shielded by the building itself from all the dwellings in the distance to the north and east. Outside the open doors at the sunken terrace from the bar and reception area, the music although audible was not loud. To the north of the Grand Hall, at 40m into the field the music could only be heard very faintly.

Officers visited 4 locations close to or at local residences in the area around the north and eastern sides of the proposal and found that the music noise was either inaudible or barely audible. One officer remained on site to witness that the doors remained open and music was not turned down during this exercise. Whilst it is accepted that the noise listening exercise was not undertaken at a representative time of day (between the hours of 17:00 and 19:00) to that of a late evening operation, this is a locality where background noise levels are low all the time daytime and night

time. Other noise was occasionally audible, such as bird song but no music noise was heard between birdsong. No road traffic noise could be heard as such.

It should be noted that this is a purpose built venue with planning permission to operate until 23:00. There are no external doors to the main function room (Grand Hall) save for fire doors and there is no need for any attendees to exit the function room other than via the large reception/lobby area. The structure of the building is well insulated and designed for its purpose. An air handling unit is in situ to provide ventilation to the Grand Hall.

An extension of the playing of amplified music would allow events at the venue to continue later and thus result in a later departure time from the site. We note that concerns have been raised by some neighbouring residents regarding the noise generated by voices and car doors closing or slamming.

The area in which these events would take place is limited and the residences themselves at some considerable distance. The updated Noise Management Plan dated 1st April 2021 identifies the Sunken Terrace as the only area that guests may congregate in the evenings beyond 9.00pm and this location is sunken and shielded by the main building from properties to the north east. Furthermore this location and indeed the whole of this proposal including the car park are at considerable distances from the closest residential properties allowing for very significant sound attenuation by distance and ground absorption.

Our department does not object to the extension of the playing of amplified music from 23.00 to midnight on noise and nuisance grounds. We do not take the view that the business will cause a noise nuisance to neighbours if the noise management plan is adhered to. That is not to say that there would be absolutely no noise impacts ever at all but that they would be minimal and not be intrusive, harmful nor cause significant adverse impact.

We refer to the National Planning Policy Framework (NPPF) 2018, the Noise Policy Statement for England and the Planning Practice Guidance for Noise. We are of the view that noise from the proposal is likely to be either not noticeable or noticeable and not intrusive and would therefore come within the classification of between No Observed Effect Level and No Observed Adverse Effect level. Noise will either not be present or at the worst noise may be heard but does not cause any change in behaviour, attitude or other physiological response.

Hence our view that any refusal is likely to fail on appeal. Our department has no objections on noise and nuisance grounds provided that the following conditions are met:

- The noise management plan shall be reviewed at a minimum at least once a year and supplied to the local authority in writing on request.
- There shall be no playing of amplified music outside the premises at any time.
- There shall be no use of Chinese lanterns at these premises.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31”

#### **Ecology – No objections**

“There is no objection to removal of condition 5. It is noted that removal of Condition 16 is already subject to an appeal against refusal of application 194408. There was no objection to this previous application and no ecology objection is now raised.”

#### **Landscape – No objections**

“Condition 5 relates to who the permission benefits – no landscape issues. Condition 16 relates to noise – increasing noise would be dealt with by Environmental Health colleagues.”

## **Building Conservation Officer – No objections**

*“Comments: No comment/objection. Condition 5 – Limits the benefit of planning permission to the applicants only – This is not a heritage concern. As the heritage impact has been established in the extant permission, limiting the implementation of this permission would result in no additional benefit or harm. Condition 16 – Relates to the hours of music played – This has no heritage impact.”*

## **5. Representations**

### **5.1 Whitbourne Parish Council – Objection:**

Due to the extensive length of this representation, officers have summarised comments below:

- The 2017 application was presented as an extension of the existing Estate restaurant business and to support corporate conferences and the Estate’s shoot business. No mention was made of weddings and no suggestion to sell/transfer the venue to an independent commercial entity.
- A separate limited company (Whitbourne Estate Ltd) owns the development. A different limited company (Crumplebury Ltd) appears to be the trading company that appears to run the development. It would appear there has already been a breach of Condition 5.
- The 2017 officers’ report makes clear that this was very much a Whitbourne Estate venture and there was a very close interrelationship between the Estate and the proposed development. By removing condition 5, applicant may be able to sell the development.
- The Planning Officer recognised, as did the Parish Council, that the proposed development was integral to the Estate and a “bold venture” (that entailed significant risk), that it was justified as an extension to the Estate’s diversification and was highly dependent for its success on the personal commitment of the applicant. The Parish Council consider the circumstances were exceptional and that it was reasonable and necessary to impose this condition.
- It is understood that representatives of the Environmental Health Department were due to attend the development and the surrounding area on 18th March to undertake various tests relating to the efficacy of an acoustic curtain. The Parish Council had no notice of this proposed visit before the meeting that was held (on 15th March) to consider the application.
- The Parish Council’s previous comments make reference to the acoustic curtain and the fact that all circumstances need to be taken into account including the fact that the curtain will have no impact on noise emanating from outside the building and when guests leave the venue. The Parish Council Object to the amendment of Condition 16 for the reasons previously stated.
- Conditions which attempt to protect residential amenity are necessary and reasonable particularly given the applicant's clear assurances. Applicants could have appealed these conditions before any development took place. They did not appeal the conditions and implicitly accepted that the conditions were appropriate. The applicants chose to adopt the 23.00 hours threshold [Condition 16] for the purposes of their Noise Management Plan - which HCC required. They explicitly accepted that this threshold was reasonable and necessary.
- Four functions have resulted in residents calling Environmental Health to register distress at loud noise nuisance and the fact that at least in the case of the wedding celebration it continued until midnight in breach of Condition 16.
- Residents are concerned that it may well take over an hour after the entertainment has finished before the party attendees have left the venue with all the attendant post party outside noise - laughing, shouting and car doors slamming.
- Use of external areas during the Summer months is likely [as is the unauthorized opening of fire doors] because the Grand Hall does not have any external opening doors [save for fire doors] or windows and it has no air conditioning or cooling system.
- Applicants do not have planning permission for D2 events [live music and dancing] and are already been in breach of their existing permission in this respect.

- Any relaxation of the conditions which control the usage of the facility or an extension of the condition which allows amplified music to be played is very likely to exacerbate the already unacceptable light pollution.
- Understand the applicants have attempted to ameliorate levels of amplified noise by the installation of an acoustic curtain. This is a positive step but even if successful, it cannot justify the removal and amendment of the conditions in question given all the circumstances.
- In the view of the Parish Council, the conditions are, therefore, both necessary and reasonable in order to protect the residential amenity of local residents in accordance with Core Policy SD1 and RA6.
- Consultants instructed by the objectors have considered the reports prepared by the applicant's consultant and concluded in March that: "The issued noise impact assessment report cannot be considered a professional report, contains no information about the measurement equipment used, is lacking in technical detail, contains no measurement data of any kind, provides no objective assessment, and is not seen to be suitable to support a planning application of this nature".
- It seems likely that the Environmental Health department may have approached this matter from a statutory nuisance perspective. Planning authorities (and Environmental Officers) should obviously consider noise and other emissions in the wider context of the planning process and not just from the narrow perspective of statutory nuisance.
- The NPPF states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

5.2 There have been 25 letters of representation from 19 parties, therein comment as follows:

21 letters of representation from 16 different parties, object on the following grounds:

- Conditions 5 and 16 are essential;
- Condition 5 was clearly reasonable;
- Adverse impacts on residential amenity;
- Highway safety;
- Noise and light pollution;
- Impact on quality of life;
- Would put the estate at risk from external development;
- Consistency principle should apply;
- Retrospective nature of application;
- Licensing is a separate regime and should not apply the same in planning terms;
- Quality of the building and noise-mitigating measures inadequate;
- Loss of tranquillity;
- Application inaccuracies;
- Other poor examples of corporate involvement;
- Whitbourne Hall and Crumplebury should not be compared; and
- Health and Safety

2 letters from 1 party make general comments:

- Whitbourne Hall is a traditional country house venue and that Crumplebury is a contemporary venue

The remaining 2 letters from 2 parties support the application with the following comments:

- Whitbourne Hall as a wedding venue has live music until 12 and has done so previously;
- Allow for Crumplebury to have a future rather than be a folly;
- 24:00 is a standard condition on many licensing permission;



- Following sound measuring meeting, sound reducing equipment is effective

5.3 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=210640&search-term=210640](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210640&search-term=210640)

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

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

## 6. Officer's Appraisal

### *Policy context*

- 6.1 The application is considered in line with the statutory requirements of Section 70 (2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. 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 development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and Whitbourne Neighbourhood Development Plan (Whitbourne NDP). The National Planning Policy Framework (NPPF) is a significant material consideration, but does not constitute a statutory presumption, unlike the development plan which carries the statutory presumption as set out above. The NPPF sets out the Government's planning policies for England and how these are expected to be implemented. Specifically paragraph 30 sets out that once a NDP has been made, the policies it contains take precedence over existing non-strategic policies in a local plan (namely, CS), where they conflict.
- 6.3 The presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making. Where a application conflicts with an up-to-date development plan (including neighbourhood plans that form part of the development plan), permission should not usually be granted as set out at paragraph 11c) of the NPPF, unless material considerations indicate otherwise.

### Introductory Comments

- 6.4 Considering the acceptability of location, officers note the development plan and NPPF seek to support rural enterprises, although this is subject to a number of criteria. The site is some distance beyond Whitbourne and is viewed to be within open countryside. Given the provisions of Policies RA6 of the Core Strategy and Policy LU9 of the NDP, the council has granted planning permission P163902/F on the grounds that the location of the application site to be spatially acceptable for a rural business use.
- 6.5 This application proposes to amend two conditions imposed on the original decision notice, issued under P163902/F. Condition 5 is proposed to be removed, and condition 16 is proposed to be varied to allow amplified music to be played until 00:00 rather than 23:00. The use of the site is authorised by the existing planning permission, which includes restrictions by way of planning condition. Being a Section 73 application, if members come to a resolution of refusing this application, the applicant can continue the operation of the site as a restaurant, conference centre and guest accommodation, all year round.
- 6.6 Conditions imposed on a decision notice do not preclude further development or subsequent applications being submitted to the Council for determination. Consideration must be given as to whether the reasons for imposing such conditions are still applicable and/or whether different

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



conditions could be imposed to give appropriate alternative mitigation. If neither are acceptable, the application should be refused.

### Use of Planning Conditions

- 6.7 The NPPF advises the use of planning conditions and where they should be implemented. Paragraphs 55 and 56 clarify that,

*“55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*

*“56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decisionmaking. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”*

- 6.8 The NPPF is supplemented through Paragraph 003 (Reference ID: 21a-003-20190723) of Planning Practice Guidance (PPG) on use of planning conditions and conditions should be used, where they satisfy the following six tests:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

This is reinforced by Paragraph 005 (Reference ID: 21a-005-20140306) of PPG, which states that: *‘Any proposed condition that fails to meet any of the 6 tests should not be used.’*

- 6.9 Paragraph 015 of PPG (Reference ID: 21a-015-20140306) confirms that when planning permission is granted, it runs with the land. It is rarely appropriate to provide otherwise. There may be the odd occasion where development that would not normally be permitted may be justified on planning grounds because of whom the permission would benefit. For example, a condition limiting new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need or a dwelling of outstanding or exceptional quality. However, a condition limiting the benefit of the permission to a company is inappropriate because shares can be transferred to other persons without affecting the legal personality of the company, circumnavigating the issue altogether.

### Condition 5

- 6.10 In this instance, members will note condition 5 of decision notice P163902/F states:

*“5. This permission shall enure for the benefit of Mr J & Mrs K Evans only and not for the benefit of the land or any other persons interested in the land.*

*Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework”.*

- 6.11 As can be seen in PPG, it is rare to use personal conditions. When granting planning permission, it will usually run with the land, although it is appreciated that there may be the rare instance when

such a condition may be justified in the circumstances e.g. a worker with a specific business that would be contrary to the development plan.

- 6.12 From reading the case officers' report for delegated decision report P163902/F, no reference within the report is made specifically to the personal circumstances of the applicant or moreover, that the permission should only endure for the benefit of the applicant. Simply, condition 5 is included in the recommendation of the personal condition and the name of the applicants, which is subsequently translated onto the decision notice, as a standard condition.
- 6.13 Reading the report further, the case officer made an informed decision that the economic clout that the proposal would bring to the immediate local economy and given the proposals' compliance with the CS, NPPF and Whitbourne NDP, came to the view that the proposal aligned with the development plan, taken as a whole. In short, aside from the condition actually being placed into the recommendation and subsequently onto the decision notice, no justification was given to the requirement of such a condition, albeit in the decision notice, which simply confirms that given the nature of the proposal, it is only considered acceptable in this location and had regard to the applicant's special circumstances.
- 6.14 This does not correlate with what the officer had written in the report and indeed, the report confirmed the proposal clearly aligned with the development plan and that there were no material considerations which outweighed such a view. Indeed, had that been the case, the proposal would have represented a departure from the development plan and the application would have been referred to planning committee at that time, which did not materialise.
- 6.15 There are similar examples across Herefordshire and the country, which have similar operations and uses which do not have personal conditions attached to decision notices, although officers are mindful that every application should be treated on its own merit. Of course, an applicant has a right to appeal against a local planning authority's decision to impose certain conditions attached to a planning permission which they may not agree with. However, no such appeal was lodged back in 2017. In this instance, officers do not consider condition 5 to satisfy the six tests as advocated in PPG, namely the tests of necessity, the lack relevance to the development to be permitted and its reasonableness.
- 6.16 This is given that this is not a unique application and the circumstances that led to the approval of the 2017 permission, particularly given the proposal, in the view of the relevant officer, accorded with the development plan. The Council approved the expansion of Crumplebury on clear planning grounds and it is clearly plain to see that there were no exceptional circumstances that would indicate why the permission should benefit the applicants personally. Hence, in the view of officers, condition 5 should be removed from the decision notice.

