

# Agenda

## Planning and regulatory committee

Date: **Wednesday 20 October 2021**

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Time: **10.00 am**

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

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Notes: Please note the time, date and venue of the meeting. Watch the meeting on the Herefordshire Council youtube channel via the link: [Planning and regulatory committee - Wednesday 20 October 2021 10.00 am - YouTube](#)

For any further information please contact:

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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

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To receive apologies for absence.	
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## **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 29 September 2021 at 10.00 am**

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

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Elizabeth Foxton, Tony Johnson, Graham Jones, Trish Marsh, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, David Summers and William Wilding

**In attendance:** Councillors Nigel Shaw (virtual participant), Carole Gandy (virtual participant) and Jonathan Lester (virtual participant).

**27. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Toni Fagan and John Hardwick.

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

Councillor David Summers acted as a substitute for Councillor John Hardwick. Councillor Trish Marsh acted as a substitute for Councillor Toni Fagan.

**29. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**30. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 1 September 2021 be approved.

**31. 210640 - CRUMPLEBURY FARM, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SG (Update sheet - 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 a statement was read on behalf of Mr R James, Whitbourne Parish Council; Mrs L Kershaw, a local resident, spoke in opposition to the application; and Mr B Greenaway, the applicant's agent, spoke in support of the application.

In accordance with the Council's constitution the local Ward member spoke on the application. In summary he explained that the reasons for the original condition 5 had not been explained therefore a decision to remove the condition could not be taken. Condition 16 preserved local residential amenity by ensuring there was a cut-off of 11:00 p.m. The noise assessments that had been undertaken were not sufficiently robust to justify the removal of the condition. In order to protect local residential amenity the committee was asked to

consider the refusal of the application on the basis of National Planning Policy Framework (NPPF) paragraphs 7, 8, 126-135, (specifically 130 f) and 185 and RA6 of the Local Plan.

The committee discussed the application.

The legal adviser to the committee explained that there was doubt regarding the imposition of condition 5 and there were not felt to be any exceptional circumstances to justify the continuation of the condition.

The Local Ward member was given the opportunity to close the debate and explained the relevant planning policies which would support the refusal of the application.

A motion to refuse the application due to unacceptable impacts on residential amenity (with reference to National Planning Policy Framework (NPPF) paragraphs 7, 8, 126-135, (specifically 130 f) and 185 and RA6 of the Herefordshire Local Plan – Core Strategy) was carried.

**RESOLVED: that planning permission be refused due to unacceptable impacts on residential amenity (with reference to National Planning Policy Framework (NPPF) paragraphs 7, 8, 126-135, (specifically 130 f) and 185 and RA6 of the Herefordshire Local Plan – Core Strategy).**

*(There was an adjournment at 11:14 a.m.; the meeting reconvened at 11:26 a.m.)*

**32. 210373 - LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE** (Update sheet - Pages 17 - 20)

*(Councillor John Stone left the committee to act at the local ward member for the next application)*

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 as appended to these minutes.

In accordance with the criteria for public speaking a statement in objection to the application was read on behalf of Mr M Thomas, a local resident and Ms A McCann, citizen housing, spoke in support of the application.

In accordance with the Council's constitution the local Ward member spoke on the application. In summary he explained application was an exception site outside the Neighbourhood Development Plan (NDP). The application did not prioritise housing for local families. There was concern about the impacts on local highways of the development. Concern was raised regarding the pressure on the local sewage system. The open space proposed on the development appeared insubstantial. The legal agreement highways England imperative to redirect traffic on to the A49.

The committee discussed the application.

The principal planning officer explained that no highways objection had been received on the application and further details were awaited from the applicant to respond to the issues raised by National Highways.

The local Ward member was given the opportunity to close the debate and explained that the application could overload the sewage system and clarity was required regarding the access to the A49. There was not support locally for the application, it was felt the benefits of the development did not outweigh the disadvantages.

A motion that the application be approved in line with the officer's recommendation was carried.

**RESOLVED – That:**

**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 subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, in accordance with the Heads of Terms stated in the report and National Highways confirming either no objection or no objection subject to conditions they require, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary**

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

**Regulatory Conditions**

- 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 and supporting details:**

- *To be completed***

**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 RA2 and SD1 of the Herefordshire Local Plan – Core Strategy, Bosbury and Coddington Neighbourhood Development Plan and the National Planning Policy Framework.**

**Pre Commencement Conditions**

- 3 Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies MT1, SD1 and LD1-3.**

- 4** Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Management Plan (CMP) including a full Construction Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures for managing access and routing for construction and delivery traffic;
- hours during which construction work, including works of site clearance, and deliveries can take place;
- Tree / hedge protection plan for the phase of development (as per condition 18);
- Construction Traffic Management Plan, including construction access details if it differs from the access detailed under Condition 12 of this Decision Notice;
- Ecological mitigation and protection for the phase of development

**Reason:** In the interests of highway safety, in the interests of safeguarding adjoining amenity, protection of retained green infrastructure and to comply with National Planning Policy Framework (2018), policies MT1, SD1 and LD1-3.

- 5** The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use and occupation and thereafter be maintained as such.

**Reason:** To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies SD1, SS3 and SS4 and the Brimfield and Little Hereford Neighbourhood Development Plan.

- 6** Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

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

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

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

**a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**

**b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**

**c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.**

**The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.**

**8 With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:**

- A plan(s) at a scale of 1:200 or 1:500 showing the layout of retained and proposed tree, hedge and shrub planting and grass areas**
- A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment**
- Existing and proposed finished levels or contours**
- Hard surfacing materials**
- Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs etc.)**
- Any retained historic features and proposals for restoration**

**The approved soft landscaping scheme and planting details 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.**

**Reason: To protect and enhance the visual amenities of the development and wider area and setting of Brimfield hereabouts, to maintain and enhance the character and appearance of the location and setting of Brimfield and to ensure that the development complies with the requirements of Policy SS6, RA1, RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the design and environmental aims and objectives of the National Planning Policy Framework.**

### **Compliance Conditions**

- 9 The ecological protection, mitigation, compensation and working methods scheme and biodiversity net gain enhancements as specified in the ecology report by Turnstone Ecology dated August 2021 shall be implemented in full as stated, and hereafter maintained, unless otherwise approved in writing by the local planning authority and Natural England as relevant to any protected species licences.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and Brimfield and Little Hereford Neighbourhood Development Plan.**

- 10 No development in any phase, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.**

**Reason: To ensure that species and habitats are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC 2006.**

- 11 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 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 to Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 12 The construction phase of the development hereby permitted shall be carried out in strict accordance with the details specifying the measures to be put in place during the construction period for the protection of those trees and hedgerows to be retained, in accordance with the principles set out in BS 5837:2012 as detailed within the Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement, listed under Condition 2**

of this Decision Notice.

**Reason:** To safeguard and protect trees and hedgerows to be retained during the construction phase and to comply with Herefordshire Core Strategy policies LD1, LD2 and LD3.

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

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

- 14 At no time shall the means of enclosure shown on the approved plans listed under Condition 2 be removed (unless being replaced on a like for like basis) and/ or any access, whether pedestrian, vehicular or other modes of transport, be facilitated through the site to enable access to the A49 road. For the avoidance of doubt vehicular access to and from the site shall be through The Coppice only.

**Reason:** In the interests of highway safety, to ensure the safe flow of traffic on the A49 strategic road and to comply with Herefordshire Core Strategy policy MT1 and the relevant aims and objectives of the National Planning Policy Framework.

#### **Prior to Occupation Conditions**

- 15 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans 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 those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1.

- 16 No dwelling hereby approved shall be occupied until details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the housing development, as relates to non domestic fixings, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason:** To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1-3 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018).

- 17 No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to those dwellings have

been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure occupiers have suitable facilities and 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.

- 18 Prior to the first occupation of any dwelling hereby permitted 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 Hereford Local Plan – Core Strategy and the National Planning Policy Framework.

- 19 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low or zero emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings 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.

- 20 Details regarding the storage and collection location of bins should be provided and approved in writing by the Local Planning Authority prior to occupation of any dwelling. Bin collection points would need to be provided for any plot located over a 25 metre walking distance from where the RCV can safely access and shall be installed and made available for use prior to the occupation of the dwelling to which it serves.

**Reason:** In the interests of highway safety, public health and amenity and to comply with Herefordshire Core Strategy policies LD1, MT1 and SD1.

- 21 Before any dwelling is first occupied or brought into use, a schedule of landscape implementation and maintenance of non-private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule. The maintained height of existing and proposed hedgerows should be specified within the Schedule and a plan is required to show which areas are covered by the Estate Management Company.

**Reason:** To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of Brimfield hereabouts, to maintain and enhance the character and appearance of the location and setting of Brimfield and to ensure that the development complies with the requirements of Policy SS6, RA1, RA2, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan, and the design and environmental aims and objectives of the National Planning Policy Framework.

- 22 The provision of covered and secure cycle parking on site and within the curtilage of each dwelling as shown on and within the approved plans and

details listed under Condition 2 of this Decision Notice shall be made available for use prior to occupation of the dwelling it serves and thereafter be retained for such use.

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

- 23** The Remediation Scheme, as approved pursuant to condition 7 of this Decision Notice shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

- 24** Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and H of Part 1 and of Schedule 2, shall be carried out and furthermore no windows shall at any time be placed in any elevation, or dormer windows in any facing roof slope of the dwellings hereby permitted other than those shown on the approved plans listed under Condition 2 of this Decision Notice..

**Reason:** In order to protect the character and amenity of the locality, to ensure the design, character and appearance of this high quality development is protected, to maintain the amenities of adjoining property, ensure the development retains a mix of housing sizes and to comply with Policy H1, H3, RA2 and SD1 of the Herefordshire Local Plan – Core Strategy, the Brimfield and Little Hereford Neighbourhood Development Plan and the National Planning Policy Framework

- 25** The development hereby permitted shall be served by vehicular access and egress by the route through and from The Coppice and Wyson Lane only, as shown on the approved plans listed under Condition 2 of this Decision Notice.

**Reason:** In the interests of highway safety and amenity, to safeguard the strategic road network and having regard to the basis on which the development has been assessed and to comply with Herefordshire Core Strategy policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.

**Informatives:**

- 1 **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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 **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 3 **The Developer is advised that some public sewers, lateral drains or water mains may not be recorded on Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 4 **With reference to the surface water, Welsh Water advise they would not permit the communication of flows to the public sewer as it is designated to receive foul water only. Any drainage strategy should consider utilising a sustainable drainage technique. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.**
- 5 **With regards to the requirements of Condition 7 –**
  - **Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2021**
  - **All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission**
  - **Where ground gas protection measures are required, they shall be validated in accordance with current best practice guidance**
- 6 **This planning permission is pursuant to a Section 106 legal agreement dated XXX**

**33. 210222 - TOGPEN, WILLEY LANE, LOWER WILLEY, HEREFORDSHIRE**

The planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mrs G Turner and Mrs J Stock, local residents, spoke in objection to the application. Mr M Murray, applicant's agent, spoke in support.

In accordance with the council's constitution the local Ward member Councillor Carol Gandy spoke on the application. In summary she commented that the application was located in a very rural area. Drainage and sewerage on-site was a concern, particularly the septic tank. There was doubt concerning the appearance of the yurts. The impact on the Dark Skies policy from external lighting which would be necessary to light the way to the toilet was raised. Planning enforcement in such a rural location was a challenge.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate and explained that the application was in a very remote area, a large proportion of local residents had objected to the application. Assurance was sought that if your application was approved conditions would be enforced effectively.

A motion to approve the application in accordance with the officer recommendation was carried.

### **RESOLVED – That**

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

- 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 which complies with policies E4, RA6, LD1, SD1 and MT1 of the Herefordshire Local Plan Core Strategy, policies BG1, BG14, BG17 and BG20 of the Border Group Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework.**

- 3. There shall be no more than two yurts sited upon the land subject of this permission at any time and they shall be sited in accordance with the locations shown on the approved site block plan supplied to the Local Planning Authority on the 24<sup>th</sup> August 2021.**

**Reason: In order to define the terms of the permission and to minimise the potential for visual intrusion within the landscape as required by policies SD1, LD1, RA6 and E4 of the Herefordshire Local Plan – Core Strategy, policies BG1, BG14 and BG20 of the Border Group Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework**

- 4. The yurts subject of this permission shall only be in place and/or occupied between the 1st April and 31st October in any given year. Outside of these periods, the yurts shall be dismantled and removed from the land along with all associated paraphernalia (with the exception of the permanent base structures).**

**Reason: In order to define the terms of the permission and to**

**minimise the potential for visual intrusion within the landscape as required by policies SD1, LD1, RA6 and E4 of the Herefordshire Local Plan – Core Strategy, policies BG1, BG14 and BG20 of the Border Group Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework**

- 5. The yurts hereby permitted shall only be used for holiday purposes by tourists. No person or group of persons shall occupy the accommodation for more than 28 days consecutive days at a time and no same person or group of persons shall occupy the accommodation for more than 156 days in any one calendar year. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation and of their main home address (i.e. place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.**

**Reason: To ensure that the development hereby permitted is used for the specific use applied for and to prevent the proliferation of uncontrolled residential uses in the open countryside in accordance with policies SS4, SS7, RA6, E4 and RA3 of the Herefordshire Local Plan Core Strategy, policies BG1, BG14 and BG20 of the Border Group Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework**

- 6. The external surfaces of the yurts hereby approved shall be permanently coloured dark brown, unless a suitably recessive alternative colour is first agreed in writing with the Local Planning Authority.**

**Reason: To ensure that the yurt structures assimilate appropriately into the landscape in the interests of protecting the character of the locale in accordance with the requirements of policies SD1, LD1, RA6 and E4 of the Herefordshire Local Plan – Core Strategy, policies BG1, BG14 and BG20 of the Border Group Neighbourhood Development Plan and the principles set out in the National Planning Policy Framework.**

- 7. All foul water shall discharge through a connection to the existing septic tank and ground discharge drainage field as advised in supplied Design & Access Statement and accompanying site plans; and all surface water shall to discharge to soakaway infiltration features on land under the applicant's ownership; 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**

- 8. 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 shall be operated at any time, without the written approval of the 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**

- 9. There shall be no playing of amplified music nor the use of fireworks outside 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,**

**Prior to the first use of the yurts hereby permitted, full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained for the lifetime of the development.**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of policies SS4, MT1, RA6 and E4 of Herefordshire Local Plan – Core Strategy, policies BG14 and BG17 of the Border Group 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The proposed development may not have access to mains water and be reliant on a private water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.**

**If the supply is to be used for shared or commercial purposes including renting, the Private Water Supplies (England) Regulations 2016 specify**

**that the water supply cannot be used until it has been risk assessed by the local authority's private water supplies team (01432 261761) and found compliant.**

**Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.**

- 3. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special "protected species" such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that further advice from a local professional ecology consultant is obtained.**

**34. 202412 - FLOW HOUSE, LAND NORTH OF SHEEPCOTTS COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ (Update sheet - Pages 21 - 24)**

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

In accordance with the criteria for public speaking Mr G Blackmore spoke on behalf of the Ocle Pychard Group Parish Council and Mr M Tompkins, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary he explained that the development was an intrusion on the landscape and open countryside. The design was out of keeping and did not respect local buildings. The application should be refused consistent with Core Strategy policies SS1, SS2, LD 1, LD4 and the neighbourhood development plan.

The committee discussed the application.

The development manager major teams commented that under section 80(e) of the national planning policy framework the current application should meet the highest standards of architecture and enhance it's immediate surroundings.

The local Ward member was given the opportunity to close the debate and explained that a number of objections have been raised by people in the local community due to the applications intrusion on the Landscape. The argument that the development represented a decrease in phosphate pollution as it replaced agricultural use of the Land was not accepted.

A motion that the application be approved was lost.

A motion to refuse the application (with reference to SS1, SS2, LD1, LD4 and RA3 of the Herefordshire Local Plan – Core Strategy) was carried.

**RESOLVED: that planning permission be refused (with reference to SS1, SS2, LD1, LD4 and RA3 of the Herefordshire Local Plan – Core Strategy).**

**Chairperson**

The meeting ended at 2.23 pm



## SCHEDULE OF COMMITTEE UPDATES

**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**

**For: Mr E Evans per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS**

### OFFICER COMMENTS

At paragraph 2.1 of this agenda item, it needs to be confirmed that the Core Strategy is now in review. This should read as follows: "*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. From reviewing those policies most 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*".

### NO CHANGE TO RECOMMENDATION



**210373 – PROPOSED DEMOLITION OF FARM BUILDINGS AND CONSTRUCTION OF 14 DWELLINGS WITH ASSOCIATED ACCESS. AT LAND OFF WYSON LANE, BRIMFIELD, HEREFORDSHIRE,**

**For: Mr Sambrook per Miss Stephanie Cain, Lowfield, Marton, Welshpool, SY21 8JX**

## **ADDITIONAL REPRESENTATIONS**

Highways England, now renamed **National Highways** comments –

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to P210373/F and has been prepared by Priya Sansoy, Assistant Spatial Planner at National Highways.

This consultation relates to the seeking of full planning consent for the proposed demolition of farm buildings and the construction of 14 affordable dwellings with associated access at Land off Wyson Lane, Brimfield, Herefordshire. The development site is located approximately 40 metres west of the A49 Trunk Road boundary therefore has no common boundary with the SRN. It is apparent from satellite imagery that the development site which currently constitutes vacant farm buildings appears to be served via an existing shared direct access on the A49 Trunk Road, although it is noted that the existing means of vehicular access to the site has not been disclosed within the submission. The A49 direct access is shared with Rose cottage and Alma House.

### **Access**

#### *Proposed access*

The development is proposed to be solely served via an existing private access road to the south of the site which abuts the site and is under the current ownership of the applicant. Physical means of enclosure are proposed around the perimeter of the site to ensure access to and from the site is restricted as per the site layout proposed. The private access road has recently been constructed to serve a 10-unit housing development named 'The Coppice' and has been confirmed by the Local Highway Authority as not suitable for highway adoption due to drainage issues. The private access road connects onto Wyson Lane which is a narrow rural lane and is maintained by the Local Highway Authority.

## *Access to SRN*

The nearest point of access / egress onto the A49 Trunk Road (Brimfield Bypass) from the site is via the Wyson Lane / A49 all movement Priority junction situated approximately 370 metres east. The SRN junction is not considered to have any existing highway safety or operational issues on review of the latest Crashmap 5-year accident data and live google traffic data. The scale of development is not considered to generate significant traffic movements within the SRN peak period therefore the minimal intensification of use of the Wyson Lane / A49 Priority Junction as a result of the development proposal is considered unlikely to give rise to any adverse highway safety and operational impacts. National Highways would therefore raise no concern to the proposed means of access off Wyson Lane.

## *Existing access to the site and private access rights*

Limited detail has been submitted in regard to the existing means of vehicular access to the site which has raised some potential concerns. On review of satellite imagery of the site and surrounding area, it is apparent that the site may have been previously / historically linked to Rose Cottage and Alma House and accessed via the existing A49 direct access. It is unclear whether any private access rights may have been retained by the developer on transfer of the land which may permit the site to be accessed via the A49 direct access on some capacity. The retention of any private access right, proposed change of use of the land and potential impact on the A49 direct access is a material consideration to the determination of this application and National Highways would therefore ask for the applicant to provide further details regarding land transfer to confirm whether a legal access right exists and/or has been retained. Ultimately the existing A49 direct access is of a substandard design due to its DMRB non-complaint geometric layout and junction visibility splays therefore any intensification or change of its use as a result of the proposal is unlikely to be supported by National Highways in its present form. If private access right has been retained, the applicant will need to provide full details of the required use of any private access right connecting the development site to the A49 Trunk Road via the existing direct access for National Highways to consider further. To safeguard the integrity of the SRN, National Highways may request that any existing private access rights to the A49 Trunk Road from the development site are stopped up via the appropriate legal mechanism.

## **Construction/ service access**

No details have been provided in regard to any Construction Management Plan and particularly the proposed means of vehicular access to the site during the temporary construction phase of the development. National Highways request that further detail is provided by the applicant in regard to the proposed temporary construction access to the site.

As the site is proposed to be served via a private access road, details of the refuse / recycling bin collection point should be provided as it is typical for council refuse vehicles to operate a kerbside collection from the adopted highway. As the site is situated at the end of the cul-de-sac close to the A49 Trunk Road, council operatives may intend to collect from the A49 (T) which may give rise to a highway safety concern affecting the SRN. It is requested that the applicant provides further detail on the proposed servicing arrangements and provides evidence from the council's

refuse collection team that the servicing arrangement will be adopted in practice. Boundary related matters and Environmental Impact.

The A49 Trunk Road is elevated above the ground level of the site and the development site is suitably set back from the SRN. Therefore, it is considered any boundary related or environmental impact would not give rise to any adverse issue which may affect the safe operation of the A49 Trunk Road and National Highways legal responsibilities as a Strategic Road Company.

## **Recommendation**

**In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice, to allow the applicant time to submit additional supporting information.**

## **OFFICER COMMENTS**

It is noted in itself, Highways England has no objection to the 14 dwellings with regards the impact of vehicular movements from the proposal on the strategic road network with regards access to it via Wyson Lane. The concern is with respect to any residue access rights to the North and directly on to the A49.

With regards to Existing access to the site and private access rights, There will be no new residential access to the development via the access to the north from the A49. Boundary treatments and layout prevent this. Furthermore officers can recommend a condition to this effect with details of the 'stopping up'.

With regards to Construction / service access, A Construction Management Plan is set to be a condition, the information required by National Highways could be submitted as part of these conditions and discharge of them only with formal consultation and written agreement from them.

However, it is noted without further details on what, if any, legal access rights are retained to and from the site to the A49 a holding objection remains. As such and on National Highways satisfaction this addressed, the application can still be assessed and determined by Planning Committee with the amended recommendation, below –

## **CHANGE TO RECOMMENDATION**

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, in accordance with the Heads of Terms stated in the report and National Highways confirming either no objection or no objection subject to conditions they require, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary**

Notwithstanding the above, A further additional Compliance Condition is recommended for clarity and completeness –

*At no time shall the means of enclosure shown on the approved plans listed under Condition 2 be removed (unless being replaced on a like for like basis) and/ or any access, whether pedestrian, vehicular or other modes of transport, be facilitated through the site to enable access to the A49 road.*

*For the avoidance of doubt vehicular access to and from the site shall be through The Coppice only.*

*Reason: In the interests of highway safety, to ensure the safe flow of traffic on the A49 strategic road and to comply with Herefordshire Core Strategy policy MT1 and the relevant aims and objectives of the National Planning Policy Framework.*

**202412 - ERECTION OF 1 NO. DWELLING AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, OUTBUILDINGS, INFRASTRUCTURE, LAKE CREATION AND OTHER ENGINEERING WORKS AT FLOW HOUSE - LAND NORTH OF SHEEPCOTTS COURT, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ**

**For: Mr & Mrs Perry per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR**

### **ADDITIONAL REPRESENTATIONS**

Since the publication of the officer report, three further representations have been submitted. The first is submitted on behalf of the British Horse Society:

*“The British Horse Society is the UK’s largest equestrian charity representing the UK’s 3 million horse riders. The objections to the proposed development are in regards to its impact on bridleway UW1, part of the Three Rivers Ride, which was conceived by Brenda Wickham, a British Horse Society volunteer, as a link from Worcestershire to Herefordshire to Wales, opened in 2002. Horse riders have access to only 22% of the public rights of way network, therefore existing routes must be protected especially as the roads become less and less safe.*

*The BHS requested the following in October 2020:*

*1) Please provide a clear specification regarding the surfaces for the bridleway for the full extent of the route where it lies within the development area as this is not clear from the plans so that the suitability for horse riders can be assessed. Surfaces must be suitable for equestrian use therefore not constructed of a slippery material such as tarmac or concrete. Please see relevant guidance: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>*

*2) The proposal suggests the addition of gates on the route. Gates are an obstruction on a public right of way and should not be considered unless to prevent the ingress or egress of livestock. Please provide assurance that gates will not be installed on the public right of way.*

*3) The development would increase traffic during the construction stage and beyond. Please provide a provisional Site traffic management plan for the build and an assurance of how traffic crossing the public right of way would be managed. Please see relevant guidance: <https://www.bhs.org.uk/advice-and-information/free-leaflets-and-advice>*

*The BHS has not had any response or engagement from the planning applicant or their representatives in the interim at the time of writing this correspondence. The BHS therefore reiterates the above comments and requests further discussion regarding how best to safeguard the Three Rivers Ride public right of way for the safety and enjoyment of all walkers, cyclists and equestrians.*

*Should the planning permission be granted, the BHS respectfully requests that Herefordshire Council incorporates conditions to the permission which require the applicant to fully engage with Herefordshire BHS and the Council's Public Rights of Way team, in particular, a requirement to provide of full details of this development where it affects and concerns the PROW route and agree measures to ensure that the use and enjoyment of the Three Rivers Ride will not be impacted by this development in the short, medium and long term. This will uphold Policy LTP PRW1 - Policy B3 Managing Public Rights of Way in Herefordshire Council's published Rights of Way Improvement Plan (draft) 2017-20."*

The remaining two representations have been made by two local residents, which have already been sent directly to members of this committee and are repeated below:

1. *"It is by chance that I know about his submission although Phil Perry did bring down the 100 page document some months ago when I did study it, and my first reaction was that he should not be allowed to build a large house on such a prominent site which will be visible from many aspects, and the materials he is proposing to use for the building will make it glaringly visible.*

*The yellow notice is up the road which he makes look as if it is his own drive, when it is a public road, so that people are deterred from going up there and so no-one has seen it. And the Merediths at Lowdy Farm, who would be very close neighbours of this proposed property, but whose farm is off the Lower Hope road but with their fields adjacent, had no idea about the application as you have not notified them.*

*I gather that it is supposed to meet all the requirements of Clause 79 of the Planning Agreement because it is "innovative" and of "supreme quality" to be permitted to be built in a field where there has never even been a barn. I am aware that a lot of input has gone into this project but I consider it an erosion of our countryside and no doubt there will be even more traffic going up our very small lane which is already ruined by farm traffic as the machinery is too wide.*

*If Mr Perry had not made his present property so suburbanized I would be happier to consider this latest application but definitely not on its present site. He put up kerbstones on a public road which is not his but he has made it look like his private drive, saying that I would not see the kerbs after a while. For as many years since he put them in, I have been affronted by them every time I drive up the lane. Visitors to my house ask if there is a housing estate up there. I am still amazed how a small cottage has been converted into such a large residence with a considerable two-storey building alongside it and a new barn with your approval or lack of objection.*

*So I am now concerned that the proposed Flow House will be lit up and disturb the dark sky that we enjoy in this area, and that there will be alterations to the original plans if it is allowed to be developed.*

*I wish to put in a strong objection."*

2. *"Dear Sir/Madam,*

*I object to the planning proposal to build The Flow House in Ullingswick. The building is totally inappropriate in a beautiful unspoiled area of Ullingswick in Herefordshire. It does not add to the landscape. How could it? The objection is not because it is a*

*modern dwelling. It is impossible for any building in this particular area to add to the outstanding landscape. At night the design of the building will cause light pollution. It is, quite simply, an irrelevant building which is not even needed. The applicants already enjoy a spacious home which has grown and grown over the years. The Three Rivers Ride crosses the land on which it is to be built which will provide an uneasy mix of walkers, horse riders and vehicles to and from The Flow House. It simply does not meet the government's requirements for a house built in open countryside. It is not of outstanding design. It does not enhance the landscape. On those two criteria alone the house does not meet the (rightly) restrictive planning laws for the countryside. To allow The Flow House to be built will be a serious planning misstep which is almost certain to lead to a legal challenge. It sends out totally the wrong message that at a time when much needed low income housing is vitally needed the council will be seen to be favouring a single house. I very much hope common sense will be applied to the overwhelming feeling of both villagers and the wider public. Open countryside, especially now, is for everyone, not the few."*

## **OFFICER COMMENTS**

In respect of the comments raised by the British Horse Society, the agent has confirmed to officers that the proposals do not include any change to the PROWs, including the Three Rivers Ride. That surface would remain as is and all new gates are as clearly included within the proposed plans. Members are referred to condition 6 of the recommendation in respect of a condition requiring the submission of a Construction Management Plan prior to commencement of works.