#### Condition 16

#### Highway Safety

- 6.17 The removal of condition 5, as well as the proposed variation of condition 16, is certainly a material consideration on the basis in which Highways considered the original application. The Transport Statement submitted with the original application (163902/F) states "*The proposed expanded provision at the restaurant is predicted to see a doubling in the average number of visitors each week, to 200. In exceptional circumstances 160-guest events will be held. These will require 18 staff but will only occur approximately 12 times a year*".
- 6.18 For reference, planning permission was granted on the understanding that the site was to operate an arrangement of a one direction usage in and out of the junction for visitors from the east (coming via the A44) and west (coming via the B4203), along Norton Lane/Parish Road, an unclassified public highway (U65018), albeit with gated access at the A44 junction, which is in third party ownership.

- 6.19 Promoting two separate routes to and from site through route signage on the ground, verbal confirmation at booking and continued publication on the applicants' website is important. Unfortunately, a condition to ensure access to site would only be served off the B4203 and not the A44, would not meet the six tests for conditions, as set out in the PPG. In particular, this would be difficult to enforce. The only way this could be done is for directions to be provided on the applicant's (Crumplebury's) website and signs to be put up.
- 6.20 Whilst highways were comfortable at the time with the applicants transport statement regarding 100 covers per week, they still felt a suitable condition must be placed on this usage and additional events, although this is not apparent on the decision notice.
- 6.21 It is not disputed that the removal of condition 5 and variation of condition 16 certainly has implications on highways. However, members will note the highways area engineer does not object to this particular application before them.
- 6.22 Furthermore, the lawful use of the site is a material consideration. This includes a restaurant, guest accommodation and a conference centre. Additionally, the premises and the land associated within the red line can be used for any purpose ancillary to the restaurant, guest accommodation, or conference centre permitted by the planning permission. Indeed, temporary use of land can be achieved under Class B, Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 6.23 Even if members come to a resolution to refuse this application, the operation of the site as a restaurant, conference centre and guest accommodation 365 days of the year and playing amplified music until 23:00 can continue. Subsequently, associated issues raised by third parties, including loss of tranquillity and increased light pollution (discussed later) would remain, irrespective of resolution. Officers consider significant weighting should be afforded to this fall-back position.
- 6.24 In considering the highway arrangements for this application, officers note the consultation responses from the Local Highway Authority (LHA) as well as the local representations received on this matter. The development plan, at policy RA6 of the Core Strategy, sets out that rural enterprises would be supported where they: do not generate traffic movements that can't safely be accommodated within the local road network; and are located close to existing highways and do not have an unacceptable impact on traffic, in addition to the highways safety requirements of Core Strategy policy MT1.
- 6.25 In considering highway safety, the fact remains that an extant permission exists for the site which permits daily use. Regard must also be given to the nature of events which can take place as permitted. The use of the site is unconstrained in terms of the number of guests able to attend an event at any one time. The original application allowed for 100 whereas the applicant states that the site is now being marketed for groups of up to 200. It is worthwhile to address the point regarding the size of groups allowed in the venue. There is no limit set out in the original permission however capacity is realistically limited due to health and safety. Whilst this raises a point on the intensification of the use, in the view of officers, a judgement is being made specifically about timing of vehicle movements likely to arise, but there is no clear evidence to support the conclusions that are being made as shown above.
- 6.26 The venue is entirely self-contained. It provides on-site catering. Indeed, it is likely that only one type of event will be taking place at Crumplebury at any one time. Associated vehicular movements are therefore going to be similarly in line with what is taking place. In the view of officers, when considering the nature of the application, the proposal would not amount to being unacceptable in highway terms or the residual cumulative impact being severe, as clearly outlined by the NPPF at paragraph 111 and Policies MT1 and RA6 of the Core Strategy.

## Residential Amenity

- 6.27 CS policy SD1 requires, amongst other things, that all development proposals safeguard the residential amenity and/or living conditions of existing residents and that they do not contribute to adverse impacts arising from noise and light pollution. Further, policy RA6 supports development so long as it does not cause unacceptable adverse impacts on the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell; with Whitbourne NDP policy LU9 echoing this, supporting development that does not have a detrimental impact on surrounding living conditions.
- 6.28 Crumplebury is circa 100 metres from 'The Helts' and 415 metres (as the crow flies) from Whitbourne Hall. The closest activity on the site is that of the biomass boilers, circa 30 metres from the curtilage of the neighbouring properties at The Helts. The effect of the removal of condition 5 and variation of condition 16 is to be assessed against the residential amenity of dwellings as a whole and not in relation to specific elements of any nearby residential property.
- 6.29 Condition 16 currently restricts the times to which amplified or other music may be played inside the premises. Indeed, condition 16 was imposed in the interests of residential amenity. The applicant currently benefits from a premises license granted by the Council, permitting the playing of live music between the hours of 1900 – 0100 Monday – Saturday and 1900 – 2400 Sundays; recorded music 0700 – 0100 Mondays – Thursday, 0700 – 0200 Friday – Saturday and 0800 – 2400 Sundays.
- 6.30 The Council's licensing authority are responsible for ensuring that activities do not cause a statutory nuisance. There is of course, a distinct difference between amenity and nuisance and this is something that interested parties have commented upon. Officers acknowledge that there have been complaints raised by third parties on this site. However, the principal matters of residential amenity have already been considered under the original planning application P163902/F. The threshold is key in this instance between what is defined as a nuisance and what impinges on residential amenity and officers are assessing on grounds of residential amenity as a whole and not merely statutory nuisance.
- 6.31 It is reasonable to consider whether new suitably drafted planning conditions to secure control over areas where noise producing activities take place and their implications, may be of long-term benefit and whether this can be improved on what is allowed on the existing permission.
- 6.32 Members will acknowledge the applicant can currently play amplified music until 23:00. The assessment to consider is what additional harm of extending the playing of amplified music by 1 hour would have on amenity. The noise management plan, which has previously been approved by Herefordshire Council, will need to be reviewed, as recommended by the Council's Environmental Health Officer, should this application be approved, to provide additional mitigation for nearby residential receptors. A new time-restricted condition is proposed to be added to facilitate this in the interests of residents.
- 6.33 In supporting the application, an up-to-date noise survey has been commissioned and provided since the application was validated, although third party representations dispute this and have sought to provide a counter report, although the latter appears to be a desktop study and not based on an actual site visit. This has been considered in the comments by Environmental Health.
- 6.34 Notwithstanding this, since the refusal of P194408/F, the site has been visited by the Council's Environmental Health Team, in March 2021, to witness a 'test event'. Third parties do dispute the validity of the results given the time of day (17:00-19:00) although this is a locality where background noise levels are low throughout the time daytime and night time.
- 6.35 In the view of the Council's Environmental Health Officer, it is reasonable to consider that suitably drafted planning conditions to secure control over the areas where noise producing activities take

place, including an updated Noise Management Plan, will provide appropriate mitigation and, in the view of your officers, will be a considerable improvement on the existing permission. This includes the retractable acoustic curtain which under the original permission, the applicant does not have to use.

6.36 Members will acknowledge that the Environmental Health concludes the following:

*“Our department does not object to the extension of the playing of amplified music from 23.00 to midnight on noise and nuisance grounds. We do not take the view that the business will cause a noise nuisance to neighbours if the noise management plan is adhered to. That is not to say that there would be absolutely no noise impacts ever at all but that they would be minimal and not be intrusive, harmful nor cause significant adverse impact.*

*We refer to the National Planning Policy Framework (NPPF) 2018, the Noise Policy Statement for England and the Planning Practice Guidance for Noise. We are of the view that noise from the proposal is likely to be either not noticeable or noticeable and not intrusive and would therefore come within the classification of between No Observed Effect Level and No Observed Adverse Effect level. Noise will either not be present or at the worst noise may be heard but does not cause any change in behaviour, attitude or other physiological response.*

*Hence our view that any refusal is likely to fail on appeal. Our department has no objections on noise and nuisance grounds provided that the following conditions are met:*

- *The noise management plan shall be reviewed at a minimum at least once a year and supplied to the local authority in writing on request.*
- *There shall be no playing of amplified music outside the premises at any time.*
- *There shall be no use of Chinese lanterns at these premises.*

*Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31*

6.37 Notwithstanding this, officers and in turn, members are being asked to consider residential amenity, as a whole, including cumulative impacts. It is also relevant that use of the site itself has generated levels of noise in relation to its operation and associated vehicle movements.

6.38 However, officers view the conditions specified and recommended in the consultation response by Environmental Health meet the six tests set out in PPG and can be implemented with regard to this proposal, namely to update the site's noise management plan in a timely fashion, as well as the prohibiting of fireworks and Chinese lanterns. That is not to say that there would be absolutely no noise impacts at all but that they would be minimal and not cause significant adverse impact that would lead to conflict with the development plan. Officers have afforded significant weighting to the views of the technical consultee to offer their perspective on this matter and accounting for cumulative impacts.

6.39 The applicant is willing to accept a condition, limiting the hours in which music may be played. In turn, the Council will be able to re-dress outstanding concerns over residential amenity by ensuring the acoustic curtain is installed, as well as prohibiting any fireworks/Chinese lanterns being used altogether.

6.40 For avoidance of doubt, any statutory noise nuisance can be dealt with through Environmental Health legislation, namely under the Environmental Protection Act 1990. Complaints which are submitted through this channel can be and are investigated.

6.41 Members will acknowledge that the relevant technical consultee advises that impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development. The mitigation proposed now is a considerable step forward from what was originally consented

in 2017. That, in terms of residential amenity, is sufficient in officers' opinion for the development to not result in additional harm to residential amenity, nor the amenity of users of the public right of way, accounting cumulative impacts. Further it is presumed that the site would continue to operate efficiently and as designed in line with paragraph 185 of the NPPF.

- 6.42 By mitigating potential adverse impacts resulting from noise, in the view of officers, the proposal would not give rise to significant adverse impacts on health and quality of life, and that the proposal would not conflict with paragraph 185 of the NPPF, Policies SD1 and RA6 of the Core Strategy and Policy LU9 of the made Whitbourne NDP, although this is subject to the insertion of new conditions, as laid out in officer recommendation.

#### Heritage

- 6.43 The LPA has a statutory duty to give due diligence to the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) requires decision makers to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*”
- 6.44 Officers are aware of the result of the judgement of *Catesby Estates Ltd v Steer Secretary of State for Communities and Local Government v Steer* - [2018] EWCA Civ 1697; specifically in relation to the effect of setting in that the judge in this case provided guidance in the interpretation of the concept of “setting”, to include much more than visual impact.
- 6.45 A number of heritage assets are in the vicinity of the site, including Whitbourne Hall (Grade II\* Listed); Whitbourne Hall Unregistered Park & Garden; The Sconce (Grade II Listed); and Rose Cottage (Grade II Listed). Given the clear significant separation distances, in conjunction with the existing built forms and landscape features between the application site and any heritage asset, the listed buildings' orientations and outlooks, officers do not consider that the proposals submitted would be deemed to cause harm to the ‘significance’; experience or additionally setting of any listed building or heritage asset nearby.
- 6.46 The Council's Building Conservation Officer raises no objections to which significant weighting has been afforded to this view. Accordingly, officers consider the scheme to accord with Policy LD4 of the Council's Core Strategy in that the proposal will conserve the identified heritage assets and the wider historic environment and Section 16 of the NPPF, and the Council has exercised its right in regards to section 66 of the Act.
- 6.47 There are no physical proposed alterations to the approved development, which incidentally relate to the uses of the site, which are not considered to adversely affect, namely Whitbourne Hall (Grade II\* Listed); Whitbourne Hall Unregistered Park & Garden; The Sconce (Grade II Listed); and Rose Cottage (Grade II Listed). Accordingly, officers consider there is no need to undertake the test prescribed in paragraph 202 of the NPPF, as no harm has been identified.

#### Landscape

- 6.48 Members will note the Council's landscape officer has no objections, on the grounds that there are no landscape implications and given the application relates to the uses of site. Accordingly, the proposal is considered to conserve the landscape character and locality, in line with Policy LD1 of the Core Strategy and Policy LU9 of the Whitbourne NDP and Section 15 of the NPPF.

#### Ecology/Biodiversity

- 6.49 Members will note the return of no objection from the Council's ecologist, to which officers afford significant weighting to this view. In terms of biodiversity, the application is considered to accord with Policy LD2 of the Core Strategy and Policy LU9 of the Whitbourne NDP.

### Other considerations

- 6.50 The impact upon surrounding business competition is not a material planning consideration and should not form part of any decision taken.
- 6.51 Whilst officers appreciate issues raised regarding the tranquillity and dark skies, this will still potentially be apparent regardless of the resolution taken by committee, given planning permission has already been granted here. The applicant has been made aware of this and has indicated to replace the existing lighting system with more subdued lighting, as requested by Council and the retractable acoustic curtain in respect of residential amenity.
- 6.52 Third party representations have raised matters concerning breaches of condition and issues on this site. Members should be aware that these aspects are dealt with through Planning Enforcement.
- 6.53 Comments stating that lifting condition 5 would put Whitbourne Estate at risk from external development needs to be put into context that the LPA would assess any planning application on its own merits in accordance with Local Plan Policies and other material planning considerations and is not comparing similar uses and layout e.g. against Whitbourne Hall or corporate involvement at Saltmarshe Caravan Park. Indeed, such views that a consistency principle should apply, must be borne in mind that this is a materially different application to P194408/F.
- 6.54 Members will be aware that licensing is a separate regime to the planning process and that Health and Safety of site is not a material planning consideration.