The only new consideration raised in the two local letters of representation refers to site notice procedures. The Council erected site notices adjacent to the public highway at the site entrance, as well as surrounding the site, where possible. The application had also been placed in the local press. Hence, the Council is satisfied that it has fulfilled its statutory duty to inform any interested party publically about this application.

Finally, at paragraph 2.1 of this agenda item, it needs to be confirmed that the Core Strategy is now in review. This should read as follows: *"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. From reviewing those policies most 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."*

## **NO CHANGE TO RECOMMENDATION**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>20<sup>th</sup> OCTOBER 2021</b>
<b>TITLE OF REPORT:</b>	<b>204133 - PROPOSED VARIATION OF CONDITION 2 OF PLANNING PERMISSION 163327 (ERECTION OF A BARN EGG UNIT FOR FERTILE EGG PRODUCTION) TO REGULARISE AS BUILT DEVELOPMENT. AT WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD, HR3 5TB</b>  <b>For: Mr Morgan per Mr Ian Pick, Station Farm Offices, Wansford Road, Nafferton, Driffield, East Yorkshire YO25 8NJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&amp;search-term=204133">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&amp;search-term=204133</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 24 November 2020      Ward: Golden Valley      Grid Ref: 326020,242345  
North**

**Expiry Date: 6 May 2021**  
Local Members: Cllr Jennie Hewitt

## 1. Site Description and Proposal

- 1.1 The application site lies to the south-west of the C1208 at the small hamlet of 'Archenfield' within the Parish of Clifford. The landscape is undulating and there are a series of woodland blocks in the landscape including along watercourses. In terms of Landscape Character the site lies within 'Principal Timbered Farmlands' described as *"rolling lowland landscapes with occasional steep sided hills and low escarpments. They have a small scale wooded agricultural appearance."*
- 1.2 The application site itself is located to the north-west of the existing range of agricultural buildings at 'White House Farm' within a separate field and relates to a development consisting of the barn egg units for fertile egg production that was approved under application 163327, has been constructed and is operational.
- 1.3 The proposal was described in the 2016 committee report as follows *'The building would have a length of 105.4 metres and span depth of 18.9 metres. The building would be sited to the north-west of the existing range at 'White House Farm' within a separate field. The building would be sited parallel to the existing range of buildings but would extend some 87 metres deeper to the south-west. At the north-eastern end of the building there would be a turning / manoeuvring area (Approx. 41 m x 23 m) for motor vehicles and at the south-western end of the building a concrete apron (Approx. 18.9 m x 8 m). Two feed bins would be sited adjacent to the south-eastern flank elevation parallel to the north-western elevation of the existing agricultural buildings. These feed bins would have a height of some 7.4 metres.*
- 1.4 This application seeks the variation of condition 2 of this planning permission. Condition 2 states:

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

*The development hereby permitted shall be carried out in strict accordance with the following approved plans:*

- *Amended Site Plan (Scale 1:500) received 20.03.2017;*
- *Amended Location Plan – Drawing number HM/01A (Scale 1:2500) received 20.03.2017;*
- *Elevations & Plan (Scale 1:200);*
- *Amended Sections (Scales 1:500 & 1:200) received 20.03.2017;*
- *Amended Landscaping Proposals – Drawing number 1486.01 Rev. B (Scale 1:500 @ A1) received 15.06.2017;*
- *16.5 m Articulated Lorry Tracking – Drawing number 18072-02 (Scale 1:250 @ A3) and*
- *Site Access & Visibility Splays – Drawing number 18072-01 (Scale 1:500 @ A3);*

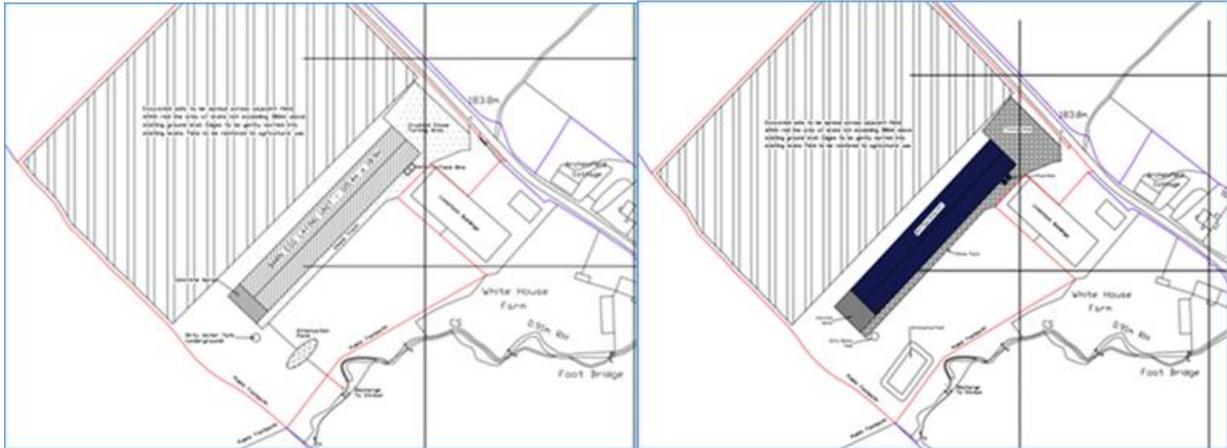
*except where otherwise stipulated by conditions attached to this permission.*

*Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*

- 1.5 The application form (section 5) details the reason for the requested variation as follows: *“there is minor changes between the approved plan and as built development in that the building has 13 roof fans instead of 7 as shown on the approved plan and the attenuation pond is large than shown on the approved plans. The application seeks to amend the location plan, site plan and elevation drawings to reflect the changes”.*
- 1.6 In making the assessment of the application, officers considered a number of other alterations to the building and fenestration in addition to those identified in the application form. These are detailed below.
- 1.7 The submission has also been updated during the course of the application to reflect the queries in respect of landscape scheme the attenuation pond and a further period of consultation was undertaken.
- 1.8 For clarity the application has been accompanied by the following:
- Application Form
  - Location Plan - HM/01B
  - Site Plan - HM/02B
  - Elevations and Floor Plan - HM/03A
  - Amended Landscape Proposals - 1486.01C
  - Foul and Surface Water Drainage Strategy - Hydro-Logic Services Report K0723a/Rev4 – March 2021
  - SCAIL Report - Received 19<sup>th</sup> December 2020
  - Plant Noise Assessment - Matrix Acoustic Design Consultants Acoustics Report M1602/R01a – 14<sup>th</sup> December 2020
- 1.9 For ease of reference, extract of the plans as approved and as proposed are inserted below:

**Extract of approved site plan (HM/02/A)**

**Extract of proposed site plan (HM/02/B)**



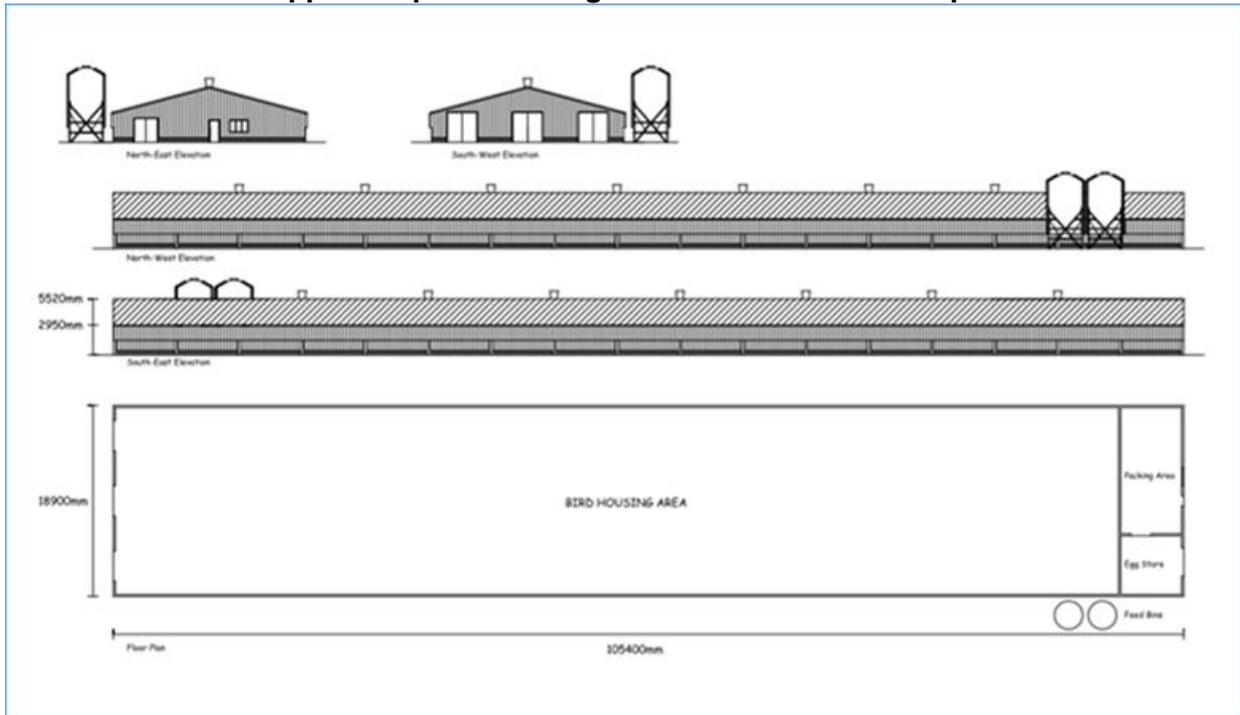
**Extract Approved Landscape Plan (1486/01 Rev B)**

**Extract of Proposed Landscape Plan (1486/01 Rev C)**

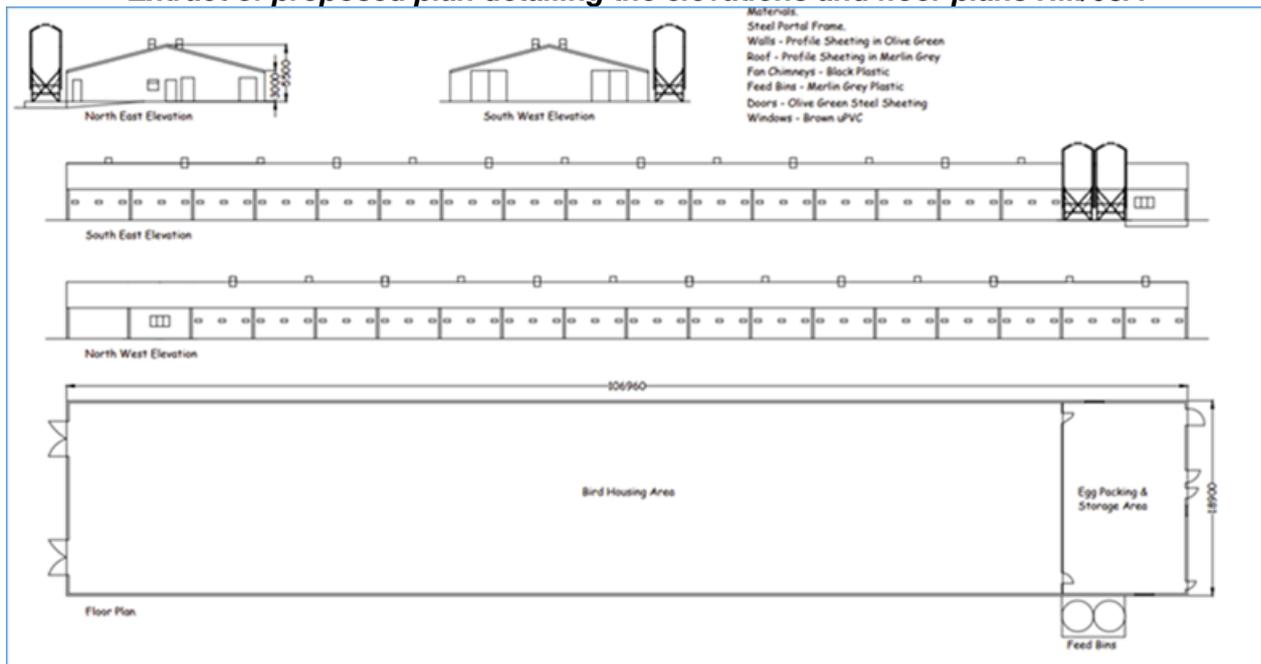


- 1.10 The landscaping plans have been updated to reflect the change to the shape and size of the attenuation pond and to the fencing (PROW). The landscaping works were undertaken during the course of the application and were complete at the time of the officer site visit on the 9<sup>th</sup> April 2021.
- 1.11 The proposed changes to the external appearance of the building are detailed on the elevations, including the change to the number and position of vents (from 7no. to 13no.) and slight increase to building length and reduction in ridge height.
- Building dimensions as approved: 18900mm x 105400mm with eaves of 2950mm and ridge of 5520mm
  - Building dimensions as proposed: 18900mm x 106960mm with eaves of 3000mm and ridge 5000mm
- 1.12 Internally the layout has also been adjusted. Materials are controlled via condition 6 of the Planning Permission (no application to vary this has been sought). Opening details have also altered as can be seen on the plans inserted below. Feed Bin heights remain the same as do their position.

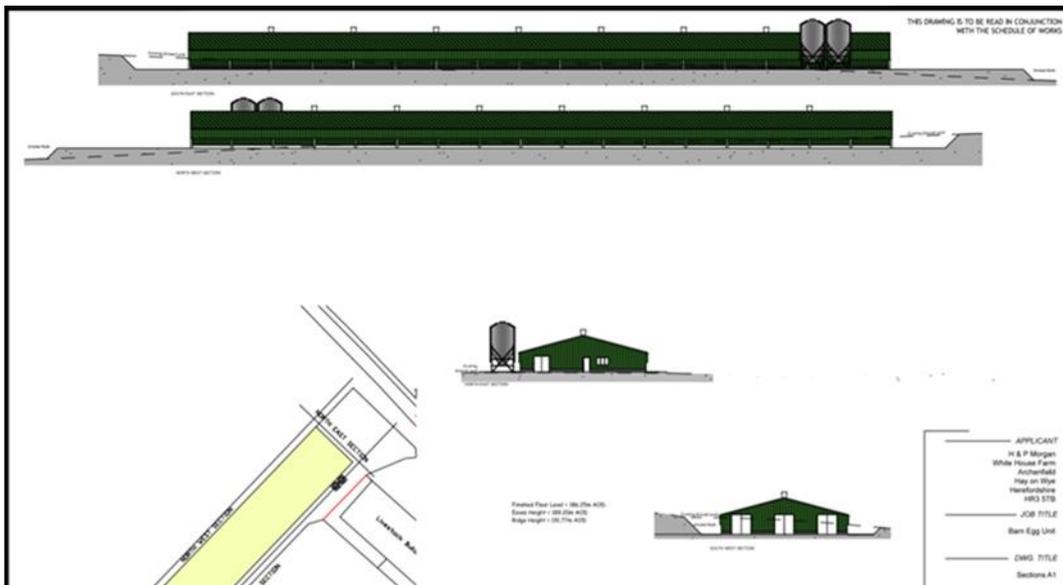
**Extract of approved plan detailing the elevations and floor plans HM/03**



**Extract of proposed plan detailing the elevations and floor plans HM/03A**



- 1.13 The building is set into the ground as was detailed on the sections accompanying the application in 2016 (photos included to assist)



## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy

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
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
ID1	-	Infrastructure delivery

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.

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:-

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

[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 Neighbourhood Development Plan

### Clifford Neighbourhood Development Plan (Reg 14)

<https://www.herefordshire.gov.uk/directory-record/3045/clifford-neighbourhood-development-plan>

- a) The Clifford Neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken between the 26th October 2020 to 8<sup>th</sup> December 2020
- b) At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the parish council. Therefore as the decision makers are unable to evaluate the extent of any unsolved objections
- c) The Strategic Planning team as part of the Regulation 14 consultation have confirmed that the plan as currently drafted *is* in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan

## 2.3 National Planning Policy Framework 2021 (NPPF) – Relevant Chapters:

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communities
11. Making Effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## 2.4 National Planning Practice Guidance (NPPG)

Of particular relevance:

Guidance on options for amending planning permission can be found at:

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions>

Guidance on the use of Habitat Regulation Assessment:

<https://www.gov.uk/guidance/appropriate-assessment>

## 3. Planning History

- 3.1 **163327** - Erection of a barn egg unit for fertile egg production – Approved 13<sup>th</sup> September 2017  
A unilateral Undertaking is associated with the decision and is published to the website  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163327&search-term=163327](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163327&search-term=163327)

It is noted that that this application was approved by Planning Committee on the 13<sup>th</sup> September 2017. This decision was taken contrary to officer recommendation.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

The officer recommended : *That planning permission be refused for the following reason:-*

1. *The proposed development by virtue of a combination of:-*

- a) *The degree to which the building, stone track and hardsurface protrude further south-west than the existing farm buildings (i.e. 95 metres – the building itself protruding by 87 metres);*
- b) *The associated engineering works; and*
- c) *The austere industrial appearance arising from the enclosed and utilitarian design, and facing materials;*

*would, in combination, harm the prevailing character of the landscape hereabouts and cause visual harm contrary to policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031. The economic and social benefits are recognised, however, it is considered that these would be significantly and demonstrably outweighed by the environmental harm. As a consequence it is considered that the proposal would not represent sustainable development thus failing to comply with the overarching aims of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework*

Members resolved: *That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary by officers on the basis that the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts.*

For ease of reference and to assist in understanding the background, please see links to the following documents:

*Committee report:* <https://myaccount.herefordshire.gov.uk/documents?id=0aa44430-93b2-11e7-8d01-0050569f00ad>

*Minutes:* <https://councillors.herefordshire.gov.uk/mgAi.aspx?ID=47992>

The Decision was judicially reviewed and the claim dismissed by the High Court. These documents are available to view on the website.

3.2 **183803** - Application for approval of details reserved by conditions 9 and 10 attached to planning permission 163327

Condition 9 (Drainage) was discharged on 30/5/2019 and Condition 10 (CEMP) in December 2018. All other conditions are Compliance Conditions.

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=183803&search-term=183803](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=183803&search-term=183803)

#### 4. **Consultation Summary**

##### Statutory Consultations

4.1 **Welsh Water:** We have no comment to make on the above application

4.2 **Natural England Comments:** No response to consultations (sent July 2021 and October 2021)

##### Internal Council Consultations

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

### 4.3 Principal Natural Environment Officer (Landscape) comments:

#### 4.3.1 April 2021

I refer to amended drawing Landscape Proposals 1486.01, Rev C, dated 15/03/2021.

The revised drawing addresses my previous comments made in relation to the attenuation area. The public path has been fenced off, and resolves concerns about public safety. This offset moves the pond further away from existing trees and hedgerow, reducing potential harm to this vegetation (a concern from my previous comments).

#### 4.3.2 December 2020

The proposed variation is in relation to the change between the approved plans and the as built development with regards to the increased number of fans from 7 to 13, and the change of shape and increased size of the attenuation pond.

Unfortunately a site visit is not currently possible due to poultry restrictions, however I have utilised desktop material to validate my comments that provide a basis for clarification and further action.

In addition, I understand that planting as part of the conditions has not yet taken place. The planting is a critical mitigation and biodiversity factor for this development. Please ensure this is undertaken within the set requirements.

#### **Fans – No objection**

In terms of landscape visual impact the increased number of fans from 7 to 13, densifying the undulations of the roof along two ridges lines instead of one (Refer to figure 1). The variation is unfortunate, however the overall visual impact is minimal in terms of the broad landscape visual amenity.

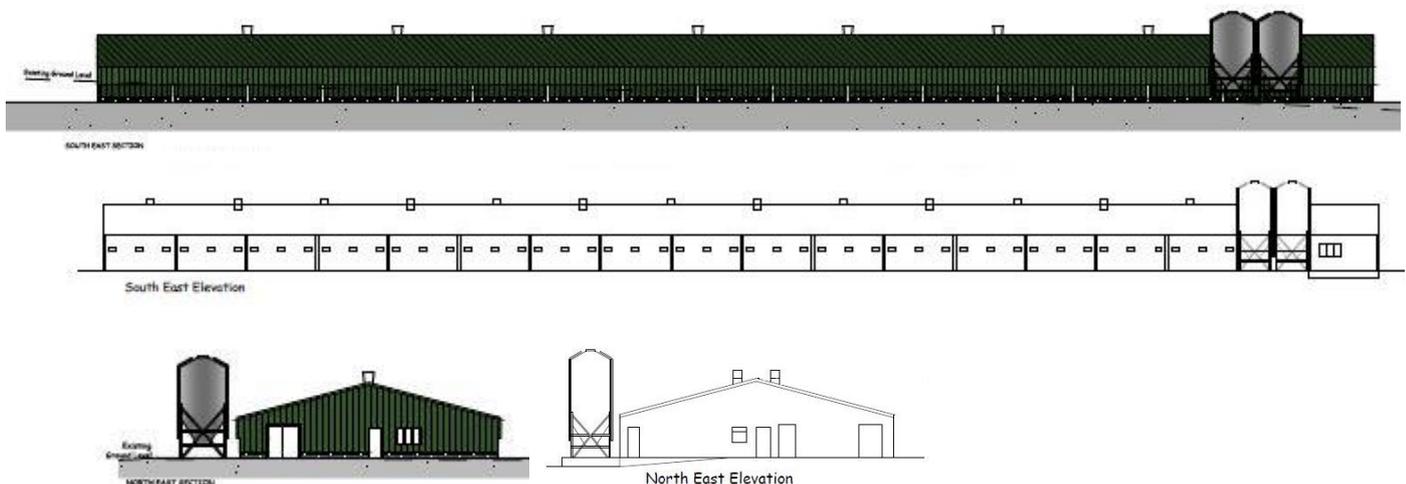
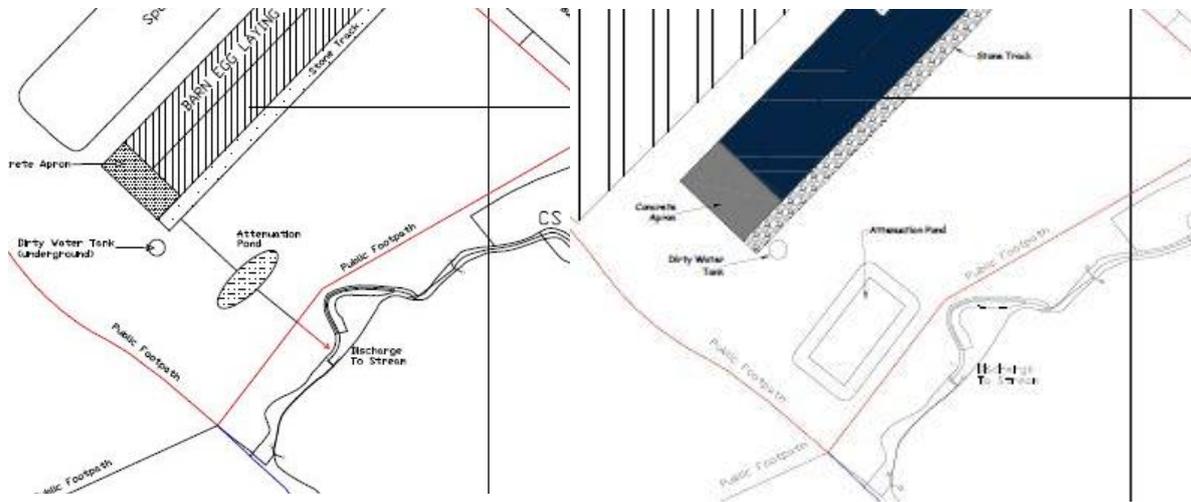


Figure 1: Comparing fans on the roof between the approved elevation (application 163327), with the as-built condition (application 204133). The green or bold hatched drawings being the approved scheme, and the line drawings being the as-built condition.

#### **Attenuation pond – Further information required**

The pond has changed form an oval (organic shape) to a rectangle (rigid shape), and has increased in size approximately three fold (Refer to figure 2). It has been built within close proximity to a public footpath and large trees (Refer to figure 3). The impacts posed by this increased size are possible safety issues for users of the public footpath, and damage to roots, including water logging impacting the health of the trees. Resultant concerns that need to be

considered, with a suitable cause of action provided. An arboricultural assessment is warranted to verify if damage has occurred, with mitigation proposals and necessary forms of compensation of additional planting to substantiate potential loss. Note, the reduction of the terrestrial ground area, should not imply a reduction of planting numbers for the native woodland mix (W1) to the attenuation pond area.



Figures 2: Comparing Attenuation Pond form and size, between the approved scheme on the right (application 163327) with the as-built condition on the left (application 204133).

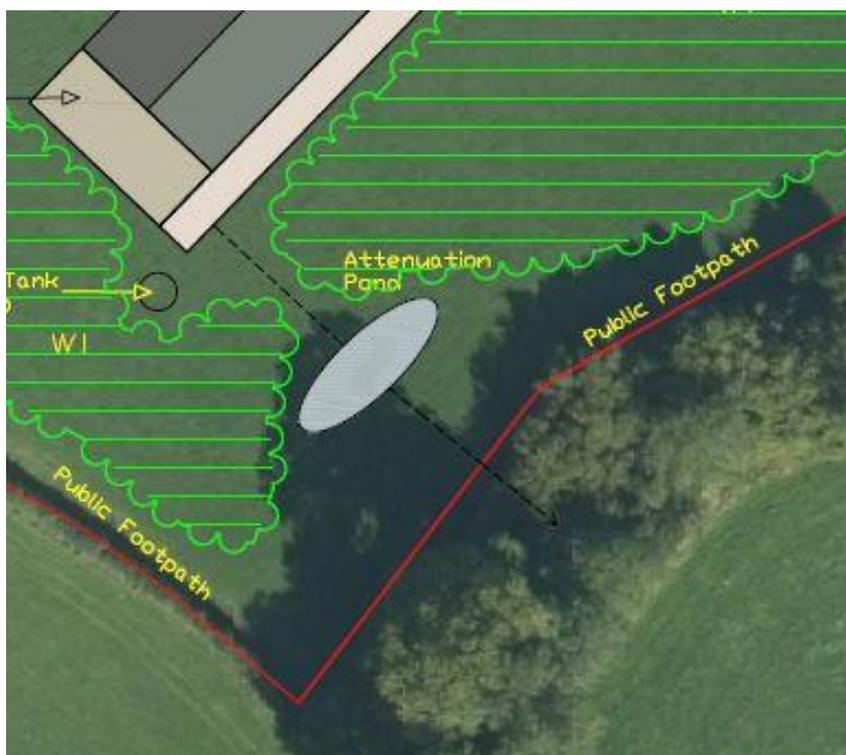


Figure 3: Extract from the approved landscape scheme (ref: 1486.01, application 163327), with clear indication of the public footpath and existing trees, with the attenuation pond set back from these features.