### Summary and Conclusion

- 6.55 The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 6.56 These objectives should be delivered through preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Sustainable development is pursued in a positive way, so at the heart of the NPPF is a presumption in favour of sustainable development. The presumption does not change the statutory status of the development plan as the starting point for decision making. Where an application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted as set out at paragraph 11c of the NPPF.
- 6.57 Taking the above into account, there are no technical objections to this application. It is recommended that condition 5 be removed entirely and condition 16 varied to extend the hours amplified music may be played within the venue to 00:00. A number of additional conditions are recommended to ensure an appropriate form of development.
- 6.58 Given the application is made as a Section 73 (s73) application under the Town and Country Planning Act 1990, permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under section 73. It 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.

- 6.59 It is therefore appropriate to identify conditions in full, rather than simply identify those conditions which have been applied for. This includes details under discharge of condition applications that the Council has already approved prior to considering this application, in conjunction with recommended conditions by technical consultees and officers, to achieve an appropriate form of development. Given condition 5 is recommended to be removed, conditions 6 onwards would therefore move to condition 4 onwards, as material operations have commenced and hence, condition 1 is no longer required. Subsequently, condition 16, which is under consideration to be varied, would now appear as condition 14.

## **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:**

**That planning permission be granted subject to the following conditions:**

- 1. The development shall be carried out strictly in accordance with the approved plans (Drawing nos.1821/1000 Rev A, 1821/1100, 1821/3000 Rev A, 1821/3100 Rev A, 1821/3601, 1821/3602 and 1821/9001), except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 2. With respect to details of materials, the development shall be carried out in accordance with the approved details, confirmed under discharge of condition letter P181140/XA2 dated 30 April 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 3. The premises shall be used for restaurant, guest accommodation and a conference centre and for no other purpose (including any other purpose in Classes A3, C1 and D1 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.**

- 4. The accommodation block building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of 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: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework, the local planning authority are not prepared to allow the introduction of a separate units of residential accommodation, in this rural location.**

- 5. None of the existing trees and or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 6. Development shall not be occupied until the passing bays on Norton Lane have been constructed in accordance with the approved details, namely under discharge of condition letter P180280/XA2 dated 27 July 2018 and subject to a Section 278 agreement.**

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

- 7. With respect to details of landscape design, this shall be carried out in accordance with decision notice P181441/XA2 dated 26 July 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 8. The soft landscaping scheme approved under condition 7 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10- year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 9. With reference to details of Arboricultural Impact Assessment and arboricultural working method statement, this shall be implemented in accordance with details confirmed under discharge of condition letter P180280/XA2 dated 27 July 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework, NERC 2006.**

- 10. The ecological protection, mitigation, working methods and biodiversity enhancements as recommended in the Preliminary Ecological Report by Focus Ecology dated October 2016 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework, NERC 2006.**

- 11. The Protected Species (Bats) protection, mitigation and working methods and compensation scheme with required European Protected Species Licence, as recommended in the detailed bat report by Focus Ecology dated June 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework, NERC 2006.**

- 12. With reference to details of noise emanating from site, the development shall be carried out in accordance with the approved details, as confirmed under discharge of condition letter P180280/XA2 dated 27 July 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework**

- 13. The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 14. No amplified music shall be played in the premises outside of the following times: 12.00hrs to 00.00hrs.**

**Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 15. With reference to details of foul and surface water drainage arrangements, this shall be implemented in accordance with details approved under discharge of condition letter P180280/XA2 dated 27 July 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy; Habitat Regulations and NERC Act and Policy LU9 of the Whitbourne Neighbourhood Development Plan.**

- 16. With reference to floodlighting and external lighting, details shall be carried out in accordance with the approved details, as confirmed under discharge of condition letter P181441/XA2 dated 26 July 2018., unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.**

- 17. The development hereby permitted shall not be brought into use until an area has been properly laid out, consolidated, surfaced, drained and the spaces demarked on the ground within the application site in accordance with the approved plans for the parking of vehicles. These shall thereafter be retained and kept available for those uses at all times thereafter, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 18. With reference to details of improving visibility for traffic joining Parish Lane after leaving the site, in an easterly direction, this shall be implemented in accordance with details approved under discharge of condition letter P200858/XA2 dated 3 April 2020, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan-Core Strategy.**

- 19. Prior to use of the development hereby approved, details for new signage along the A44 and B4203 shall be submitted for approval in writing of the local planning authority. The signs shall be installed in accordance with the approved details prior to the use of the development hereby approved, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan- Core Strategy together with requirements as set out in the Transport Statement dated 15 June 2017.**

- 20. With reference to the Construction Management Plan (CMP), the agreed details shall be implemented throughout the construction period, in accordance with the**

approved details under discharge of condition letter P180280/XA2 dated 27 July 2018, unless an alternative scheme is submitted to an approved in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. By 30 November 2021, an updated noise management plan, shall be submitted to and approved in writing by the local planning authority. The relevant details shall include, as a minimum:

- a. How the planned use of the acoustic curtains to the North Wall and fire exits will be used;
- b. The use of the installed noise limiter and maximum noise limits set;
- c. How the external doors will be kept closed during the playing of loud music;
- d. A noise monitoring proposal;
- e. A complaints procedure; and
- f. Consider noise from voices outside the venue and in the car park(s).

Following approval, the noise management plan shall be implemented as approved, reviewed at a minimum of at least once annually and shall at any time, upon reasonable request in writing, be submitted to the Local Planning Authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

22. There shall be no use of fireworks or Chinese lanterns on the premises at any time.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31; Policy LU9 of the Whitbourne Neighbourhood Development Plan and the National Planning Policy Framework.

23. No amplified music shall be played outside of the buildings on the premises at any time.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31; Policy LU9 of the Whitbourne Neighbourhood Development Plan 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. 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. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**
- 3. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate 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.**
- 4. Informative in respect of foul drainage: (Condition 17) - Discharge of final outfall through a soakaway-spreader field is recommended. No direct discharge of any final outfall from the proposed treatment system to any swale, watercourse, stream or culvert is acceptable unless it can be clearly demonstrated that residual Phosphorous (phosphates) have been removed from the discharge water.**
- 5. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**
- 6. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate 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.**
- 7. 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.**
- 8. 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.**

9. 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.
10. There is increasing concern over the problem of 'sky glow' caused by artificial lighting in towns and cities. Astronomical observations have been severely affected in recent years and there is a growing lobby to curtail lighting which emits light above the horizontal. Highway Authorities pay due regard to this problem when specifying new highway lighting and recommend that all proposals for exterior lighting should also comply with this requirement. Guidance can be found in 'Guidance Notes for the Reduction of Light Pollution', published by The Institution of Lighting Engineers (ILE).
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 applicant shall be made aware that Herefordshire Council's Environment Health department has legal powers and duties to investigate Statutory Nuisance complaints regarding noise nuisance under the Environmental Protection Act 1990. Where a Statutory Nuisance is found to be established and is likely to occur or recur, our department has powers under the Act for the nuisance to be abated.
14. The permission hereby granted is an amendment to planning permission P163902/F dated 3 August 2017 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.

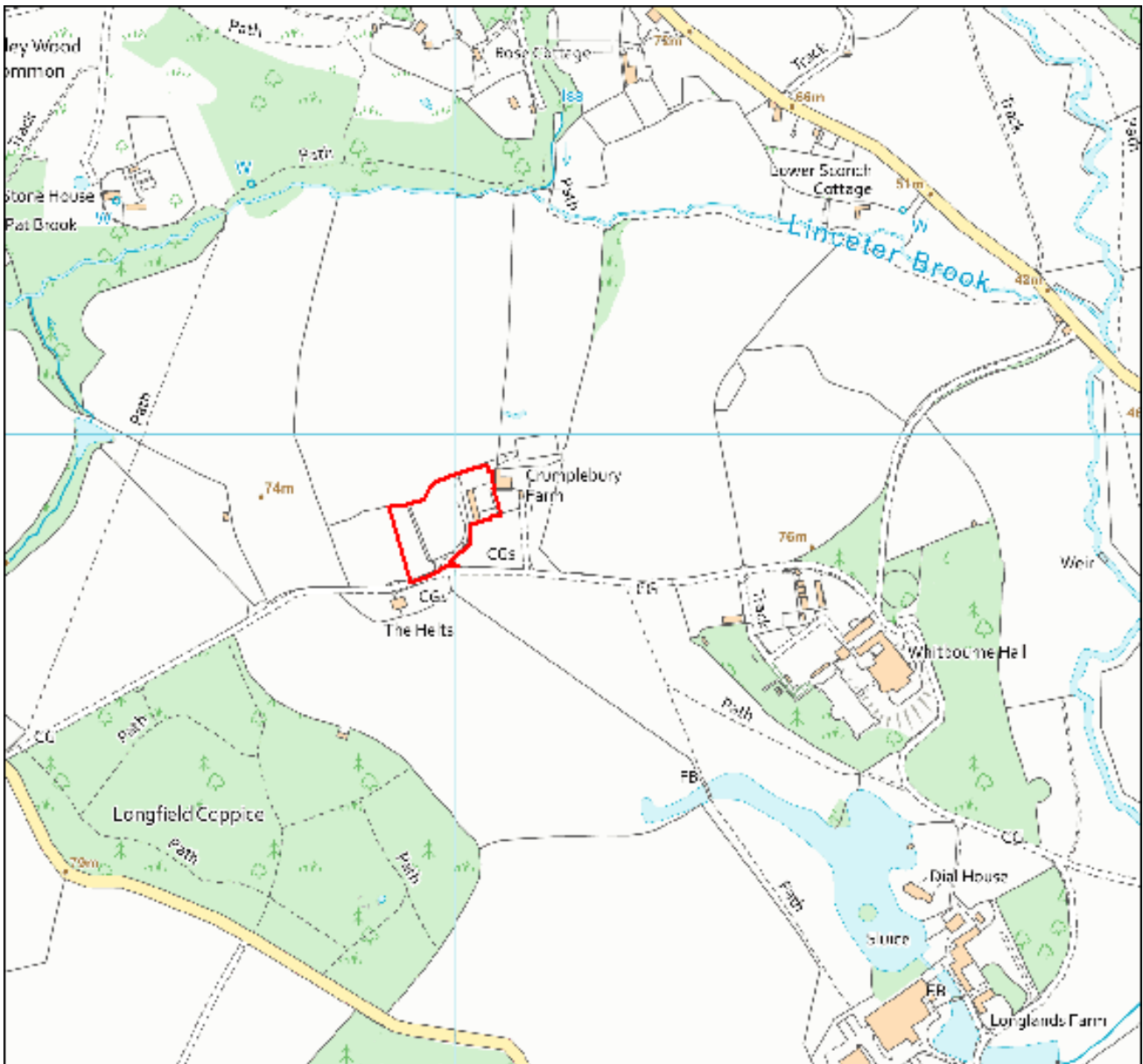
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 210640

**SITE ADDRESS :** CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SG

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





<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 SEPTEMBER 2021</b>
	<p><b>204317 - PROPOSED DETACHED AFFORDABLE DWELLING AND GARAGE/WORKSHOP. AT LAND AT BICTON HOUSE, BICTON, KINGSLAND, LEOMINSTER, HR6 9PR</b></p> <p><b>For: Mr Godding per Mr Alan Godding, Bicton House, Bicton Kingsland, Leominster, Herefordshire HR6 9PR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204317&amp;search-term=204317">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204317&amp;search-term=204317</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 8 December 2020

Ward: Bircher

Grid Ref: 346791,263974

Expiry Date: 2 February 2021

Local Members: Cllr Bowen

## 1. Site Description and Proposal

- 1.1 The application site relates to a plot of land north-west of Bicton House and associated outbuildings, on the junction where Croft Lane (U92600) meets the C1039. The site formally contained a timber clad barn which has since been demolished.
- 1.2 The application seeks planning permission for the erection of a one and a half storey, two bedroomed dwelling and a detached single garage and workshop. The dwelling is proposed to have a floor area of 100m<sup>2</sup> and the garage/ workshop 26m<sup>2</sup>.

## 2. Policies

### 2.1 The Herefordshire Local Plan – Core Strategy (CS)

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering New Homes
SS3	–	Ensuring sufficient housing land delivery
SS6	–	Environmental quality and local distinctiveness
RA1	–	Rural housing distribution
RA2	–	Housing in settlements outside Hereford and the market towns
RA3	–	Herefordshire's countryside
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Landscape and townscape
LD2	–	Biodiversity and geodiversity
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

---

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

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

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 9<sup>th</sup> November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

## 2.2 Yarpole Group Neighbourhood Development Plan (NDP) made 15th June 2018

- YG2 – Development strategy
- YG8 – Housing development in Yarpole
- YG13 – Sustainable design

## 2.3 National Planning Policy Framework (NPPF)

The revised NPPF sets out the UK government's planning policies and how these are expected to be applied. Officers view the following sections are applicable to this application:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

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

## 2.4 Planning Practice Guidance (PPG)

PPG categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. PPG can be accessed at the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

## 3. **Planning History**

### 3.1 None

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Natural England

No response

#### 4.2 Welsh Water

As the applicant intends utilising a private treatment works we would advise that the applicant contacts

Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

### Internal Council Consultations

#### 4.3 Area Engineer Highways (superseded)

The proposal submitted includes an access to serve a single dwelling. The following observations are a summary of the highways impacts of the development:

The principle of the development is broadly acceptable in highways terms. There are some details that require refinement to consider the proposal acceptable.

The shown visibility of 20m is short for this environment, even though the speeds are likely low. It is not clear how the 20m dimensions have been settled upon, however the LHA is comfortable with the application of the DfT's Manual for Streets 2 document in this location. In reviewing the drawings it is noted that the set back is from the edge of the highway, rather than the carriageway at this point and a one metre offset from the carriageway channel is considered appropriate due to the rural nature of the road in the vicinity. This element requires review.