#### 4.4 Principal Natural Environment Officer (Ecology) comments:

##### 4.4.1 May 2021 (Updated / Amended Plans)

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

The updated surface water and flood risk strategy supplied by the applicant and subsequent comments from the Council's land drainage team confirm that the revised scheme does not change any final flows or outfalls from the site.

With no changes from the originally proposed and approved nature or volume of outfall from surface water flows from the development site there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development.

With no changes or effects identified there are no further ecology comments and no objection to the application is raised.

#### 4.4.2 December 2020

It is noted from the nationally accepted 'standard' SCAIL report supplied (19/12/2020), that the change in number of fans actually installed will have NO effects (no change) on any previously reported air emissions from the development.

With no change in air emissions or approved stock numbers there are NO identified 'likely significant effects' from this application for a variation of plans application on the River Wye SAC, any relevant SSSI designated nature conservation site, Local Wildlife Site, Ancient Woodland or any priority habitat.

This application can be considered as screened out from requiring any further Habitat Regulations Assessment.

There are no further ecology comments and no objection is raised to this application.

#### 4.4.3 HRA SCREENING REPORT

<p><b>Assessment of 'Likely Significant Effects' on:</b></p> <p><input checked="" type="checkbox"/> <b>River Wye Catchment SAC</b></p> <p><input type="checkbox"/> <b>Forest of Dean &amp; Wye Valley Bat SAC (Wigpool Iron Mines SSSI)</b></p> <p><input type="checkbox"/> <b>River Clun SAC</b></p> <p><input type="checkbox"/> <b>Downton Gorge SAC (SSSI-NNR)</b></p> <p><input type="checkbox"/> <b>Other site (SSSI-NNR):</b></p> <p><b>Likely significant effects identified for consideration on initial Screening Assessment of this specific application:</b></p> <p><input type="checkbox"/> <b>Foul water</b></p> <p><input checked="" type="checkbox"/> <b>Surface water</b></p> <p><input checked="" type="checkbox"/> <b>Emissions</b></p> <p><input type="checkbox"/> <b>Construction or Demolition processes</b></p> <p><input type="checkbox"/> <b>Other:</b></p> <p><b>Screening Assessment information and discussion:</b></p> <p>It is noted that this application is made under s.73 of the planning regulations to regularise changes incorporated in the final built development from original plans approved in 2018 under application ref 163327.</p> <p>The changes in plans are two distinct matters:</p> <p>1. An increase in size of the surface water Sustainable Drainage Scheme attenuation pond</p>
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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

2. A change in the fan air extraction system - to accommodate a change in industry best practice guidance and advice between consent and actual build.

It is noted that the poultry unit has been completed and is currently fully operational.

There is NO change in total bird numbers within the unit from those approved facilitated by these variations in design.

#### **Variation 1 – Surface Water attenuation.**

The increased size of the surface water attenuation pond has no potential to have any effect on the integrity of the River Wye SAC and is solely a local water management and sustainable drainage consideration. The increased size may well have a positive effect on local biodiversity potential by increasing the area of this valuable wildlife habitat – in particular as the pond ‘matures’ and naturalises over time. This increase in size should be considered a biodiversity net gain and in the longer term provide additional foraging for species associated with the Wye SAC designation such as Otters.

#### **Variation 2 – Poultry Unit Ventilation (roof fans).**

The potential effect on the River Wye SAC is through Ammonia/nitrogen deposition.

The Wye SAC is recognised as a ‘Phosphate limited’ aquatic habitat.

The identified higher sensitive habitats are the Quaking Bogs and Transition Mires located at the top end of the catchment around the source of the River and none of these fall within the potential impact area of this development and are not considered further.

The latest APIS ‘background’ data for the relevant sections of the River Wye SAC does not indicate that the deposition of ammonia or nitrogen related factors is above the critical load of ‘3’ identified in respect of species included within the SAC citation (reason for designation). The SAC is not considered or recognised as failing its identified ‘nitrogen’ deposition conservation levels

There is no increase in actual bird numbers within the unit.

The variation is a change from the approved 7x 1m diameter fans with 11m/s flow rate to and increased number of 13 fans of similar size and flowrate.

With no change in bird numbers there is no nett change in total ammonia/nitrogen air emissions created by the development and consequently no increase in total emissions available for deposition on the River Wye SAC.

This no nett change and no change in potential deposition is evidenced in the industry standard SCAIL air emissions assessment for the ‘as approved’ and ‘as built’ poultry unit.

With no nett change from previously approved there are no identified ‘effects’ from this proposed variation on the River Wye SAC.

Even if taken as a ‘whole’ new development the SCAIL report clearly demonstrates that any small ‘nitrogen’ air emission deposition on the River Wye SAC is significantly below the more precautionary and cautious assessment critical levels as relevant to the more nitrogen sensitive Quaking Bogs and Transition Mires (not located within the NE-NRW advised 10km SAC assessment buffer) - Ammonia ‘1’ (actual 0.058); Nitrogen ‘10’ (actual 0.30) and Acid Deposition ‘0.5’ (Actual 0.02) for the SAC. Even if considered as a whole new application this development would not be considered as having any ‘effect’ on the River Wye SAC due to its air emissions.

**Supporting documents: SCAIL assessment** – *please access the SCAIL assessment through the supporting documents to this application online through the link at the head of this report.*

## Conclusion

This application is considered as 'screened out' from requiring any further HRA assessment process and no appropriate assessment is triggered.

☒ **NO adverse effects on the integrity of the Special Area of Conservation;** 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'): Part 6, section 63(5)

Screening Assessment completed by: JB

Checked: Ms Kelly Gibbons

There is no legal requirement under the Habitat Regulations to submit HRA 'screening assessments' to Natural England but there may be cases where the LPA as 'competent authority' feel that the opinion of Natural England may be relevant and helpful.

#### 4.4.4 December 2020 – Further Information Required

The site does trigger requirements for assessment of air emission in respect of designated Sites of Special Scientific Interest within 5km of the development it would appear this would include Caeiron Meadow, Pikes Farm Meadows, River Wye (critical level of '3' is relevant due to potential presence of Jelly Lichens and also as a SAC and SSSI).

As the application involves considering previously unapproved changes in the ventilation system a revised air emissions assessment (Ammonia, Nitrogen and Acid Deposition) would be required to clearly show any changes in the calculated air emissions between the approved plans-project and the project as completed and now subject to approval through this retrospective application.

An industry and accepted standard comparison utilising the SCAIL tool (or similar 'standard' methodology) would be appropriate in the first instance. The final information should include all the information used to run the assessment and a clear and concise table showing the clear comparison as requested.

It may well be that the use of more, smaller extraction units or even newer design will actually lead to an overall decrease in air emissions from the originally approved scheme; or at least an air emission neutrality; but this needs to be scientifically demonstrated prior to determination of this application and any consent being granted to allow the LPA (and if any increases, the triggered formal consultation with Natural England). If there is any significant increase in air emission effects on any SSSI then further detailed modelling and 'in combination' assessment may be required by the LPA-Natural England.

Any increase or change in the size of any attenuation basins would not have any identified effects on the ecology of the locality and no further ecology comments are appropriate or relevant.

#### 4.5 **Land Drainage comments:**

Having read through the updated Foul and Surface Water Drainage Strategy dated March 2021 we have no additional comments to add. The applicant states that the planned attenuation pond has been constructed slightly larger than originally proposed, however there appears to be no major change in the hydrology of the site or to the wider site drainage.

This slight increase in storage size is not a cause for concern, as long as the proposed discharge rates remain as agreed in previous planning applications/discharge of conditions for the site, which it appears they do.

#### 4.6 **Environmental Health Service Manager (Noise / Nuisance) comments:**

##### 4.6.1 Updated information

I am in receipt of a noise assessment dated 14th December 2020. This is a modelled assessment based on a change in the fans for which a request has been made for a variation of condition 2 in 163327.

The noise consultant has used the same background noise levels from his original BS4142 survey dated February 2016 and used the lowest 27dB LA90 for day and night time which is very low. Noise data from the manufacturer of 50dB(A) at 7m has been used together with working calculations regarding the percentage of fans on during the day, evening and night time. The modelling finds that during the day, evening and night time at each of the 3 closest residential properties the assessment levels is either zero or minus. The report concludes that the noise impact of the fans during the day and evening will be low to very low and extremely low at night time.

I have compared this noise assessment with that supplied dated 2nd March 2016. The 7 fans supplied were also 50dB(A) at 7m and the BS4142 assessments gives exceptionally low assessment levels.

Although the number of fans has increased from 7 to 13 the noise assessment still finds that the noise from the increased number of fans is low to very low. The report indicates that the fan noise would not give rise to adverse impacts and our department has therefore no objections on noise grounds for the variation of condition 2.

##### 4.6.2 3<sup>rd</sup> December 2020 – Further information is required

My comments are with regard to potential noise and nuisance issues that might arise from development.

Our department is in receipt of a retrospective application to vary condition 2 of the permitted development 163327. The proposal is for 13 fans which are now mounted so as to alternate either side of the poultry shed roof. What is not known is the difference the use of alternative ventilation specification would make to noise impacts on neighbours.

In the original 163327 a noise impact assessment to BS4142 was undertaken. This was on the basis of a specification of 7 ridge mounted fans and based on an anticipated selection of Big Dutchman type FF091-6DT axial fans. This assessment measured background noise levels in 2 locations either side of the site (see figure 1 of the Matrix noise report) and taken the lower background noise level of LA90 27dB as the worst case lowest background noise level for day and night time. The report takes the fan's manufacturer's data that the sound pressure level of each fan is 50dB(A) at 7m and makes predictions as to the maximum % operation of the fans during the day, evening and night time dependent on ventilation requirements. This report finds that the assessment level is lower than the rating level at all 3 sensitive receptors and therefore no objections were made on noise grounds.

In order to be able to vary condition 2 of the development, the application is requested to supply a further BS4142 assessment which examines the impact of the 13 fans on neighbouring residential premises. Our department will accept a further desk top exercise based on what is known regarding background noise and levels and also the data supplied by the manufacturers' of the alternative fans.

#### 4.7 **Environmental Health Service Manager (Air Quality) comments:**

I refer to the above application for the variation of condition 2 of planning permission 163327 which includes the installation of additional ventilation fans to the poultry units and I would make the following comments in relation to air quality:

It is recognised that dust from poultry houses may contain small particulate matter (PM10's and PM2.5) and that in certain circumstances this can have an unacceptable effect on local air quality including for dwellings inhabited by persons directly involved with the poultry farming operation.

DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has recently published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance receptors to the poultry units and the background PM10 concentrations.

This screening assessment methodology is based on:

- the number of birds housed at an installation
- the distance of the nearest receptor.
- the background PM10 values for the year of assessment

I note that the number of birds have not changed in the revised application. Therefore the outcome of the screening assessment submitted with the original application is unlikely to change significantly. The assessment concluded that there was no significant risk of exceeding the 24 hour mean PM10 objective as a consequence of PM10 emissions from the proposed poultry farm.

Background levels for PM10 have been modelled by DEFRA at 9.649 ug/m3 for 2021, which would make the screening assessment undertaken by Mike Smith in March 2017 more conservative. (PM10 background data for 2015 was 11.73 ug/m3) Therefore I have no adverse comments to make regarding the amendment to condition 2 of the above application.

#### 4.8 **Environmental Health Service Manager (Contaminated Land) comments:**

I've no comments to make.

#### 4.9 **Public Rights of Way Manager Comments:**

The proposed attenuation pond is in very close proximity to public footpath CL74. Assurance must be given that the right of way will not be affected in any way by the unit or the pond.

#### 4.10 **Team Leader Area Engineer comments:**

The plan amendment relates to the design of the building and do not alter the vehicular areas of the site. As a result there are no highways objections to the proposed plan amendments.

### 5. **Representations**

#### 5.1 **Clifford Parish Council (27<sup>th</sup> April 2021)**

##### 5.1.1 Clifford Parish met to discuss the application on 27th April.

It was agreed by all present that the previous comments made are still to be addressed and the Parish Council do not support this application.

- 1) the roof material is shiny and can be seen from certain points around the parish and needs to be Matt finish.

- 2) the phosphate levels in the stream next to it are of concern and it is recommended that the levels be checked thoroughly by professionals (HRA) on a regular basis which is more than once a month.
- 3) it is not clear why 13 vents were put in rather than the 7 on the original application.
- 4) ammonia levels are a concern

Referred to previous comments (see below) - It was felt that the areas of concern on this application need to be addressed as appropriate and previously mentioned.

5.1.2 Clifford Parish Council met on 16th December to discuss the application. The parish council raised the following concerns:

- 1) The planning breach is seeking to approve the 13 installed vents instead of 7 as in the original plan - no clear explanation or rationale has been given why the 13 vents were installed rather than the original 7. This is almost an increase of 100%. The drawings supplied indicate that the water runs from the roof into Hardwicke Brook and recent phosphate levels in the brook near to the building have been recorded as high and this is concern: These recordings can be shared if requested and the parish council would like this further investigated by Herefordshire Council.
- 2) Air quality concerns have been raised by Cllr Hewitt and the Parish Council would also like it measured as Cllr Hewitt mentions.
- 3) As of yet the required trees have not been planted.
- 4) There are concerns over the roof as it is shiny and causes glare in sunlight. This is not something the parish council supports and it was felt that this should be matt.
- 5) It was felt not enough information has been supplied in regard to the variant of conditions.