The amendments required to form the access will require separate permission from the local highway authority. This is likely to be in the form of a Section 184 Licence and details of this can be found by following the link below. The proposed access specification is not shown. As with all other details of the access arrangements it is recommended that condition CAE is applied to ensure that the correct specification is included.

The vehicle turning area is adequate for the scale of the dwelling. The dimensions of the driveway are adequate for the scale of the development.

The parking provided equals or exceeds one 2.4m x 4.8m space per bedroom to a maximum of 3 spaces. This element of the proposal is acceptable. The cycle parking required can be adequately accommodated in the garage without impacting on the parking provision for the site.

The following link may assist the applicant in developing their proposals:

[https://www.herefordshire.gov.uk/downloads/download/585/highways\\_and\\_new\\_development](https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development)

For any works within the extent of the highway permission from the LHA will be required. Details of obtaining this permission can be found at:

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

The proposals are considered unacceptable at this time in highways terms due to the outstanding rationale around the splay dimension calculation.

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

#### **Area Engineer Highways (amended)**

The updated site plan shows the highway geometry and the highway verge further delivers visibility from the proposed access point. The setback for the measurement of the visibility can be made from the carriageway edge rather than the rear of the highway extent and to ensure that the visibility is delivered in accordance with the updated site plan 131120/AG/SP1 Rev A condition CAB should be applied and this drawing referenced.

As with the previous highways response condition CAE is also recommended to ensure the access construction meets the LHA requirements.

There are no highways objections to the proposals, subject to the recommended conditions being applied in the event that permission is granted.

#### **4.4 Conservation Manager (Ecology)**

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

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

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Lugg (Wye) SAC'. Natural England; the statutory nature conservation body, advise that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

The proposal here is for ONE new dwelling with associated creation of additional foul water flows. The application may also be granting consent for the replacement of the existing foul water system associated with the adjacent Bicton House

The following notes refer:

- The LPA does not have any detail or supporting evidence to provide the legal and scientific certainty required by the HRA process.
- The applicant has not supplied a professional drainage report with relevant BS6297 percolation and ground water testing – and associated detailed plan of foul water proposal and location of testing sites in relation to proposed soakaway drainage field.
- The drainage report should also clearly demonstrate the proposed system is fully compliant with the '5 criteria' in respect of drainage systems in the Lugg SAC as detailed in the council's guidance on their website:

---

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

[https://www.herefordshire.gov.uk/downloads/download/2039/development\\_in\\_the\\_river\\_lugg\\_catchment](https://www.herefordshire.gov.uk/downloads/download/2039/development_in_the_river_lugg_catchment)

- The same detailed report and plans is required for any replacement foul water system for Bicton House – if this is subject to any form of approval or consent under this planning application
- All drainage systems should clearly be within the development boundary and on land clearly under the applicant's legal control - so they can be secured through any consent finally granted

The LPA as the competent authority is at this time and based on supplied information only able to conclude that there would be an adverse effect of the integrity of the River Lugg (Wye) SAC.

Therefore at this point in time on the basis of the information provided I find that the proposed development would harm - have an adverse effect on the integrity – of a designated 'higher status' nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity.

At this time there is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; Wildlife & Countryside Act (1981 amended) and NERC Act considerations.

Additional ecology comments:

It is noted that the plans refer to a demolished barn – but no further information on if this is being approved as part of this planning application has been supplied. From images available this barn with wooden cladding would appear to offer potential for bat roosting (higher status protected species) in addition to bird nesting. If any works to this 'existing' barn fall within this application then a detailed ecology report including all relevant bat roosting assessments and any required optimal period surveys should be supplied as the LPA has a duty of care to ensure all protected species and wider biodiversity are fully considered in the planning process PRIOR to any grant of planning consent.

Once this has been clarified further comments can be made and conditions suggested to secure required Biodiversity Net Gain enhancements can be made.

#### 4.5 Strategic Housing Manager

I refer to this application and would advise that I am unable to support it in its current form as we need further information.

This site sits in a rural location outside of settlements. Policy RA3 is clear that a residential development will be limited to proposals which satisfy one or more criteria set out in policy RA3. My comments refer to criteria 5 rural exception Housing in accordance with policy H2.

Policy H2- Rural exception sites may be permitted on land which would not normally be released for housing if the applicant can demonstrate the proposal could assist in meeting a proven local need and that the affordable housing is made available to and retained in perpetuity for local people in need of affordable housing. A s106 would be required in order to secure the affordable housing unit in perpetuity.

Therefore, in order for me to support this application the applicant would need to evidence that they are in need of affordable housing and are unable to purchase a property to meet their needs on the open market.

The applicant would need to contact Strategic Housing so an affordable assessment can be undertaken.

## 5. Representations

### 5.1 Yarpole Group Parish Council

The Parish Council agreed that they object to the application. Policy YG2d of the adopted NDP states that residential development outside of the settlements identified in the NDP should be limited and in accordance with Core Strategy Policy RA3, and the Parish Council believes that this application does not satisfy any of the 6 criteria detailed in policy RA3. The application also does not meet the criteria for affordable housing detailed in policy H2 of the Core Strategy as whilst there is a need for affordable housing in the parish, there is no indication in the application that this house will be retained in perpetuity for local people.

### 5.2 To date a total of 9 letters of support have been received. The comments therein are summarised below:

- Allowing a local person to remain living in Bicton
- Design of dwelling blends in with the surrounding cluster of houses
- Construction and position of the dwelling are appropriate
- Development will not affect traffic
- Upgrade of existing drainage
- Shortage of affordable housing in locality

### 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=204317&search-term=204317](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204317&search-term=204317)

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

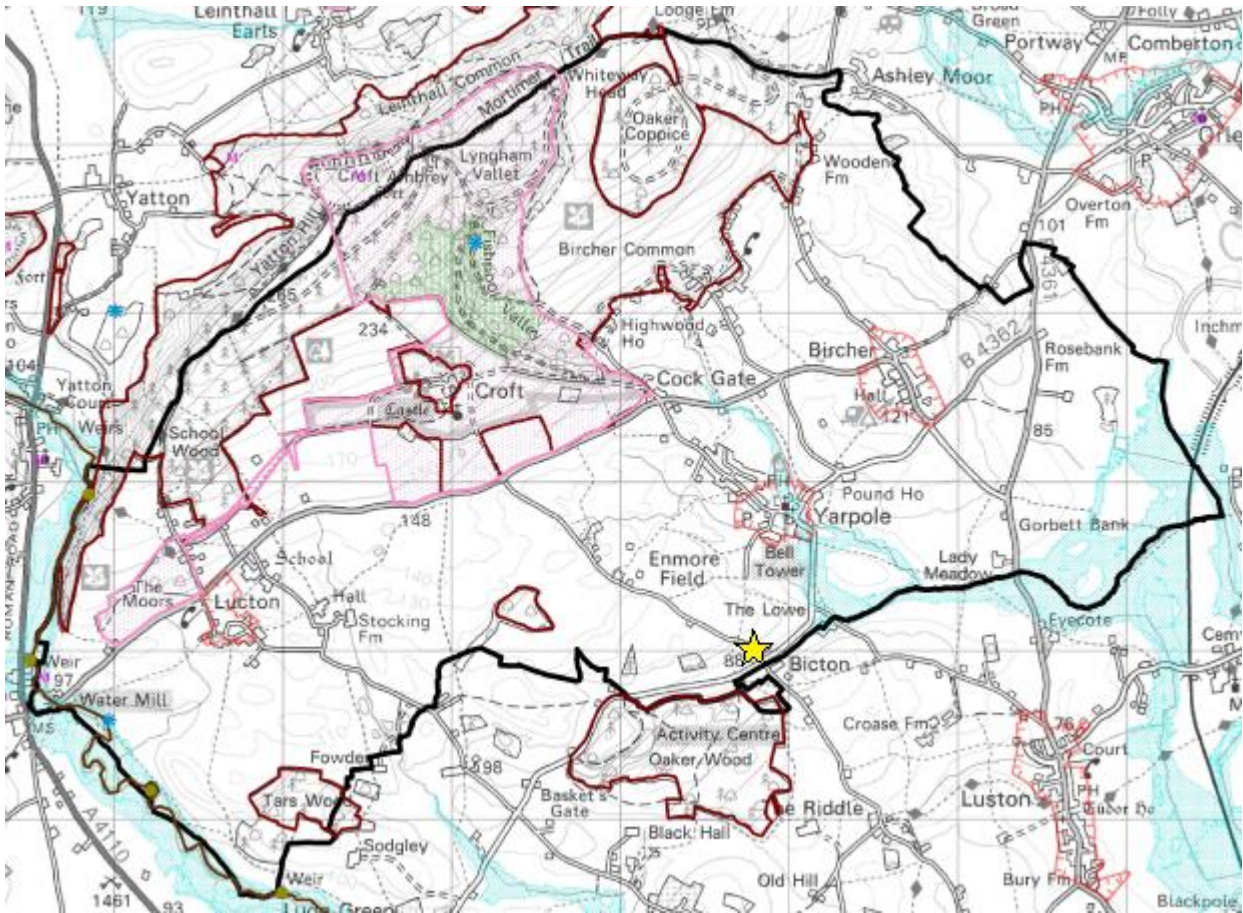
### *Policy context and Principle of Development*

### 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) and the Yarpole Group Development Plan (NDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

- 6.3 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.
- 6.4 Following this year's survey work, the LPA can confirm that the Housing Land Supply is 6.90 years and the current delivery test is 106%. Effectively, this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result para 14 of the NPPF is not engaged.
- 6.5 In locational terms Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the CS clearly set out the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the CS the Council will need to continue to support housing growth by granting planning permissions where developments meet with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.6 Outside of Hereford City, and the market towns, CS Policy RA1 identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). This site is within the Leominster HMA, which is earmarked for a 14% indicative housing growth and is listed in Figure 4.14 as a settlement which will be the main focus of proportionate housing development. This equates to 83 dwellings over the plan period.
- 6.7 Policy RA2 relates to housing in settlements outside Hereford and the market towns. This policy states that to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified in Figures 4.14 and 4.15 (page 108 of the CS). Notwithstanding the above, the preamble to Core Strategy Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the NDP has been made and therefore forms part of the Development Plan for the county.
- 6.8 NDP policy YG2 is clear that new housing should be within the development boundaries of either Bircher, Lucton or Yarpole. The following map includes the black line of the Parish with the application site being indicated by the yellow star:





6.9 It is clear from the above that the application site is clearly divorced from an identified settlement under Policy YG2 of the NDP. As such the application site, in planning terms, is considered to lie within open countryside. Core Strategy policy RA3 relates to proposals for new residential development in rural locations outside of settlements, and states that proposals in such locations will be limited to those which satisfy one or more exceptional criteria. This accords with the approach set out under paragraph 80 of the NPPF, which states that new isolated dwellings in the countryside should be avoided unless special criteria are met

6.10 The seven criteria whereby residential development outside of settlements is acceptable under CS Policy RA3 is as follows;

1. Meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or
2. Accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or
3. Involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage of the existing dwelling; or
4. Would result in the sustainable re-use of a redundant or disused building where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or
5. Is rural exception housing in accordance with Policy H2; or
6. Is of exceptional quality and innovative design satisfying the design criteria set out in the NPPF; or
7. Is a site providing for the needs of gypsies and other travellers

6.11 Within the representations received it was mentioned that the dwelling would house a retired farm worker in compliance with RA4, however this is not what the submitted Design and Access Statement states and no evidence has been provided to support this exception criteria.



- 6.12 Instead the development within the Design and Access Statement is described as a proposal for an affordable dwelling in accordance with H2. Policy H2 of the CS states as follows:

Proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where:

1. The proposal could assist in meeting a proven local need for affordable housing; and
2. The affordable housing provided is made available to, and retained in perpetuity for local people in need of affordable housing; and
3. The site respects the characteristics of its surroundings, demonstrates good design and offers reasonable access to a range of services and facilities normally in a settlement identified in Policy RA2.

No evidence has been provided to say there is any form of need, the submitted Design and Access Statement states *'this development should be allowed as an exception site due to the applicant meeting a number of criteria'* but does not expand on this. Nor has the application satisfied the housing team in regards to the applicant's requirement for affordable housing. Therefore there is insufficient information provided for the proposal to accord to CS policy H2.

- 6.13 The NPPF at paragraph 72, directs LPA's to support the development of entry-level exception sites, suitable for first time buyers, through developments which comprise entry level homes with one or more types of affordable housing, which is located adjacent to an existing settlement and proportionate to said settlements size. Paragraph 78 states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
- 6.14 Of further relevance is paragraph 85 of the Framework which is copied in full below:  
*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist..*
- 6.15 As discussed above the Core Strategy sets out its spatial strategy for the allocation of residential development in line with the Framework. Firstly the Framework directs for exceptions to be made where an identified local need for affordable housing can be satisfied adjacent to an existing settlement, paragraph 72, and that decisions should be responsive to local circumstances. This is enacted by Core Strategy H2 which states that rural exception sites will still need to offer reasonable access to a range of services and facilities normally in a settlement identified by RA2. There is also the additional need to undertake a balance to understand whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
- 6.16 The location of the application site does not offer reasonable access to any services that one might expect to be present in a RA2 identified settlement. I note that there is very limited employment opportunities near to the site and that any future residents would struggle to easily access local employment. While this is true of many rural sites I find the current site to be especially devoid of local services within the settlement.
- 6.17 Given the wording of the relevant sections of the Framework, above, and policy H2 I find the application site too remote from services and facilities to be an acceptable location to meet local needs in regards to affordable housing. Furthermore future residents would struggle to access local employment opportunities which would restrict the benefit of providing an affordable dwelling

for local needs. As such I find an objection to the principle of residential development on the site to be present.