5.2 Letters of objection have been received from:

- Marches Planning (on behalf of local residents)
  - 11<sup>th</sup> Feb 2021
  - 19<sup>th</sup> Feb 2021
  - 15<sup>th</sup> July 2021
- Mr Bromley, Haie Barn, The Bage, Dorstone (8<sup>th</sup> Feb 2021)

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=204133&search-term=204133](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204133&search-term=204133)

5.3 These letters raised the following matters:

- The deviations are quite significant and include the shiny roof
- Noted effluent downstream of the development
- Request actual ground studies rather than the desk top studies that supported the application – to check the day to day levels or air and water pollution and operational building meets standards
- Comment on the application of Section 73 / Section 73A of the Town and Country Planning Act 1990

- The planning application is to retain the development in its ‘as built form that includes the “glossy” roof material (in breach of condition 6) and the colour of the fans not as approved. (photograph submitted). Also that the fans were not the correct colour (being black)
- Raise concerns about error in the Habitats Regulation Screening Assessment issued in respect of the application and the matters is considers (only the amendments).
- That the LPA has no evidence on which to conclude that, beyond reasonable scientific doubt, the development will not have an adverse impact on the River Wye. Reason are summarised:
  - the manure management plan did not consider have regard to the phosphate content. The plan was not a condition and residents advise not being followed. No information about manure management has been supplied with this application.
  - Not sufficient information to demonstrate nutrient neutrality
  - Ammonia impacts on the river Wye SAC – not properly assessed against current information

The latest letter explores the matter in more detail than the summary above and can be read at: <https://myaccount.herefordshire.gov.uk/documents?id=f971a672-e92e-11eb-a570-0050569f00ad>

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

### *Legal context and background*

6.1 This application is made under section 73 of The Town and Country Planning Act (‘the Act’), seeks to vary condition 2 of planning permission 163327 – Erection of a barn egg unit for fertile egg production. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

6.2 Section 73 states as follows:

***73 Determination of applications to develop land without compliance with conditions previously attached.***

*(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*

*(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

*(2A) See also section 100ZA, which makes provision about restrictions on the power to impose conditions under subsection (2) on a grant of planning permission in relation to land in England.]*

- (3) *Special provision may be made with respect to such applications—*
  - (a) *by regulations under section 62 as regards the form and content of the application, and*
  - (b) *by a development order as regards the procedure to be followed in connection with the application.*
  
- (4) *This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.*
  
- (5) *Planning permission must not be granted under this section for the development of land in England to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—*
  - (a) *a development must be started;*
  - (b) *an application for approval of reserved matters (within the meaning of section 92) must be made.*

6.3 Subsection (2) makes it clear that the local planning authority can only consider the matter of the conditions and not the principle of the development granted. Subsection (5) stipulates that an application under section 73 cannot be used to extend the period for commencement of development. In this instance, pre-commencement conditions were discharged (application 183803) and officers are content that the development was lawfully implemented within the required timescale.

6.4 In this case the condition that the applicant wishes to vary, number 2, relates to the approved plans as detailed in section 1 above. The request is retrospective in nature as works have been undertaken without compliance with the requirements of this condition. As such, the nature of the application is one that seeks to regularise works that have been undertaken by seeking a variation of the approved plans. The power to grant planning permission retrospectively is via Section 73a of the Town and Country Planning Act 1990.

6.5 The task of the Local Planning Authority under Section 73 is to judge whether the conditions originally imposed should be adhered to or varied. The task may require, dependent on its purpose of the condition, a wide ranging enquiry with wider or narrower examination of the planning merits depending on the nature and stage of the development and the circumstances of the application. These matters are explored below.

6.6 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 and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

#### *Policy context and Principle of Development*

6.7 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.”

6.8 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Clifford Neighbourhood Area. The Clifford Neighbourhood plan has reached draft plan stage under Regulation 14. The consultation was undertaken between the 26th October 2020 to 8<sup>th</sup> December 2020. The NDP currently has limited weight.

- 6.9 The site has a relatively complex history, detailed at section 3 above, however the principle of development of has been established through the granting of planning permission. It is generally accepted that rural area / the countryside are appropriate to accommodate agricultural related development, although assessment is required to ensure that environmental quality is not adversely affected to an unacceptable degree. There are policies within the adopted Development Plan (Herefordshire Local Plan Core Strategy 2011- 2031) that support the continued support of the more traditional employment sectors such as farming and food manufacture (Policy S5), support the diversification of existing agricultural businesses (Policy RA6) and provide employment (Policy E1).
- 6.10 As detailed above, the application seeks to amend the condition relating to the approved plans. The decision notice details the reason for the imposition of the condition as *To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*
- 6.11 The key changes are detailed in section of this report but are broadly:
- Change to fans : change to position and increase from 7 to 13
  - Alterations to footprint of building (increase in length by 1.56m)
  - Alteration to height of building (reduction in height)
  - Change to door / openings position
  - Change to the size / shape of the attenuation basin and updated landscaping plans

### **Landscape Impact**

- 6.12 It is a core planning principle of the NPPF that planning should take account of the ‘different roles and character of different areas...recognizing the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.’ Policy LD1 of the CS requires that development proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, with incorporation of landscaping schemes to ensure development integrates appropriately into its surroundings.
- 6.13 As detailed in the original committee report, one of the key, and arguably main, issues is the landscape impact of the development both in terms of landscape impact and visual impact. The landscape hereabouts was derived as gently rolling farmland that forms the setting to the Brecon Beacons National Park. It is described as highly valued. The committee report provides a detailed assessment of the viewpoints and potential impacts both from short and longer distances. Members of the Planning Committee in taking the decision to grant planning permission had the benefit of a very detailed assessment and site visit but their views differed from the officers (as per section 3) and they concluded *that the impact of the development on the landscape character and appearance was not considered adverse; and the mitigation proposed, including the landscaping scheme and colour of materials would adequately limit any adverse impacts.* Appropriate conditions were imposed on the decision.
- 6.14 In considering the proposed changes to the form of the building (from that approved) the landscape officer acknowledges that the impact the increased number of fans from 7 to 13, densifying the undulations of the roof along two ridges lines instead of one. They acknowledge that the variation is unfortunate, but conclude that the overall visual impact is minimal in terms of the broad landscape visual amenity. No objection is raised to this amendment. Planning Officers would concur with this assessment.
- 6.15 Representations make reference to the colour and roofing material ‘as built’. This matter is controlled, as per the committee resolution, by a condition. Condition 6 states:

*Notwithstanding the approved plans and documentation, prior to the first use of the buildings for agricultural purposes all external elevations of the main building (including the doors any louvres and steel supports) shall be finished with an Olive Green (BS 12B27 / RAL 100 30 20) matt colour and the roof of the building ridge vents & feed bins with a Merlin Grey (BS 18B25 / RAL 180 40 05) matt colour.*

*Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*

- 6.16 Photographs of the roof / building have been submitted with the representation from Marches Planning to demonstrate that the roof has a shiny / reflective / non matt form. The matter was raised with the applicants and it was confirmed, in their email dated 8<sup>th</sup> February 2021, that the roof colouring is profile sheeting in Merlin Grey (RAL 1804005) in matt as required by the condition and that this was confirmed by the shed builder (Jacques International) to the Councils Enforcement Team. This application does not seek to vary or alter condition 6 – this will be re-imposed on any planning permission. Whilst a breach has not been identified by the Councils enforcement team to date, if this came to light, then the breach of the condition could be investigated and appropriate enforcement action taken at the time.
- 6.17 The proposed changes to the footprint of the building, that include the extension to the length by 1.56m, the increase in eaves height by 50mm, and reduction in ridge height by 500mm, along with the changes to door and opening positions must also be considered in the context of the approved scheme. Officers would conclude that the variation in minimal and would again have minimal impact in terms of broad visual amenity.
- 6.18 The committee also resolved that the landscaping proposed would assist in the mitigation of the impact of the proposed development. This detailed landscaping scheme was described as:
- Hedgerow tree planting along the north-eastern (front) and south-western boundaries (rear);
  - A woodland block between the south-eastern elevation of the building and Hardwicke Brook;
  - A woodland block between the south-west end gable elevation and the south-western field boundary;
  - The provision of a new native hedgerow with hedgerow trees across the entire width of the field parallel to the north-western side elevation of the proposed building; and
  - The provision of a new native hedgerow with hedgerow trees at the north-west corner of the site, effectively closing a gap between an existing woodland block and the south-western field boundary. A 2 metre gap would be left to ensure that the public footpath (CL74) hereabouts is not obstructed.

This landscaping was undertaken earlier in the year, in accordance with the updated landscaping plans submitted during the course of this application. Landscaping is not just limited to the building, it includes new tree planting hedgerow gaps, and to the north of the building (at the top of the cutting). The amended landscaping scheme is inserted below for reference:



*agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting 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 a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.*

- 6.22 To ensure that the landscaping is maintained for the period envisaged, this condition should be amended to reflect the updated landscaping plan, and be re-imposed.
- 6.23 Officers are mindful of the requirements of policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan, Core Strategy that were carefully considered at the time of the original decision. Officers are content that, the visual impacts of the proposed development, in its varied form, when assessed against its permitted form would not represent a significant visual impact on the character of the landscape hereabouts that would warrant a refusal of the application. Conditions relating to material colour and landscaping would be re-imposed.

### ***Biodiversity and Habitat Regulation Assessment***

- 6.24 LD2 sets out a hierarchical approach to the protection of nature conservation sites and habitats against a context that all development proposals should, where appropriate, restore and enhance existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and create new biodiversity features and habitats. The National Planning Policy Framework provides detailed guidance on this matter that is also a significant material consideration.
- 6.25 Representations raise continued concern about the impacts of the development on the River Wye SAC and other locally designated wildlife sites. In particular these representations challenge the Council ecologists comments, assessment and conclusion that, on the basis of the information provided, and with no change in air emissions or approved stock numbers there are no 'likely significant effects' from this application for a variation of plans application on the River Wye SAC, any relevant SSSI designated nature conservation site, Local Wildlife Site, Ancient Woodland or any priority habitat. Therefore it is concluded that the application can be considered as screened out from requiring any further Habitat Regulations Assessment.
- 6.26 I would draw members attention to the full HRA Screening report at para 4.43. It is noted that as our recommendation to screen out the need for further Habitat Regulation Assessment it is not necessary to consult with Natural England. However, given the sensitivity, consultation was undertaken in July and chased in October but no response has been received from Natural England. (Officers note this is not unusual where there is no statutory requirement for consultation)
- 6.27 Following receipt of the updated surface water and flood risk strategy supplied by the applicant and subsequent comments from the Council's land drainage team confirm that the revised scheme does not change any final flows or outfalls from the site a further consultation with Ecology was undertaken. This confirmed that with no changes from the originally proposed and approved nature or volume of outfall from surface water flows from the development site there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development. They confirm with no changes or effects identified there are no further ecology comments and no objection to the application is raised.
- 6.28 Whilst representations make the case that the development as a whole, with updated survey work, should be reconsidered for HRA purposes, officers are of the opinion that this is not the

case due to the nature of the application; to vary the approved plans (as detailed above). I would also draw members' attention to the very detailed exploration of HRA matters in the original committee report (6.30 – 6.42) that includes consideration of the manure management plan. With no increase in bird numbers brought about by this application, there is also no requirement to revisit this matter.

- 6.29 On the basis of the above, I would conclude that the proposal would not result in harm to ecology / biodiversity and that there is not conflict with policies SS6 and LD2 of the Herefordshire Local Plan Core Strategy.

### Drainage and Flood Risk

- 6.30 The committee report for the original permission considered Flood Risk and Land Drainage. It stated ' *There is no objection to the proposed development on flood risk or drainage grounds. If Members were minded to grant planning permission an appropriate condition would be required to ensure appropriate detail.* Condition 9 of Planning Permission was then imposed that required details of the drainage strategy to be agreed to ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy. Following consultations with land drainage and ecology, this was approved in May 2019.
- 6.31 The application before members includes a variation to the attenuation pond size (enlarged) that formed a part of the agreed drainage strategy (approved via the discharge of condition application 183803). The approved and proposed ponds are detailed on the landscaping plans as below for reference:



- 6.32 During the course of the application and updated Foul and Surface Water Drainage Strategy (March 2021) was submitted. The Councils drainage consultants confirm that the slight increase in size is not a cause for concern, as long as the discharge rates remain as agreed previously, which they do. As such, officers are satisfied that the requirements of policies SS6, SD3 and SD4 continue to be met alongside policy LD2 that has been considered above.

### Impact on amenity

- 6.33 Policy SD1 of the CS seeks to ensure that new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution. RA6 requires that development should not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell.

- 6.34 The Councils Environmental Health Officers have considered the matters carefully and their comments at section 4 above and provide detailed consideration. Following the submission of additional technical information, no objections are raised by the internal consultees on grounds of noise, air quality or odour. Officers note the request for actual survey work of the 'as built' development in respect of air emissions (albeit this relates in part to ecological impacts) and noise but given that the numbers of birds is not increasing, and that the detailed desk reports were not marginal or resulting in cause for concern, desk based assessments were considered adequate and no further survey work is required in this instance having regard to the context of this proposed amendment and a decision must therefore be taken based on the available information.
- 6.35 In addition conditions relating to the use of the building for fertile egg production (condition 5) and the hours of delivery of feed and removal of eggs (condition 8) would be re-imposed to safeguard the amenities of the local residents. The section 106 Unilateral Undertaking dated 24<sup>th</sup> October 2017 relating to water supply (borehole) would also continue to apply (as per para 4.6 of that agreement) that can be viewed online here:  
<https://myaccount.herefordshire.gov.uk/documents?id=19b9d459-c075-11e7-b660-0050569f00ad>
- 6.36 As such, no conflict with policy SD1 or RA6 is detected in respect noise, air quality and odour having regard to amenity of local residents.

### **Highways / Transportation**

- 6.37 Policy SS4 within the CS is the strategic policy dealing with movement and transportation. It requires, inter alia, that the safe and efficient operation of the network is not detrimentally impacted. This policy is underpinned by MT1, a criterion-based policy requiring that development proposals operate safely and that traffic impacts can be absorbed on the highway network without adversely affecting the safe and efficient flow of traffic on the network.
- 6.38 The proposals subject of this application do not raise any matters relate to highways and the Councils Area Engineer (Highways) raised no objection to the proposals. Previous conditions would be re-imposed.

### **Economic/Social**

- 6.39 The proposal relates to an existing operational poultry development in connection with layers which produce fertile eggs. The British poultry industry makes a significant contribution to GDP. In addition the proposal would offer the benefit of increasing agricultural capacity and food capacity. Moreover, agriculture has a major role in the economy of Herefordshire and plays an important part in the health and vibrancy of local communities. Core Strategy policies and the National Planning Policy Framework recognise the value of the agricultural sector in terms of economic benefits. Policy RA6 of the Herefordshire Local indicate that a range of economic activities will be supported, including proposals which are of a small scale and are compatible with the rural character. The proposal is considered to support and strengthen local food and drink production and support the retention of existing agricultural businesses. The proposal would clearly contribute to the economic and social objectives of the National Planning Policy Framework (NPPF). This is a significant material planning consideration that weighs in favour of the proposal.

### **Conclusion**

- 6.40 Firstly, having made the assessment of the proposals and their impacts, officers are content that the proposals, relating to the request for variation of the approved scheme are minor material amendments and as such it is appropriate to consider them having regard Section 73 of the Town

and Country Planning Act 1990. This is also the appropriate course of action to regularise retrospective development having regard to Section 73A of the Town and Country Planning Act.

- 6.41 It is necessary to consider the proposed changes to the development in the context of the approved scheme. In the event that this application fails, the planning permission, granted in 2017 would remain and consideration would need to be given as to the requirements for enforcement action to regularise the breach of the condition that required works to be undertaken in accordance with the approved plans. This approved position is a material planning consideration.
- 6.42 The starting point for the determination of the application is the development plan. The proposal is considered to accord with Policies SS5 and RA6 of the CS, which support employment proposals in rural areas, subject to satisfactory environmental protection and mitigation. The proposal supports and provides employment in the agricultural sector, adding value to the local supply chain.
- 6.43 Taking into account the requirements of CS policies SS6 and LD1, the Officers have carefully considered the proposals as detailed above and conclude that the resulting development would not cause any demonstrable cumulative harm to the character of the countryside or surrounding landscape in the context of the existing permitted scheme, including the detailed landscape mitigation scheme and conditions imposed relating to colour and materials.
- 6.44 Officers also acknowledge the significant concern about the impacts of the development (in its permitted and proposed forms) on the River Wye SAC and on other designated conservation sites (SSSI and sensitive priority habitats and Local Wildlife Sites. However officers have concluded that there is no change in the original assessment of NO potential adverse effects on the integrity of River Wye SAC or any locally designated wildlife site from the development and that there are no changes or effects identified. Therefore this application is considered as 'screened out' from requiring any further HRA assessment process and no appropriate assessment is triggered.
- 6.45 Officers therefore conclude that the proposals comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and with the guidance contained within the National Planning Policy Framework.
- 6.46 The proposal would not give rise to any unacceptable impacts on air quality and residential amenity, arising from odour, noise, or emissions to the atmosphere and water environment and with the relevant conditions imposed policies SD1 and RA6 remain satisfied. Likewise, technical matters in relation to site drainage have been revisited and with appropriate conditions to ensure compliance with the approved scheme remain compliant with the requirements of policies SD3 and SD4 of the Core Strategy. No new highway matters have resulted from the alterations proposed and therefore the proposals accord with policies SS4 and MT1 of the Cores Strategy.
- 6.47 Overall I am content that the development is sustainable development. The development is considered to be acceptable subject to the inclusion of the recommended conditions listed below. The application is therefore recommended for approval subject to the conditions outlined 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:

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

- 1. The development hereby permitted shall be carried out in strict accordance with the following approved plans:**

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- Location Plan - HM/01B
- Site Plan - HM/02B
- Elevations and Floor Plan - HM/03A
- Amended Landscape Proposals - 1486.01C
- Foul and Surface Water Drainage Strategy - Hydro-Logic Services Report K0723a/Rev4 – March 2021
- 16.5 m Articulated Lorry Tracking - Drawing number 18072-02 (Scale 1:250 @ A3)
- Site Access & Visibility Splays - Drawing number 18072-01 (Scale 1:500 @ A3);

except where otherwise stipulated by conditions attached to this permission.

**Reason:** To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 2** Planning permission P170836/F granted on 19th April 2017 by Herefordshire Council shall be fully implemented prior to commencement of the development hereby permitted.

**Reason:** In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 3** Prior to the first use of the building hereby permitted the widened vehicle access and vehicle turning / manoeuvring area shown upon the approved plans shall be provided and thereafter maintained free of obstruction for use by motor vehicles. In addition prior to the first use of the building hereby permitted visibility splays of 2.4 metres x 37 metres in the south-easterly direction and 2.4 metres x 38 metres in a north-westerly direction with no obstruction above 600mm above carriageway level shall be provided at the point where the vehicle access emerges onto the C1208 and thereafter maintained as such.

**Reason:** In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 4** The building hereby permitted shall only be used for fertile egg production and not for any other form of poultry related production (e.g. broilers).

**Reason:** The processes / activities associated with different forms of poultry related production have materially different environmental impacts that would require assessment.

- 5 Notwithstanding the approved plans and documentation, prior to the first use of the buildings for agricultural purposes all external elevations of the main building (including the doors any louvres and steel supports) shall be finished with an Olive Green (BS 12B27 / RAL 100 30 20) matt colour and the roof of the building ridge vents & feed bins with a Merlin Grey (BS 18B25 / RAL 180 40 05) matt colour.

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031

- 6 All planting detailed upon Amended Landscape Proposals -1486.01C shall be carried out in the first planting season following completion of the development or first use of the building for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting 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 a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

- 7 There shall be no delivery of feed or removal of eggs outside the following hours:

- 07:00 hours to 20:00 hours Monday to Saturdays

and there shall be no delivery of feed or removal of eggs on Sundays, Bank Holidays or Public Holidays;

Reason: To safeguard the amenities of the area (including the amenity of the occupiers of 'Archenfield Cottage'), in accordance with policies SS6 and RA5 of the Herefordshire Local Plan Core Strategy 2011-2031

- 8 Drainage of the site shall be carried out in accordance with the details approved under application 183803 and in full accordance with details contained within the Foul and Water Drainage Strategy (March 2021) and shall be thereafter maintained as such.

Reason: To ensure satisfactory drainage arrangements in accordance with policies SS6, SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### INFORMATIVES:

1. IP2 - Positive and Proactive 2
2. Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction

**3. This planning permission is subject to a Section 106 Unilateral Undertaking dated 24<sup>th</sup> October 2017**

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:** 204133

**SITE ADDRESS :** WHITE HOUSE FARM, WATERY LANE, HAY-ON-WYE, HEREFORD,  
HEREFORDSHIRE, HR3 5TB

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>20<sup>th</sup> October 2021</b>
<b>TITLE OF REPORT:</b>	<p><b>210068 - APPLICATION FOR VARIATION OF CONDITION 2 FOLLOWING GRANT OF PLANNING PERMISSION (174681) - TO SEEK APPROVAL FOR AMENDED HOUSING DESIGNS AT LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORD,</b></p> <p><b>For: Mr Griffith per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&amp;search-term=210068">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&amp;search-term=210068</a>
<b>Reason Application submitted to Committee – Redirection</b>	

Date Received: 12 January 2021

Ward: Wormside

Grid Ref: 345598,235401

Expiry Date: 29 September 2021

Local Members: Cllr C Bolderson

## 1. Site Description and Proposal

- 1.1 The application site is located to the south of Cobhall Lane on the eastern edge of the rural settlement of Cobhall Common, which is located around 5 miles south of Hereford, to the west of the A465 in the Parish of Allensmore. The site is a narrow rectangular parcel of former agricultural land with a total site area of 0.6 hectares. The site, benefitting from permission 174681/F, is currently under construction. While no foundations for the approved development have been laid large areas of the site have been cut in preparation. In addition the access and shared driveway has been laid with compacted hard-core. With the exception of the two vehicular accesses the site is bounded by mature hedgerow with a number of mature hedgerow trees scattered along its boundaries. The site adjoins Cobhall Lane with the residential properties of 'Elms Tree Cottage' and 'Red House' located on either end of the site. There are several residential properties located on the opposite side of Cobhall Common Lane.
- 1.2 The site benefits from detailed planning permission for 7 dwellings permitted under application reference 174681/F (and associated discharge of conditions application reference: 213279). The 7 dwellings approved under 174681/F were divided up into 1 x 2 bedroomed dormer bungalow (plot 6), 2 x 3 bedroomed dormer bungalows (plots 1 and 7), 2 x 3 bedroomed two storey dwellings (plots 3 and 5) and 2 x 4 bedroomed properties (plots 2 and 4). The approved 7 dwellings front onto Cobhall Lane and are set back behind the driveways around 20m from the highway on a staggered building line. While the design and appearance of the dwellings already approved varies across the site there was a unified material specification with facing red brick and vertical timbered weatherboarding on the walls and dark grey standing seam metal roofs.

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

- 1.3 The drainage arrangements, as approved under 174681/F, were for individual package treatment plants (PTP) for each dwelling with outfall of these PTPs connecting into a single shared deep drainage ditch on adjacent land which then in turn discharges to a culverted watercourse to the North East of the development site. Maintenance arrangements for this infrastructure were secured by way condition and have since been discharged under application 213279.
- 1.4 The current application has been submitted under s73 of the Town and Country Planning Act (1990) (as amended) for the variation of condition 2 of the extant permission and primarily seeks to amend the design of the dwellings. The proposed dwellings have been amended during the processing of this consent but are now divided up into 4 x 3 bedroom dwellings and 3 x 4 bedroom dwellings. The proposed siting of the dwellings remains set back from the highway by approximately 20m on a staggered building line. The amended design is such that there are three house types proposed. Plots 1 and 7 are 3 bedroom dwellings with a half dormer design and projecting front gable, as depicted below in Image 1, they are handed versions of each other. Plots 2, 4 and 6 are 4 bedroom dwellings and include integral garages and front projecting gables under an asymmetric dual pitched roof, as depicted in Image 2, Plot 6 is a handed version of Plots 2 and 4. Plots 3 and 5 are 3 bedroom dwellings set out on a square plan under a dual pitched roof with an attached garage, as depicted in Image 3, below. The reader is directed to the submitted plans for full details.

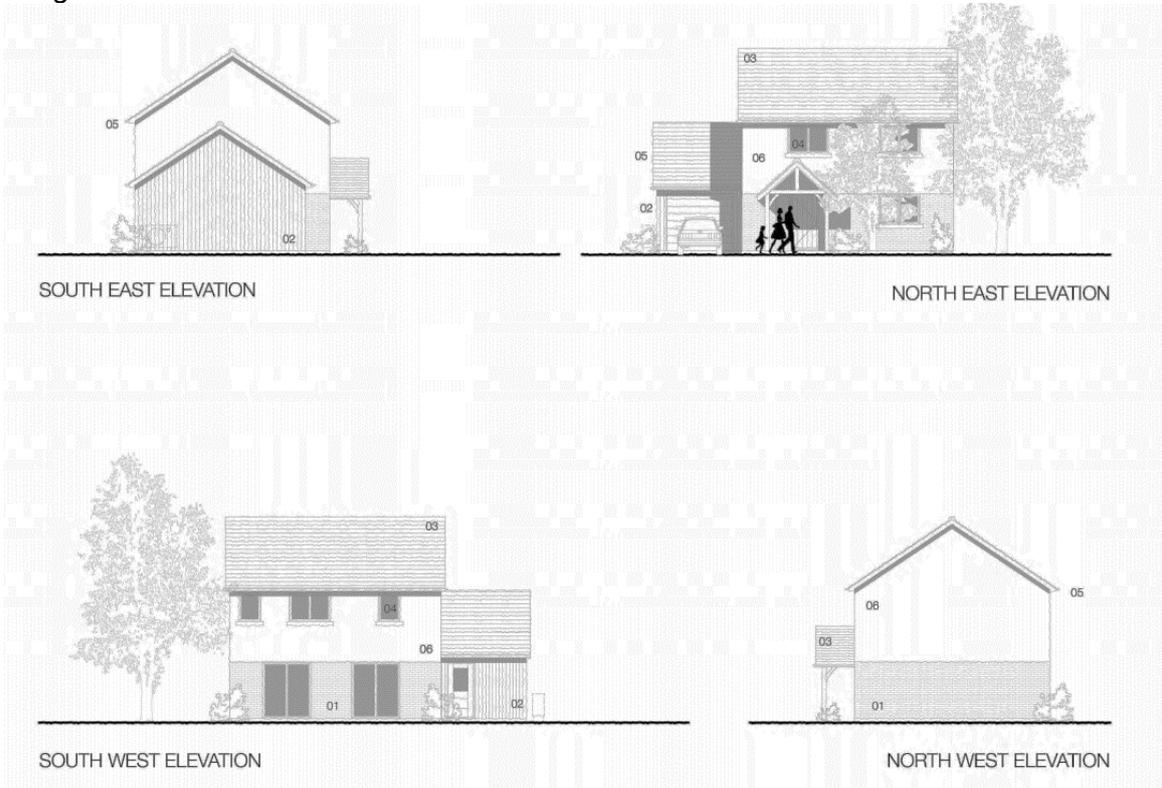
*Image 1:*



Image 2:



Image 3:



- 1.5 The proposed amendments includes a change in the material specification of the dwellings. However a unified approach has again been adopted with brick and timber cladding for the walls and a natural slate covering for the roof.
- 1.6 As part of this application the drainage strategy has also been amended and it is now proposed to discharge treated foul effluent from the 7 dwellings to a single shared PTP which discharges the treated effluent to a partial drainage field with additional outfall to the culverted watercourse to the North East of the application site.