- 6.18 In light of the preceding, the proposal is therefore viewed to be in conflict with policy RA3 of the CS and the application, as submitted, does not represent an exceptional circumstance whereby new residential development in the open countryside can be supported. It therefore follows that the principle of the development is not supported by the development plan. The site is outside of any settlement identified as an appropriate location for new housing and, whilst accepting the site is not isolated in the truest sense of the word given it sits within a small hamlet, future occupiers of the dwellings would be removed from the services and facilities available in nearby settlements such as Bircher, Lucton or Yarpole. Notwithstanding this, other matters relevant to the application are considered below.

### ***Design***

- 6.19 In respect of design, Core Strategy Policy SD1 directs that proposals take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area. Policy LD1 is also relevant in so far as it requires that proposal respond positively to the character of the townscape and landscape.
- 6.20 The pattern of development within this area is scattered dwellings, centred around the junction of Croft Lane and Lugg Green Road. It is characterised by wayside dwellings and farm derived development. The rural character of the street scene here is emphasized by gaps within the built frontage, which allow views of the wider countryside. The proposal follows this pattern and is located to the immediate north of Bicton House. The proposal would not result in built development that would be of an unacceptable scale or over development. The dwelling would be a two-bedroomed, one and half storey dwelling and is considered appropriate for the setting and has a minimal visual impact.

### ***Residential Amenity***

- 6.21 Whilst introducing a number of glazed openings, these maintain acceptable scale and positioning. Due to separation distances between the proposed dwelling and adjacent properties, impact upon residential amenity is minimal. The orientation of the dwelling and layout raises no concerns in overshadowing or overbearing that would lead to conflict with the requirements of SD1 of the CS, which strives to safeguard levels of residential amenity, and accords with paragraphs 130 and 185 of the NPPF.

### ***Landscape Impact***

- 6.22 It is not considered that the proposal departs from the character of the area, utilising timber cladding to reflect the adjacent barns. The dwelling is sympathetic to the area with mitigating circumstances here being a one and a half storey dwelling meaning the footprint is within site without harming the landscape character of the area. Landscape impact is minimal and the proposal is considered to suitably conserve local character and the character of the area, in line with Policy LD1 of the CS, consistent with Section 15 of the NPPF.

### ***Ecology***

- 6.23 There are no ecological records of important or Protected Species on or adjacent to site. The applicant has a legal duty of care towards wildlife protection under UK Legislation. Biodiversity

net gain can be secured by condition, in line with CS Policies LD1, LD2 and LD3, consistent with the relevant sections of the NPPF.

### **Highways**

- 6.24 Access is to be taken from the existing gateway immediately north of the demolished barn leading onto the unclassified public highway known as Croft Lane. After receiving an updated site plan, the Council's Area Engineer Highways is satisfied the access proposed meets the visibility requirements and is acceptable in demonstrating the access will not result in an unacceptable impact on road safety.
- 6.25 Adequate parking and turning space would be provided within the site to ensure that all vehicles enter the public highway in a forward gear. On the basis of the above, it is considered that use of the existing access is appropriate and that the proposal would preserve highway safety, in accordance with Policy MT1.

### **Drainage and Habitats Regulation Assessment**

- 6.26 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and provide opportunities to enhance biodiversity, health and recreation. This will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.27 The scheme in this instance proposes the use of a package treatment plant to manage foul water with outfall to a soakaway drainage field. In the absence of a mains sewer proximal to the site, this would be an acceptable solution which would accord with the hierarchal approach set out in CS policy SD4. Surface water from the development will be managed through the use of soakaways. This is an acceptable method in principle which would accord with CS policy RA3.
- 6.28 Members will note that the site in this instance lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site. The obligations are embodied in CS policies LD2 and SD4, as well as the guidance of the NPPF.
- 6.29 The River Lugg, which is a tributary of the River Wye and forms part of the SAC designated site, is currently failing its conservation targets on phosphate levels.
- 6.30 The proposal in this case would generate additional phosphates through foul water. Whilst foul water is to be managed through a new package treatment plant system, some phosphates will remain in water discharged post-treatment and therefore there is a potential pathway for the development to have an adverse impact upon the River Wye SAC. Previously, the approach taken by Herefordshire Council and Natural England has been that there is a route for development to be able to proceed in the River Lugg catchment, even when it may add to the existing phosphate levels in the river as above, as any increases would be mitigated by the River Wye's Nutrient

Management Plan (NMP). The NMP is a partnership project developed to reduce phosphate levels in the Wye catchment, including the River Lugg, to below the target level by 2027 in line with the Water Framework Directive. The NMP is managed by the Nutrient Management Board (NMB), comprising of Herefordshire Council, Powys Council, Natural England, Natural Resources Wales, the Environment Agency, Dwr Cymru Welsh Water, CABA (WUF), National Farmers' Union and the County Land and Business Association.

- 6.31 However, this situation regarding development with potential phosphate impacts in the Lugg catchment is currently under review following Natural England's advice to Herefordshire Council that, in light of the interpretation of the recent 'Dutch Case', a ruling in July 2018 by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive, from which the Habitats Regulations arise in UK law, in the case of *Cooperatie Mobilisatie* (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17). This is confirmed above by Natural England's consultation response on 24 July 2019 (section 4.2 of this report).
- 6.32 Natural England have therefore advised following the Dutch Case, that where a site is failing its water quality objectives, and is therefore classed as in unfavourable condition, there is limited scope for the approval of additional damaging effects and that the future benefit of measures cannot be relied upon at Appropriate Assessment, where those benefits are uncertain at the time of the assessment. Natural England have advised that for any plans or projects with a significant effect (on phosphate levels in the River Lugg) and which require Appropriate Assessment, the effects are currently uncertain, as in their opinion there remains reasonable scientific doubt as to whether the NMP can provide appropriate mitigation (based on how much certainty this currently demonstrates). Natural England have therefore advised that they will not, in the short term, provide advice on such planning applications that require Appropriate Assessments, while they seek legal advice. The Council is also seeking its own advice on this matter and members will be aware of the Council's position statement update of April 2021
- 6.33 It is noted that Council Ecology comments for this application state that the Local Planning Authority (LPA) as the competent authority is at this time and based on supplied information only able to conclude that there would be an adverse effect on the integrity of the River Lugg (Wye) SAC and hence permission should not be granted at the present time. The proposal is not considered to have any imperative public interests which would justify overriding this.
- 6.34 Owing to this, the proposal fails to meet the requirements of the Conservation and Habitats and Species Regulations 2017 and would also be in conflict with policies LD2 and SD4 of the CS. It is also noted that Paragraph 182 of the NPPF is engaged insofar as it directs that;
- 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'.*
- 6.35 The applicant has been requested to supply all additional information, including relevant professional reports and testing methodologies and outcomes such as to supply the LPA with legal and scientific certainty that the criteria at the end of the Council's issued updated position statement of April 2021, regarding soakaway drainage fields for foul water treatment systems can be demonstrated and legally secured through implementation condition. However, this has not materialised. Thus the application is to be considered on the basis of the Council's current position on policies on such matters and the onus is on the applicant to demonstrate otherwise.
- 6.36 Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Wye SAC'. Natural England; the statutory nature conservation body, advise that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg

Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

- 6.37 Therefore at this point in time on the basis of the information provided I find that the proposed development does not legally and scientifically demonstrate compliance with the soakaway criteria agreed between the LPA and Natural England to provide the required certainty that there are NO pathways for phosphates to enter the River Lugg hydrological catchment. Therefore the proposal would harm a designated nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity. Additionally, the proposal would be inconsistent with the provisions in the NPPF in relation to conserving and enhancing the natural environment and would not accord with the Conservation of Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017).
- 6.38 The limited evidence provided does not clearly establish that drainage arrangements for the proposal would be able to comply with the detailed criteria concerning the distance from watercourses, gradient of the field and hydrological pathways in order to provide mitigation.
- 6.39 As such, officers do not have certainty that there is a reasonable basis to suppose that a condition would secure compliance with the required criteria. Given this uncertainty, it is not a matter that can be left to a condition as it goes to the principle of the development. Therefore, officers are not assured that the proposal would not add to the unfavourable phosphate levels within the river.
- 6.40 In the light of these changes in circumstances, in conjunction with the lack of information submitted to undertake a Appropriate Assessment, and case law, the Habitats Regulations require consideration as to whether there are any alternative solutions and if not, whether there are any imperative reasons of overriding public interest that would justify the development. That said, officers have nothing before themselves that would rule out alternative solutions being available. Nevertheless, the provision of one additional dwelling would not amount to an imperative reason of overriding public interest justifying the development. In these circumstances the Habitats Regulations indicate that permission must not be granted.
- 6.41 Therefore, officers find that the proposed development cannot beyond reasonable doubt demonstrate that it would not harm a designated nature conservation site, with particular regard to the discharge of phosphates into the River Lugg, based on the Council's current policy position and advice available at this time. It would therefore, conflict with policy SD4 of the CS which primarily seeks to ensure that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of waste water. Additionally, the proposal would be inconsistent with the provisions in the Framework in relation to conserving and enhancing the natural environment and would not accord with the Conservation of Habitats and Species Regulations 2017.

### ***Planning Balance and Conclusion***

- 6.42 For the reasons outlined above, your officers have found, having been offered limited information to demonstrate otherwise and given the current policy and Council's position on the matter, that the proposal would adversely affect the integrity of the River Wye SAC and thus, it is clear from paragraph 182 of the Framework that the presumption in favour of sustainable development does not apply in these circumstances. Moreover, the policies in the Framework relating to the protection of such areas provide a clear reason for refusing the proposal.
- 6.43 Even if this is set aside, there is no essential functional need for a new dwelling given the proposal fails to meet the policy tests, as outlined under Policy RA3 of the Core Strategy, for permitting new residential development at this location.

- 6.44 Planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are benefits arising from the proposal including economic benefits as a result of the construction, and the social and economic benefits associated with the occupants of an additional dwelling supporting local services at Yarpole. However, in light of the modest scale of the proposal, these benefits attract limited weight. Accordingly, the benefits arising from the proposal do not provide sufficient justification for development that conflicts with the development plan, the NPPF and the Habitats Regulations.
- 6.45 In short, and taking planning policy and material considerations into account, and having regard to the information provided, the proposal does not satisfy any of the special circumstances which would allow new residential development in the countryside to be supported and is contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and Paragraph 80 of the National Planning Policy Framework. Furthermore, conflict has also been identified in respect of the Habitats Regulations, to which recent appeal decisions have confirmed due thought needs to be given, as a material consideration.
- 6.46 In applying the planning balance, the proposal for a new residential dwelling in this rural location is without appropriate justification, would lead to significant harm in terms of its conflict with the Development Plan and promotes unsustainable development. The scheme is hence not representative of sustainable development, and does not benefit from the positive presumption set out in in the NPPF and CS, given the conflict with the development plan. The application is accordingly recommended for refusal in line with the reasons outlined below.

## **RECOMMENDATION**

### **That planning permission be refused for the following reasons:**

1. A lack of information has been provided to achieve compliance with the exception criteria relating to affordable housing in policy RA3 , in line with policy H2. Furthermore, it has been found that the application site is too remote. There is no reasonable access to services, amenities and employment opportunities, as relevant for the proposed and future occupants of the dwelling. The site is therefore found to be in conflict with H2 and paragraph 72 of the Framework. The identified benefit of the proposal is significantly and demonstrably outweighed by the adverse impacts of allowing this inherently unsustainable pattern of development in open countryside distant from any local services where affordable housing is not deemed to be acceptable. The proposal is found to be contrary to Herefordshire Local Plan – Core Strategy Policy RA3 and H2 as well as the relevant provisions of the National Planning Policy Framework, namely Paragraph 72.
2. The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC) and the nature of the proposal triggers the requirement for a Habitat Regulations Assessment to be undertaken. Under the Regulations there is a requirement to establish with certainty, and beyond all reasonable scientific doubt, that there will not be any adverse effect on the integrity of the River Wye SAC. The River Lugg sub-catchment however suffers from the effects of point source and diffuse water pollution and phosphate levels in the river have already exceeded conservation objectives. The proposal in this case would add to this through the generation of additional foul water / phosphates and as such the Local Planning Authority is unable to conclude that the development would not have an adverse effect on the integrity of the River Lugg / River Wye SAC. As a result, the proposal has failed the Appropriate Assessment required by The Conservation of Species and Habitats Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and is hence contrary to Policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, the Natural Environment and Rural Communities (NERC) Act

**Informative**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

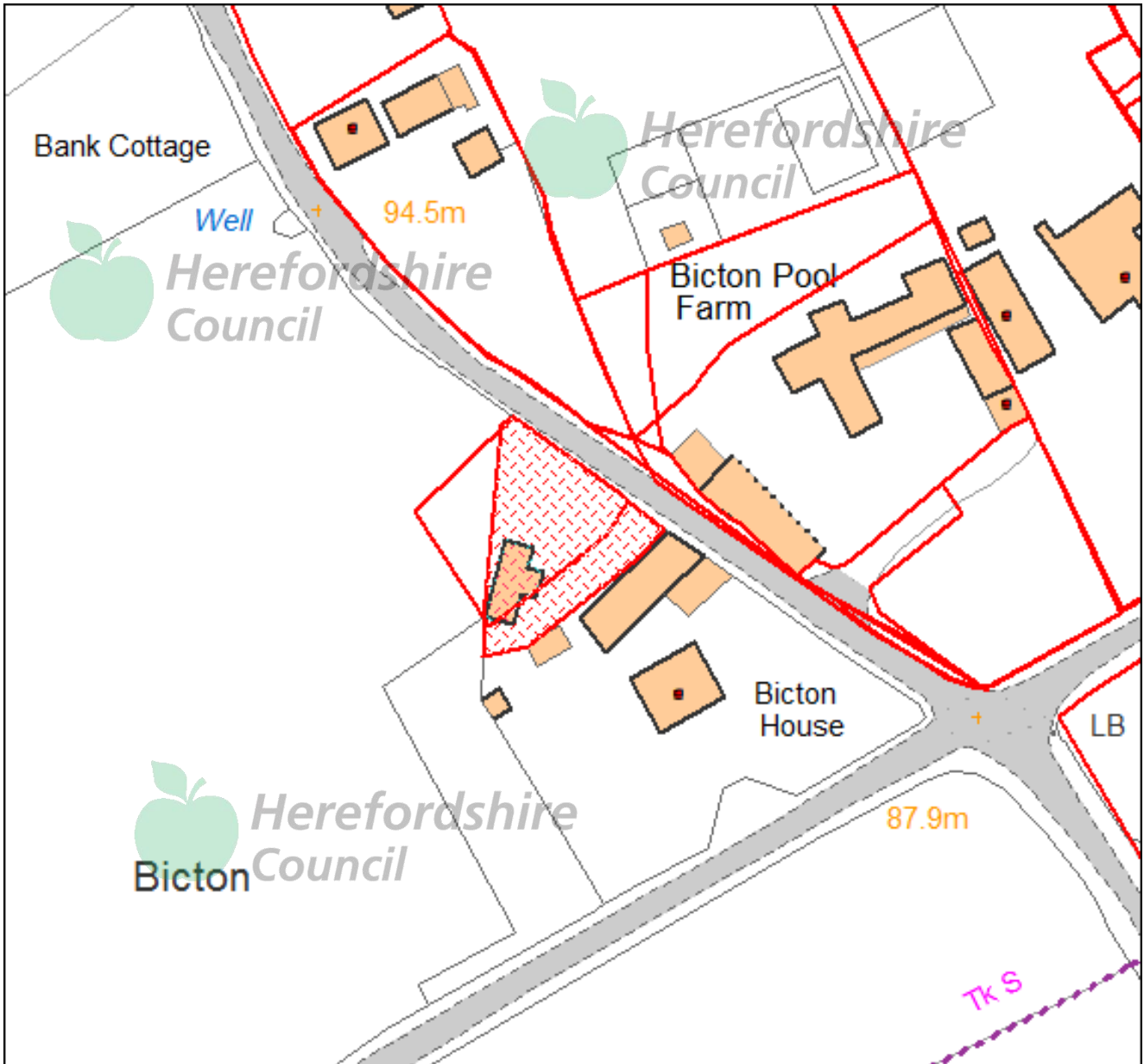
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 204317

**SITE ADDRESS :** LAND AT BICTON HOUSE, BICTON, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PR

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>1 SEPTEMBER 2021</b>
<b>TITLE OF REPORT:</b>	<b>202910 - PROPOSED NEW DWELLING AT LAND ADJOINING LUCKNOW COTTAGE, PUTLEY GREEN, PUTLEY, HEREFORDSHIRE</b>  <b>For: Mrs F Fortnam per Mr Martin Teale, Acorns Business Centre, Office 10, Roberts End, Hanley Swan, Worcestershire, WR8 0DN</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202910&amp;search-term=202910">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202910&amp;search-term=202910</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 3 September 2020      Ward: Three Crosses      Grid Ref: 365233,237584**

**Expiry Date: 12 November 2020**

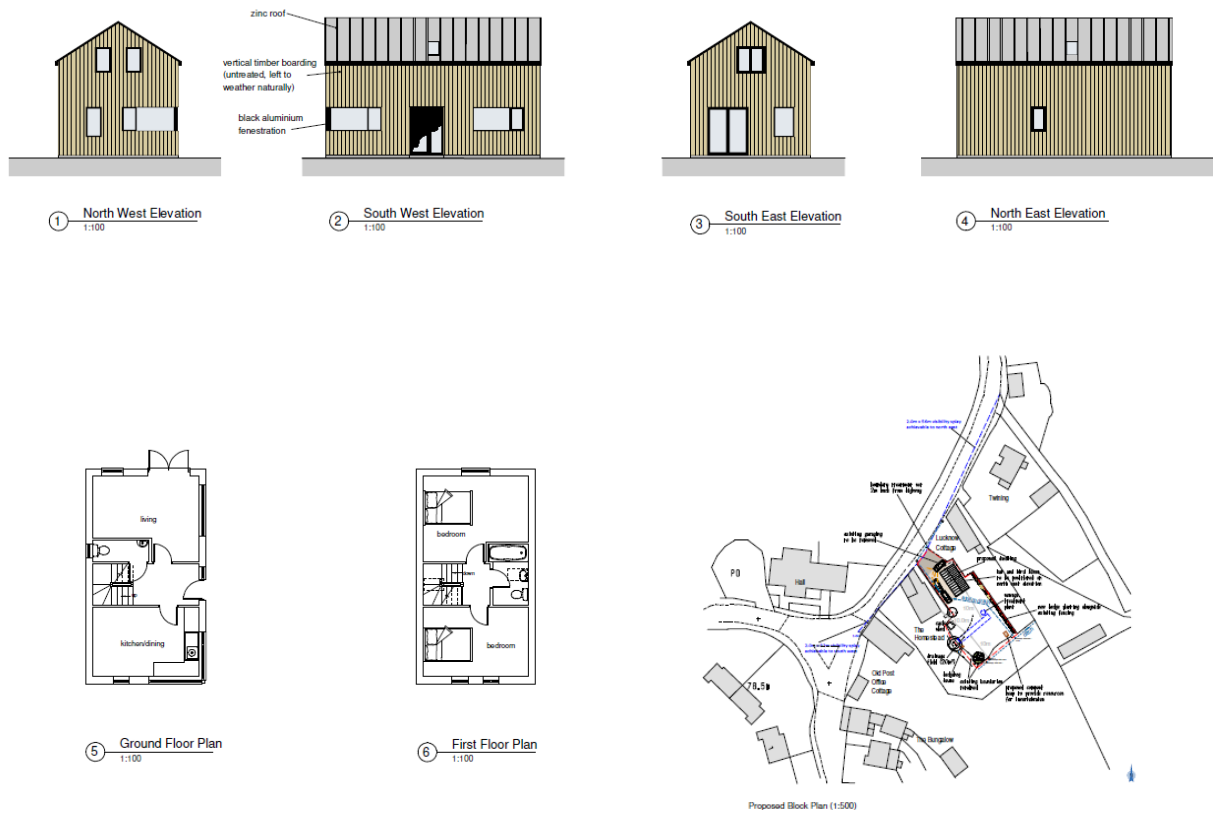
Local Member: Cllr Lester

## 1. Site Description and Proposal

- 1.1 The site comprises a garage and associated overgrown garden area to the south of Lucknow Cottage (Grade II Listed), within Putley Green, approximately 5 miles west of Ledbury. Boundary treatments are a mixture of hedgerow, timber and post-and-wire fencing, which separates the site from Lucknow Cottage and Homestead (also Grade II Listed). Putley Green is considered to constitute the main built-form of Putley, an RA2 settlement identified within the Herefordshire Core Strategy, as a main focus of proportionate housing development (Figure 4.14 settlement).
- 1.2 Putley Green has a nucleated form. It comprises dwellings of various ages and types clustered around the junction of the C1303 (Aylton to Woolhope Cockshoot road) and the C1305 (from Birchall), with the parish hall immediately north of this junction. The site lies east of the C1305, along a shorter length of developed frontage extending from “Club House” to “Twining” in the north. The site lies within the older part of the settlement, with five listed buildings arranged along the road (all grade II listed).
- 1.3 This application seeks full planning permission for the erection of 1 no. one-and-a-half storey dwelling, comprised of vertical timber boarding (untreated, left to weather naturally) under a zinc roof and black aluminium fenestration. The existing garage is to be removed and modest landscaping will be introduced as part of the proposals. The dwelling measures 4.2 metres and 5.9 metres to the eaves and ridge, respectively.
- 1.4 Below are the proposed elevations and floorplans, alongside a block/site plan indicating the proposed dwelling and its relationship with existing dwellings:

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903



## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy (CS):

- SS1 - Presumption in favour of sustainable development
- SS2 - Delivering new homes
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

The CS together with relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-  
[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework (2021) 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

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

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. 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 policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

## 2.2 Putley Neighbourhood Development Plan (Putley NDP) – made 11 March 2019 (no allocated sites)

Policy PUT1 – Sustainable development  
Policy PUT2 – Development needs and requirements  
Policy PUT3 – Putley Green  
Policy PUT7 – Natural and historic environment  
Policy PUT8 – Building design and access

The Putley NDP together with any relevant supplementary documentation can be viewed on the Council's website by using the following link:- <https://www.herefordshire.gov.uk/directory-record/3099/putley-neighbourhood-development-plan>

## 2.3 National Planning Policy Framework (NPPF) – July 2021

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 6 – Building a strong, competitive economy  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

The NPPF can be viewed by using the following link:- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

## 3. **Planning History**

None

## 4. **Consultation Summary**

### 4.1 Statutory Consultations

#### **Severn Trent – No objections**

*“Thank you for the opportunity to comment on this planning application. Please find our response noted below: With Reference to the above planning application the company’s observations regarding sewerage are as follows. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.”*

### Welsh Water – No objections

*“We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development. As the applicant intends utilising a package treatment plant we would recommend that the applicant contact Natural England who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.”*

## 4.2 Internal Council Consultations

### Building Conservation Officer – Support

*“The amended drawings can be supported. The previous concerns raised harm to setting which have been fully addressed. The new design for the dwelling better reflects the existing development pattern of the area and the vernacular language of the neighbouring listed buildings.”*

### Land Drainage – Conditions recommended

*“Our knowledge of the development proposals has been obtained from the additional sources following on from our initial response in April 2021:*

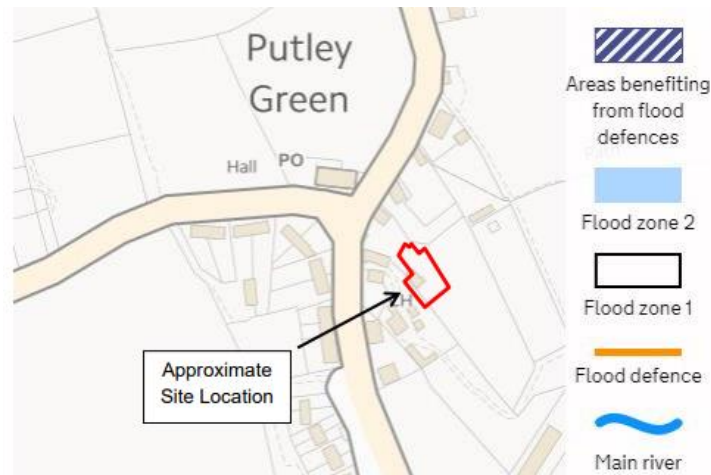
- *AMENDED Proposed Block Plan – (Ref: 4285BP-02).*

### Overview of the Proposal

*The Applicant proposes the demolition of an existing garage and the construction of a new 3 bed detached dwelling with associated car parking in an area which is a residential garden. The site covers an area of approx. 500 m2. The topography of the site is relatively level.*

### Site Location

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2021*



### Flood Risk

#### Fluvial Flood Risk

*Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA). This is summarised in Table 1:*

*Table 1: Scenarios requiring a FRA*

	<b>Within Flood Zone 3</b>	<b>Within Flood Zone 2</b>	<b>Within Flood Zone 1</b>
<b>Site area less than 1ha</b>	FRA required	FRA required	FRA not required*
<b>Site area greater than 1ha</b>	FRA required	FRA required	FRA required

*\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

Surface Water Flood Risk

Review of the EA’s Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding. There is a small risk associated with the adjacent highway and the Applicant should be aware that surface water runoff could come off the road into the site via the driveway. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels slightly to prevent ingress.

Other Considerations and Sources of Flood Risk

Local residents have identified an unmapped storm drain which is located from the lane at the roadside of the proposed development site to the boundary ditch at the bottom of the land and into the ditch located on land owned by neighbouring property Homestead. Looking at the submitted plans, this culvert has not been considered and would run beneath the proposed package treatment plant and drainage field. The location of a well (which is a source of water) has also been highlighted as being located within 20 m of the proposed development site.

A site visit undertaken on 7th April 2021 has confirmed the existence of a surface water culvert located beneath the proposed development site. The storm drain is owned by the Landowner of the proposed development plot and the Highway Authority has the right to drain runoff from the road into this riparian drain. Review of the EA’s Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

A 6 m<sup>2</sup> soakaway is proposed, which has been sized using an infiltration rate of 0.0296 m/hr (8.22x10<sup>-6</sup>). This is on the lower side of what would be an acceptable infiltration rate, however, we would be willing to accept it for this development.

Foul Water Drainage

A Vp rate of 12.13 s/mm has been established. This is below the acceptable Vp rate as defined in BS 6297 and so would require an EA permit. If a permit application were made, then the presence of any wells used for domestic water supply needs to be considered.

Overall Comment

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

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
- A detailed foul water drainage strategy.
- Detailed plans for the relocation of the surface water riparian drain.
- Evidence of an EA permit addressing the fast Vp rate and also close proximity of the well (within 50m)”

**Transportation – No objections; conditions recommended**

“Further to the receipt of revised plans the local highway authority (LHA) consider the visibility to be acceptable for the nature and type of road. The LHA has no objections subject to the below conditions.

Conditions: CAB (2m x 32m to the south and 2m x 56m to the north), CAD (5m), CAE, CAI



Should permission be granted the applicant is reminded that the construction of the access to the publically maintained highway will require a section 184 licence and details of obtaining this can be found at:

[https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)

The vehicle crossover will need to comply with our Highway Specification for New Developments, please see extract below:

#### Vehicular Crossings

	Nom. Size	Materials	Compacted Thickness
Surface Course	6mm	AC 6 dense surf 100/150 to DfT SHW Clause 909	25mm
Binder course	20mm	AC20 dense bin 100/150 rec conforming to DfT SHW 906	60mm
Base Course	32mm	AC32 dense base 100/150 rec to DfT SHW 906	100mm
Sub-Base		Type 1 sub base conforming to DfT SHW Clause 803 – Thickness may be increased depending on CBR values	150mm

### Ecology – No objections; conditions recommended

“From supplied drainage information the foul and surface water management systems appear to be compliant with relevant Core Strategy policies the foul water and surface water schemes as proposed should be subject to relevant ‘implementation’ condition or as part of approved plans.

The ecology report by Lizzie Breakwell dated November 2019 is noted and appears generally relevant. It is noted that no HBRC record check as undertaken – if it had this would have identified the recorded presence of Dormice in the hedgerows at the locality of the development. The report demonstrates that the existing hedgerows are unlikely to be suitable to support Dormice in themselves. The application has also clearly indicated that NO hedgerow is proposed for removal and that additional hedgerow planting and gapping up is proposed as part of the wider green infrastructure/biodiversity net gain enhancements is proposed. These details can be secured by condition on any planning consent granted.

With the relevant considerations and enhancements secured through condition there are no ecology objections to this application and no detrimental effect on local Dormice populations is identified. Standard conditions CKO, CKN (option a) and CNS based on CKA (with addition of hedgerows) are suggested.”

## 5. Representations

### 5.1 Putley Parish Council – Objection

“Putley Parish Council does not support the revised planning application on three grounds already submitted (23rd March). In summary, these are:

1. Despite latest amendments to building design, the proposed development still presents an intrusion of privacy on neighbouring properties as well as not respecting the character of neighbouring Grade 2 listed cottages.
2. Inappropriate visibility splay, especially to the south west.
3. Drainage.

In addition, Putley Parish Council believes that the objections listed in an email, which we take to be from the Land Drainage team at Balfour Beatty Living Places, to Herefordshire Council on 9th April 2021 have not been adequately addressed. The amended proposed block plan submitted on 19.05.2021 purports to show the location of the storm drain. An earlier submission by Putley Parish Council identified a different course for this storm drain. The submission on 19.05.2021 provides no evidence that the line of the storm drain is accurate. Putley Parish Council believes there is an unacceptable risk of ground saturation and contamination of the ditch with sewage.”

- 5.2 To date, 15 letters of representation have been submitted, objecting to the application. The comments therein are summarised below:

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- Impact on heritage assets;
- Impacts on residential amenity including overlooking/overbearing;
- Impacts on the character and appearance of Putley Green;
- Highway safety;
- Impacts on existing drainage arrangements and ground pollution;
- Protection of private water supplies;
- Increased flood risk;
- Biodiversity impacts and impacts on habitats/protected species; and
- Non-compliance with Building Regulations

5.3 All consultation responses can be viewed on the Council's website using the following link:-  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=202910&search-term=202910](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202910&search-term=202910)

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

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

## 6. Officer's Appraisal

### *Policy context*

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows: "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"

6.2 In this instance, the development plan is the Herefordshire Local Plan – Core Strategy (CS) and the Putley Neighbourhood Development Plan (Putley NDP). The National Planning Policy Framework (NPPF) is a significant material consideration.

6.3 Policy SS1 of the CS sets out that proposals will be considered in the context of a 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF at paragraph 11. Applications that accord with the policies in the Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.4 The Council is able to demonstrate a five-year housing land supply (6.9 years). The result of which is that the tilted balance set out at Paragraph 11d of the NPPF does not apply. The housing policies in the adopted CS and the policies within the Putley NDP can be considered up-to-date and given full weight. Hence, proposals are considered in relation to compliance with the Development Plan unless other material considerations indicate otherwise.

### *Location and principle of residential development*

6.5 In locational terms, paragraph 80 of the NPPF seeks to restrict development in isolated locations, but acknowledges in rural locations that development in one village may support services in another village nearby (paragraph 79). The adoption of the CS represents a policy shift in recognising proportionate growth is required in rural areas for social and economic purposes. The Putley NDP identifies at a local level where housing should be suitably located.

6.6 Policies SS2 and SS3 of the CS sets out the need to ensure sufficient housing land delivery across the county. To meet the targets of the CS, the Council needs to continue to support housing growth by granting planning permission where developments align with the policies of the CS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans). Policy SS2 states that a supply of deliverable and

developable land will be identified to secure delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet both market and affordable housing need. 6,500 of these dwellings are expected to be in Hereford.

- 6.7 Outside of Hereford and the five market towns, CS Policy RA1 identifies Herefordshire's rural areas will need to find a minimum of 5,300 new dwellings to contribute towards the county's housing needs. Dwellings are to be broadly distributed across the seven Housing Market Areas (HMA's). Putley lies within the Ledbury HMA, earmarked for an indicative 14% housing growth. Putley is listed at under policy RA2 as a settlement which will be a main focus of proportionate housing development. This percentage increase translates to 15 dwellings being required across the plan period.
- 6.8 The preamble to CS Policy RA2 states NDPs will be the principal mechanism by which new rural housing will be allocated, when significantly advanced. The Putley NDP is made and forms part of the Development Plan and its policies are afforded full-weight in decision making.
- 6.9 Policy PUT2 of the NDP confirms the main focus for meeting housing and other development needs and requirements in the Neighbourhood Area will be at Putley Green and Putley Common. This will be enabled by:
- Defining a settlement boundary for Putley Green and for Putley Common; and
  - Supporting housing and other development in these settlements where this is appropriate in scale and in keeping with their established character.

Outside the settlement boundaries, proposed new residential development will need to satisfy the requirements of CS Policy RA3 and allied policies, consistent with paragraph 80 of the NPPF. In all cases, housing proposals should be of a type and size that positively contribute to meeting the latest assessment of housing needs, particularly smaller properties. This includes starter homes (up to two bedrooms), smaller family homes (up to three bedrooms) and dwellings to meet needs of older people. This is consistent with Policy RA2(4), in that schemes generate the size, type, tenure and range of housing that reflects local demand.

- 6.10 Policy PUT3 of the Putley NDP, titled Putley Green, is directly quoted below:

*“Two settlement boundaries for Putley Green are defined and are shown on Plan 4 and the Putley Green Policies Map. Proposals for housing to be provided as individual properties or small developments on infill sites within the settlement boundaries at Putley Green will be supported where they are of a scale which is in keeping with the character of the settlement and can be shown to be of a type and size to meet local requirements and improve the mix of housing. Schemes which provide smaller dwellings including 2 and 3 bedroom properties will be particularly encouraged and supported” (Policy PUT3 of Putley NDP, page 18)*

The map below identifies the Putley Green settlement boundary under Policy PUT3 and the application site denoted by the red star:





- 6.11 The site is wholly located within the identified settlement boundary and as the application is for 1 no. two-bedroom dwelling, the scale and size is supported 'in principle' by policy PUT3. The site also benefits from an already present built form, in the form of garaging, and the erection of a dwelling would not undermine the character of the area, albeit needing to assess material considerations.
- 6.12 The principle of development, in locational and size/scale terms, is accepted, in that the application accords with the relevant aspects of Policies RA1 and RA2 of the CS, which is consistent with the NPPF, and Policies PUT2 and PUT3 of the Putley NDP. The following sections go on to consider other material considerations.

*Design*

- 6.13 The design has been amended since the application was validated, proposing a one-and-a-half storey two-bedroomed dwelling of vertical timber boarding (untreated and left to weather naturally) under a zinc roof with black aluminium fenestration. The dwelling measures 4.2 metres and 5.9 metres to the eaves and ridge, respectively.
- 6.14 The height of the dwelling has been considerably reduced so it is lower than Lucknow Cottage, and narrowed in width to ensure proportions are consistent with Lucknow Cottage, with the gable end fronting onto the C1305, reflecting adjoining development along the road frontage. In terms of roof slope, it is slightly steeper (32.5 degrees) than Lucknow Cottage, to provide sufficient headroom at first floor level. The streetscene particularly illustrates this, noting the slight drop in topography has one heads south towards the junction.
- 6.15 The use of these materials gives the dwelling a slight agricultural appearance, appropriate for this setting and will appear visually subservient to adjoining listed buildings. There are examples of timber and metal roofs on the neighbouring buildings and so this modern interpretation of traditional materials will allow the new building to blend in more appropriately than a pastiche design.
- 6.16 Further, there is a very slight overhang of the roof at eaves level. This is a traditional feature introducing a sense of depth and dimensionality to the build. It is considered that the design, particularly scale, mass and appearance, is reflective of the built form. Proposed materials and inclusion of local architectural detailing shows the proposal has considered surrounding development. The dwelling reflects its immediate environment and is acceptable in terms of

design. It is considered the proposal is in line with policies SD1 and LD1 of the CS, which is consistent with Section 12 of the NPPF, and the relevant aspects of Policy PUT8 of the NDP.

#### *Residential Amenity*

- 6.17 The new dwelling will introduce development in closer proximity to existing properties, and this inevitably gives rise to needing to consider residential amenity. Officers view the proposed dwelling is sufficiently spaced from neighbouring properties, and note that this forms part of a village settlement, noting there are a number of dwellings which are also closely grouped together, with less amenity spaces than the application, such as the council houses, and between The Old Post Cottage Cottage and the Bungalow, as evidenced on the block plan.
- 6.18 Members will recognise the orientation and windows of the proposed dwelling are either all at ground floor or rooflights, with the exception of two first floor windows at the street-facing elevation which looks to the agricultural field opposite the C1305, and a single window at the first floor south-east (rear) elevation which does not, in the view of officers, look into private amenity areas and would not give rise to overarching concerns for overshadowing or overbearing. The proposal would not conflict with the requirements of SD1 of the CS, which strives to safeguard levels of residential amenity, which is consistent with paragraphs 130 and 185 of the NPPF (2021) and Policies PUT1 and PUT8 of the Putley NDP. Officers do not consider that there is justification to refuse this application on grounds of residential amenity.

#### *Streetscene, landscape character and appearance*

- 6.19 The settlement pattern is single depth with a relationship to the highway, although some shared accesses are present. The plans clearly show the proposal preserves the single depth relationship to the highway, which reinforces the settlement pattern defining Putley Green.
- 6.20 Furthermore, the majority of development in Putley Green is orientated in a similar manner and this is not uncharacteristic within the wider context of the area, however the group of listed cottages including Lucknow Cottage, Homestead and Putley Post Office form a strongly defined group, which orientate their gable ends perpendicular to road. The scheme has taken this into consideration and reflects this accordingly. It is felt, given this location, the orientation as proposed is not out of keeping and has taken into consideration surroundings.
- 6.21 Main materials throughout Putley Green are red brick, painted brick, some timber framing and timber cladding, the latter of which can be found at buildings including Putley Green Fruit Farm, Shires View and in the not too recent past, at Homestead immediately adjacent to the application site, prior to recent conversion works. It is viewed the proposal reinforces the character and appearance of the area and development reflects the character of its immediate environs. The development will read, particularly from medium distances on the approach to the settlement, part of a established built form that does not look out of place. Landscape and streetscene impact is therefore viewed to be minimal. Indeed, Policy PUT8 of the NDP identifies that modern design approaches which take an innovative approach will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.
- 6.22 Boundary treatment will be retained with the addition of new hedge planting alongside the fence that sepeates the site with Lucknow Cottage, which will be conditioned. The new hedge will comprise native species as detailed on the block plan and the proposal is considered to conserve local character and the character of the area, in line with Policies RA2 and LD1 of the CS, which is consistent with Section 15 of the NPPF, and Policies PUT7 and PUT8 of the NDP.

## Heritage

- 6.23 When considering impact of a development proposal upon heritage assets, there are several stages. Firstly, identifying those assets which may be affected and their significance. Then, those aspects of their setting which contribute to the significance are identified and lastly, the impact of the development upon this significance. It should be noted that a view to or from a heritage asset does not necessarily mean that a site is within that assets setting, this depends upon whether that view contributes to the significance of the asset. A site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including aspects of setting which contribute to it.
- 6.24 The site is not within or adjacent to a conservation area although adjacent to a number of designated heritage assets, including Lucknow Cottage, Homestead, Putley Post Office, Club House and Putley Green Fruit Farm (all Grade II Listed). Members will be aware of the statutory duty set out at Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and those assets are identified in the map below (in blue) in relation to the site (in yellow):



- 6.25 A heritage statement has been submitted with the application and members will note that the Council's Building Conservation Officer supports this application. The superseded plans had previously raised concern to the setting of the designated heritage assets which, in their view, has now been fully addressed. It is considered the revised design now more appropriately reflects the existing development pattern, as well as a more appropriate vernacular language, particularly in relation to the surrounding designated heritage assets.
- 6.26 The contemporary design utilises traditional forms and proportions to achieve a harmonious relationship with neighbouring designated heritage assets. This does not mean the design is pastiche, but rather a build blending into a historic setting ensuring that the dwelling does not stand out within the village landscape and subsequently, not challenge the primacy of neighbouring assets.
- 6.27 Notwithstanding this, the statutory duty of Section 66(1) still applies. Density of development is not uncharacteristic and although there will be glimpses of the proposed new dwelling, the development, in the view of officers, would not harm the character and appearance of the setting, experience and significance of these identified designated heritage assets, noting the existing built form of the garage currently present on site, which does currently detract from the setting and experience of these designated heritage assets. Accordingly, in the absence of any identified

harm, no conflict is identified with CS Policy LD4, which is consistent with Section 16 of the NPPF, and Policy PUT7 of the made Putley NDP, given the development would conserve the identified heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design.

#### *Access and highways*

- 6.28 The access arrangements will see vehicles access the site from the C1305 to a new formalised parking area of gravel dressing which will be formally established at the front of the dwelling to provide parking with the first 5 metres of access from the public highway in tarmac.
- 6.29 As confirmed by the Council's highways area engineer, there are no highway objections subject to conditions, with parking and turning areas suitable, and no objections to the intensification of this access or concerns over the local highway network. Conditions include details of parking for site operatives and construction traffic prior to development commencing, visibility splays, access gates and access and parking construction. Members will also note the presence of a cycle shed proposed to be erected.
- 6.30 In the view of officers, the proposal accords with Policies MT1 and SS4 of the CS, which is consistent with Section 9 of the NPPF, not contravening paragraph 111. It is felt that the proposal should not be refused on highways grounds as it is not considered to constitute an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe. It is viewed that the proposal accords with the relevant aspects of Policy PUT8 of the made Putley NDP.

#### *Ecology and trees*

- 6.31 As confirmed by the Council's ecologist, no loss of hedgerow is proposed and there are no significant ecological related concerns. The appraisal supplied is noted and includes detailed working methods, mitigation and biodiversity net gain enhancement, which can be secured through condition, in line with CS Policies LD1, LD2 and LD3, consistent with the relevant sections of the NPPF and Policy PUT7 of the Putley NDP. The application proposed a hedgehog home, bat and bird boxes to be positioned on the north-east elevation and a proposed compost heap to provide resources for invertebrates, as detailed in the Biodiversity and Ecology checklist.
- 6.32 It is noted there are no protected arbicultural features on site and but aside from tidying up the existing overgrown garden, no adverse impact is identified on established green infrastructure and that the proposal accords with Policy LD3 of the CS, consistent with the relevant sections of the NPPF and Policy PUT7 of the Putley NDP.

#### *Drainage*

- 6.33 Surface water drainage will be dealt with by soakaways with a sewage treatment plant and drainage field is proposed to serve the dwelling, based on percolation testing, in line with Policies SD3 and SD4 of the CS, which is consistent with the relevant sections of the NPPF. It is noted the Putley NDP does not have a specific drainage policy or details that form part of a wider design policy.
- 6.34 Members will acknowledge the land drainage engineer visited site in April 2021 to see site conditions. They conclude that in principle they do not object, however recommend the following information be provided within suitably worded planning conditions:
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.

- A detailed foul water drainage strategy.
- Detailed plans for the relocation of the surface water riparian drain.
- Evidence of an EA permit addressing the fast Vp rate and also close proximity of the well (within 50m)

6.35 Officers note that whilst drainage and potential increase in surface water flooding and ground pollution has been raised as an issue locally, this has only largely been since amended plans were lodged. The EA Flood Map clearly shows the site and adjoining land area is within Flood Zone 1. Notwithstanding this, it is considered to make the conditions raised by Land Drainage pre-commencement conditions to allay local concerns.

#### *Sustainability*

6.36 A charging point for charging plug-in and other ultra-low emission vehicles and a condition regarding efficient use of water consumption is proposed to incorporate relevant sustainability measures in the proposal, as strived for by Policy PUT8 of the Putley NDP and CS Policies SD1 and SS7, which is consistent with the relevant provisions of the NPPF. The applicant has completed the climate change checklist and additional measures include 1 air source heat pump and thermally efficient walls, windows and roof-windows and doors to achieve a maximum U-value of 1.2 W/M<sup>2</sup>K. The walls are to be lined to achieve a maximum u-value of 0.28 W/M<sup>2</sup>K and the roof to be insulated to achieve a u-value of 0.18 W/M<sup>2</sup>K.

#### *Other considerations*

6.37 Members will note that Building Regulations fall under a different regime to Planning and should not form part of their assessment in decision-making.

#### *Planning balance and conclusion*

6.38 CS policy SS1 and paragraph 11 of the NPPF engage a presumption in favour of sustainable development and require development is approved where they accord with the development plan unless material considerations indicate otherwise. The NPPF encompasses the government's view of what is sustainable development in practice. The three themes: economic, environmental and social, should be pursued jointly and simultaneously.

6.39 The Putley NDP is the most up to date plan in relation to development within the parish. The site lies within the settlement boundary identified under policy PUT3 of the NDP and in terms of the scale of the proposal and impact on the character and appearance of the settlement, the scheme is policy compliant in this regard.

6.40 The design is viewed to be in keeping with Putley Green as a whole, taking reference from traditional proportions, orientation and materials. This proposal for 1 no. two-bedroom dwelling, is compliant with Policies PUT2 and PUT3. The dwelling is considered to not introduce issues of amenity, design, highway safety or heritage and the proposal is policy compliant with Policies PUT2, PUT3, PUT7 and PUT8 of the NDP, as well as Policies SS4, SS7, RA2, MT1, SD1, LD1 and LD4 of the CS, consistent with sections 9, 12, 14, 15 and 16 of the NPPF.

6.41 Local concerns in relation to highway safety, heritage and drainage are noted, but members are directed to technical consultees, all of whom raise no objections to the proposals and where applicable, have recommended conditions to control the development accordingly.

6.42 The application complies with the development plan, meeting paragraph 11c) of the NPPF, which confirms that proposals which accord with the development plan should be approved without delay. Through the ability to mitigate relevant aspects of the development through suitably worded conditions, this application is recommended for approval.

- 6.43 In accordance with the Town and Country Planning Regulations 2018 - 2018 No. 566, all pre-commencement conditions require agreement by the applicant/agent. As the application is to be debated, agreement of pre-commencement conditions can take place following resolution.

## **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:**

### ***Standard Conditions***

- 1. C01 (Time limit for commencement (full permission))**  
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. C06 (Development in accordance with approved plans)**  
The development shall be carried out strictly in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission. The following drawing numbers constitute the approved plans: 4285LP-01 FINAL dated July 2020; 4285BP-02 Rev01 dated August 2021; 4285SS-01 dated February 2021; 4285A-02 Rev01 dated July 2021.  
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies PUT1, PUT2, PUT3, PUT7 and PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.
- 3. CBK (Restriction on hours during construction phase)**  
During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm 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 Herefordshire Local Plan – Core Strategy, Policy PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.
- 4. CKO (Ecological Protection)**  
The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the report by Lizzie Breakwell dated November 2019 and drawing number 4285BP-02 Rev01 dated August 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.  
Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan – Core Strategy policy LD2 and Policies PUT1 and PUT7 of the Putley Neighbourhood Development Plan.

### ***Pre-Commencement Conditions***

- 5. CNS (Non-standard condition)**  
No development shall commence until the following details have been submitted to and approved in writing by the local planning authority:
  - A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change.
  - A detailed foul water drainage strategy.

---

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

- Detailed plans for the relocation of the surface water riparian drain.
- Evidence of an EA permit addressing the fast Vp rate and also close proximity of the well (within 50m)

The approved details shall be implemented and completed prior to first occupation of the dwelling hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided, to ensure that the development does not give rise to potential surface water flooding risk, to ensure no impacts on existing drainage arrangements and no ground pollution and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **6. CAT (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, Policy PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **7. CAB (Visibility Splays)**

Before any other works on site hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 32 metres to the south and 56 metres to the north 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 PUT1 and PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

### ***Relevant Commencement Conditions***

#### **8. CAE (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, prior to relevant works commencing.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **9. C13 (Samples of external materials)**

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD4 of the Herefordshire Local

Plan – Core Strategy, Policy PUT7 and PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

### ***Pre-Occupancy Conditions***

#### **10. CNS (Non-standard condition)**

Prior to first occupation of the dwelling, written and illustrative details of the number, type/specification and location of 1 no. charging point to enable the charging of plug in and other ultralow emission vehicles (e.g provision of cabling and outside sockets) to serve the occupants of the dwelling, shall be submitted to and approved in writing by the local planning authority. The charging point shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate and Ecology Emergency declared by Herefordshire Council, to accord with the provisions at paragraphs 107 and 112 of the National Planning Policy Framework and Policies PUT1 and PUT8 of the Putley Neighbourhood Development Plan.

#### **11. CAI (Parking – Single/Shared Private Drives)**

Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which 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, Policy PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **12. CE6 (Efficient use of water)**

Prior to the first occupation of the dwelling, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

### ***Following first occupation and on-going compliance conditions***

#### **13. CK4 (Landscape – Implementation)**

All planting, seeding or turf laying in the approved landscaping scheme (Drawing Number: 4285BP-02 Rev01 dated August 2021) 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, Policies PUT1 and PUT7 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

#### **14. CAD (Access gates)**

Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.



Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policies PUT1 and PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

**15. CKN (Protected Species and Lighting (Dark Skies))**

At no time shall any external lighting except in relation to safe use of the approved or existing buildings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate 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 Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3, the Dark Skies initiative (DEFRA-NPPF 2013/18) and Policies PUT1 and PUT7 of the Putley Neighbourhood Development Plan.

**16. CNS (Non-standard condition based on CKA (Retention of Existing Trees))**

No retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policies PUT1, PUT7 and PUT8 of the Putley Neighbourhood Development Plan and the National Planning Policy Framework.

**INFORMATIVES:**

- 1. **IP2 (Application Approved Following Revisions)**
- 2. **INS (Non-standard informative) – The applicant is reminded that the construction of the access to the publically maintained highway will require a section 184 licence and details of obtaining this can be found at: [https://www.herefordshire.gov.uk/downloads/download/368/dropped\\_kerb\\_documents](https://www.herefordshire.gov.uk/downloads/download/368/dropped_kerb_documents)**
- 3. **I05 (No drainage to discharge to highway)**
- 4. **I11 (Mud on highway)**
- 5. **I33 (Ecology – General)**

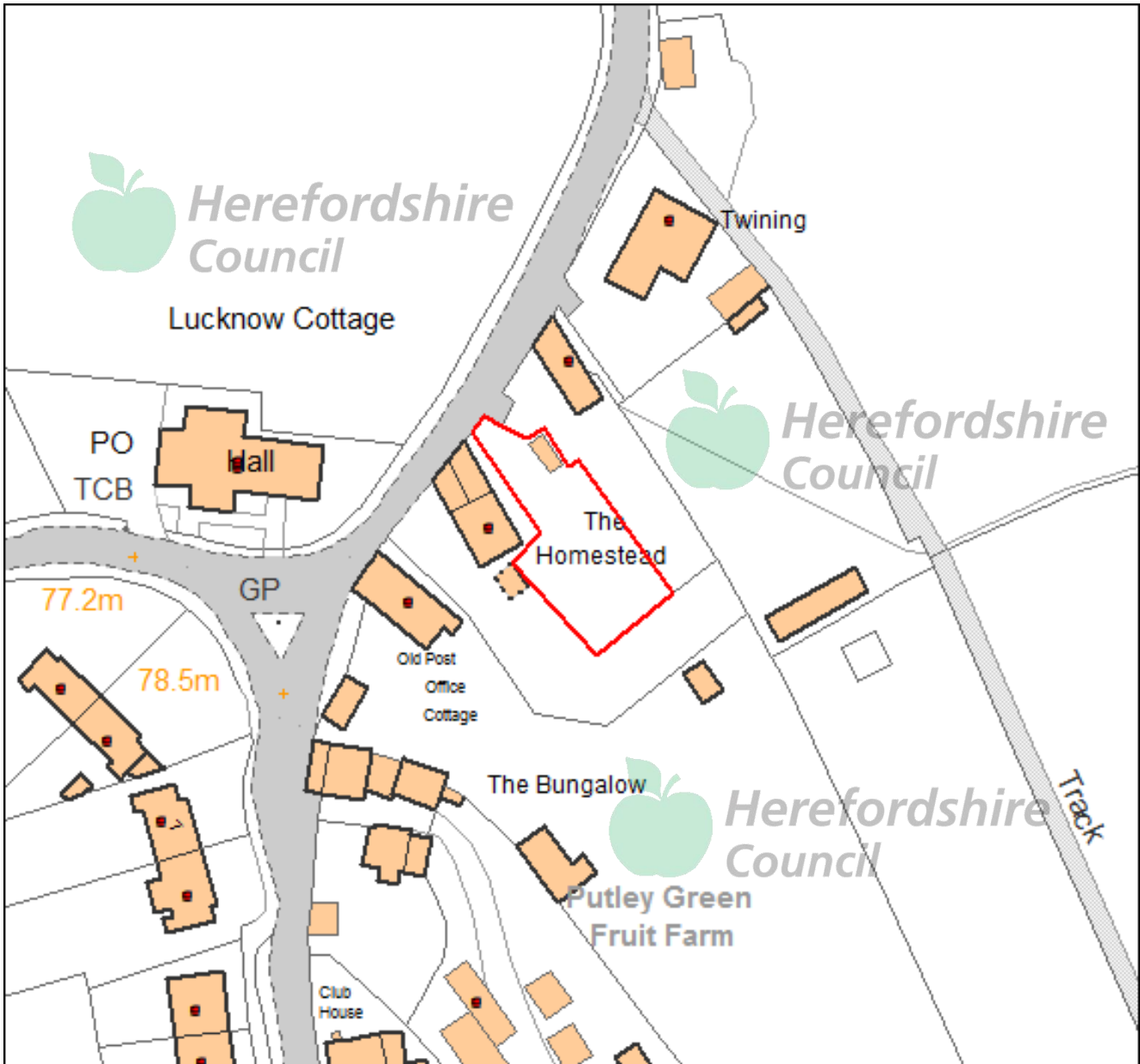
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 202910

**SITE ADDRESS :** LAND ADJOINING LUCKNOW COTTAGE, PUTLEY GREEN, PUTLEY, 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