## 2. Policies

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

SS1	-	Presumption in favour of sustainable development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
RA2	-	Housing in settlements outside Hereford and the market towns
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
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
SD4	-	Waste water treatment and river water quality

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

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

### 2.2 **Allensmore Neighbourhood Development Plan (ANDP)**

Policy A1	–	Protecting and Enhancing Local Landscape Character
Policy A2	–	Protecting and Enhancing Local Wildlife
Policy A3	–	Proposed Site Allocations
Policy A4	–	Criteria for Development in Settlement Boundaries
Policy A5	–	Housing Mix
Policy A7	–	Drainage, Flooding and Sewage

The Neighbourhood Development Plan policies can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/directory-record/5458/allensmore-neighbourhood-development-plan>

### 2.3 **National Planning Policy Framework 2021 (NPPF)**

Chapter 2:	Achieving sustainable development
Chapter 4:	Decision making
Chapter 5:	Delivering a sufficient supply of homes
Chapter 8:	Promoting healthy and safe communities
Chapter 9:	Promoting sustainable transport
Chapter 11:	Making effective use of land
Chapter 12:	Achieving well-designed places
Chapter 13:	Protecting Green Belt land
Chapter 14:	Meeting the challenge of climate change, flooding and coastal change

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

## Chapter 15: Conserving and enhancing the natural 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 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. 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.

### 3. Planning History

- 3.1 **P174681/F** - Proposed residential development for seven dwellings and accesses – Approved - 13-Mar-2019
- 3.2 **P213279/XA2** - Application for approval of details reserved by conditions 3 5 6 7 9 & 16 attached to planning permission 174681 – Approved - 23-Sep-2021

### 4. Consultation Summary

#### Internal Council Consultations

#### 4.1 Ecology – no objection

*The site is not within the hydrological catchment of the English River Wye SAC and no Habitat Regulations Assessment process is triggered by this application.*

*Utilising Natural England's SSSI Impact Risk Zone data and mapping information available there are no identified effects on any statutory designated nature conservation site from this application.*

*It is noted that the council's professional drainage consults are reviewing the amended foul and surface water management strategies and they can provide the required assurance that all relevant regulations and Core Strategy policies Sd3 and SD4 can be complied with and that the final scheme can be technically achieved.*

*There are no further ecology comments and no objection is raised to this application.*

#### 4.2 Public Rights of Way – no objection

#### 4.3 Minerals and Waste – no objection

#### 4.4 Local Highways Authority – no objection

1<sup>st</sup> February 2021:

*The proposed amended drawings do not alter the details of the access arrangements secured under the original permission. In addition whilst the vehicle areas are altered by the proposal the redesigned internal layout is considered acceptable to cater for the requirements of the development. as a result there are no highways objections to the plan variations.*

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>

3<sup>rd</sup> August 2021:

*Condition 7: Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.*

*The submitted details are appropriate for the nature and scale of the development. There are no highways objections to the discharge of this condition.*

#### 4.5 Land Drainage – no objection

Latest response: 14<sup>th</sup> September 2021:

*This response is in regard to the request to vary Condition 2 of planning permission 210068 which reads as follows:*

- 2 The development shall be carried out strictly in accordance with the approved plans and documents listed below, except where otherwise stipulated by conditions attached to this permission.
- P001 - Site Location Plan - showing proposed off site drainage and passing bay
  - P004 A - Street Scene as proposed
  - P100 - Plot 1 as proposed
  - P101 – Plot 2 as proposed
  - P102 – Plot 3 as proposed
  - P103 –Plot 4 as proposed
  - P104 –Plot 5 as proposed
  - P105 A - Plot 6 as proposed
  - P106 – Plot 7 as proposed
  - LB001 A - Landscaping and biodiversity enhancement scheme as proposed
  - E001 C – Proposed site location plan
  - D01 G – Drainage layout
  - D02 B - Foul drainage route of outlet for treated effluent
  - D03A – Ditch &Final outlet layout
  - Drainage Strategy dated 22<sup>nd</sup> November 2017 by Tumu Consulting
  - Ecological Assessment Ref OHA/1833/16.1

*The applicant has presented an alternative foul drainage strategy and our comments are below. We note that the strategy would not be compliant with Condition 14 and so a request to vary this condition will be needed.*

- 14 All foul water from the dwellings approved under this Decision Notice shall discharge into individual package treatment plants as outlined in the drainage strategy and drawings submitted to the Council on the 8th November 2018 by Paul Sloan from Tumu Consulting unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4 and the National Planning Policy Framework.

*The submission also needs to meet the criteria defined in Condition 16*

- 16 No development shall commence until a drainage construction and management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements have been submitted and approved in writing by the local planning authority. The management plan will set out the responsibilities for the various elements of the drainage systems. The plan shall be implemented as approved.

Reason: In order to ensure effective drainage facilities are provided in accordance with the requirements of Policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

*Our comments have also considered Conditions 9, 15 and informative 4, copied as follows:*

- 9 Prior to the first occupation of any of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

Reason: 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.

- 15 Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall include the collection of rain water from roofs and shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

- 4 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

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

*Overall Comments:*

*The original foul drainage strategy featured a private sewer to carry treated effluent from 7 package treatment plants to outfall in a deep Land Drain. The Land Drain had been installed by the former South Hereford District Council in the 1980s. The applicant had demonstrated that at the point of connection there was flowing water that arose from groundwater. The discharge would have effectively been a blind connection and so there were concerns that in the event of a package treatment plant malfunctioning, a case of pollution would go unreported. The asset life of the galvanised steel land drain could also have been reduced.*

*To mitigate the risk of an episode of pollution going unreported, the original foul drainage strategy featured a deep ditch. It was suggested that any episodes of pollution would be noticed by people who passed the ditch. The planning application was approved on this basis.*

*The most recent submission does not feature a deep ditch. A Partial Drainage Field has been proposed.*

*Partial Drainage Fields may be used in locations where groundwater levels are sometimes high. Conventional drainage fields rely on groundwater being at least 1m lower than the spreaders at all times.*

*Partial Drainage Fields are usually specified within 10m of a watercourse. The Environment Agency would class a discharge to a watercourse as a Water Discharge Activity, such permits need to be made within 10m of a watercourse. Partial Drainage Fields are therefore usually installed next to watercourses to avoid the need for a separate Groundwater Activity Permit. There is no technical reason why a Partial Drainage Field cannot be installed more than 10m from a watercourse.*

*A partial drainage field installed at the location would be compliant with the Binding Rules, even if at some times in the year the groundwater level were high. This is because the effluent would be dispersed to flowing water.*

*Our original concerns regarding failure of treatment facilities have been mitigated because pumps are now proposed. The original design featured a gravity system. The pumps would require a Service Contract to be established with a Pump Maintenance, otherwise the entire system would ultimately fail. Whilst it is possible that the Package Treatment Plant could operate ineffectively with a high amount of sludge, we respect that the owner would follow best practice and would*

*implement cyclical cleansing of the tank. The technicians servicing the pumps would notice odours and would highlight the need to complete desludging works.*

*In principle, drainage fields can be used to serve septic tanks, although such an arrangement is normally only used for one or two houses. In the event of PTP failure, the proposed drainage field would offer some treatment even when water levels were high.*

*We note that a groundwater test pit demonstrated that there was no groundwater within a 2m pit. For the proposed purpose as a Partial Drainage Field this is acceptable.*

*In principle we hold no objection to the conceptual design and offer the following specific remarks about the foul drainage strategy:*

- The pipe crossing the field only has a cover of around 450mm. The Building Regulations identify the need to install pipes below fields with a minimum of 600mm – 700mm cover below fields (Table 10). We note that the applicant has suggested that “Cover levels to be built up with arisings and/or site won material to ensure minimums of 600mm cover achieved for all drainage runs”. However, ploughing can damage pipework as soil moves, so the pipework needs to be shown lower down.*
- A Land Drainage Consent will be needed for the connection to the culverted watercourse*
- A Kiosk would need to be shown on the drawing, this is referenced in the product specifications as attached*
- We note that an internet based monitoring system is proposed for the pumping station to help facilitate emergency maintenance as shown in the attached product specifications. There are ongoing costs associated with this which need to be planned for.*
- We note that a contractor has been identified that can attend to complete tankering within 24 hours of an alarm being raised. The applicant has proposed using the service road to park a tanker or a service vehicle.*
- An Environmental Permit will be required as the discharge to ground or surface water would exceed 5 m<sup>3</sup> per day.*
- A NRSWA notice would be needed for any private apparatus installed below the highway*

*We provide the following remarks about the operation and maintenance strategy.*

- Item 1.9 advises that an easement will exist enabling access to maintain and repair the drainage field. The land on which the drainage field is located needs to be owned by the residents so that they can take steps to protect it against ad-hoc damage. If the drainage field were to be damaged then the residents association would be liable for any pollution episode. This policy is consistent with our SuDS guidance and will ensure continuity if the management company went into administration. If the LPA consider that it is not practical to request the drainage field is owned by the residents then the operation and maintenance strategy should identify a measure such as fencing that could be implemented to reduce the likelihood of adhoc damage*
- There is no service interval shown for the pump. The service interval for pumping stations should be at least twice a year*
- The pumping station will need to be configured correctly. Individual Home Treatment Systems’ (AE892) is a guidance note published by North Dakota State University in the USA. Where pumping is required, it is suggested that the pump controls should be set so that a dose equal to one quarter of the daily wastewater volume is discharged to the drainage field when the pumps start. This will provide a rest period between doses and allows the effluent to infiltrate before the next dose. In addition, it increases pump life as frequent stopping and starting of the pump will reduce the life of the pump controls. ‘*

*The operation and maintenance strategy does not include any annual cost details. We acknowledge that the cost implications of maintaining the sewerage facilities is not a material planning consideration.*

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

However, we strongly recommend that if planning approval is granted then a Condition is included requiring the provision of a Cost Estimate for Annual Maintenance of the sewerage system. We note that in the event of pump failure or PTP failure, the exceedance route for effluent would be via highway drains into neighbouring property.

There is a need to demonstrate compliance with Policy SD3, i.e. to avoid episodes of foul flooding

This is a very small development of only 7 dwellings. All of the planning applications for housing estates that BBLP have been approved to date that have featured pumping stations have been much larger than this and so the costs associated with maintaining the infrastructure have been spread across many dwellings.

To ensure the sustainability of the proposed system, those purchasing the dwellings will need to be made aware of the likely annual maintenance costs. For this development the annual maintenance costs will be much higher than for a connection onto the public sewerage system.

Normally pumping stations are adopted by Water Companies. Most sewerage connections are via gravity, accordingly the charges raised from dwellings with gravity connections effectively subsidise the maintenance costs for dwellings served by pumping stations. Water Companies are able to utilise reserve budgets to fund emergency repairs to ensure compliance with OFWAT criteria

A cost estimate needs to be prepared and identified on the Planning Portal, to demonstrate that the sustainability of the sewerage facilities has been fully considered.

BBLP maintains 4 pumping stations as part of the Public Realm Contract. We have some cost data related to the maintenance of these pumps (based on 5 years). This can be used by the applicant to help develop a cost estimate, noting the following details which may impact the budget:

Cost Estimate				BBLP Cost data		
Net Cost	VAT	Gross Cost		Net Cost	VAT	Gross Cost
£1,540	£308	£1,848	Engagement of Management Company to facilitate ongoing funding			
£921	£184	£1,105	Average repair bills, based on BBLP data	£4,603	£921	£5,524
£560	£112	£672	"Option 2" Servicing fee, TT Pumps			
£1,115	£223	£1,338	SEER junior unit (Monitoring - Cloud Subscription and Data), TT Pumps			
£340	£68	£408	Tankering during repair work (see extract from BBLP contractor's invoice below)			
£1,243	£249	£1,492	Sinking fund, pumps	£6,216	£1,243	£7,459
£890	£0	£890	Environment Agency Permit annual fee			
-	-	-	Other costs as discussed below			

As referenced above, "92 The Pastures, Hereford" is a Surface Water pumping station that BBLP maintain. This station does not operate on a daily basis. The costs of maintaining a foul pumping station are likely to be higher than this.

BBLP also maintain a pump that is installed at Homs Road surface water pumping station, Ross on Wye. These pumps were only installed in April 2018, but only 2 years later there was a maintenance bill of around £4,500.

The cost profile needs to be developed on the basis that provision will be needed for potential spikes in maintenance costs. The cost profile needs to consider how spikes in maintenance costs may be funded. There is also a risk that a home owner could fall into arrears, the management company will need to be aware of this risk and levy the annual fees to ensure that a reserve is adequately maintained.

We note that the Operation and Maintenance Schedule does make reference to the need for the 7 homeowners to contribute. The last sentence below suggests that when the sinking fund has been exhausted, the residents will need to contribute. Whilst this principle is appropriate, the management company will need to ensure that there is sufficient funding to avoid the scenario of the 7 home owners being approached for finances to continue operation of the system

- 1.4 Owners of each of the seven properties that use the wastewater treatment plant, pumping station and drainage field shall be obliged to join a 'Resident Association' with each property owner paying an equal, agreed-upon contribution on a regular basis. The monetary contribution shall cover the regular maintenance regime of these assets, in addition to establishing a 'sinking fund' to cover any one-off expenses such as emergency repair or replacement of any of the elements of the foul drainage system. Any expense not entirely covered by the sinking fund shall be borne equally between the current members of the Resident Association.

The cost estimate needs to consider additional costs not outlined in the table above as follows :

- accounting (management company function)
- electrical costs
- removal of debris from PTP and de-sludging
- a sinking fund for the PTP
- a sinking fund for the drainage field

Whilst we are supportive of the principle of the operation of the sewage treatment facilities, all parties need to be aware of the costs.

Comments on the surface water strategy follow:

The initial geotechnical investigation identified intermittent soakage across the housing site. SA02 was excavated to 2.9m but did not drain properly. The trial pits identified a layer of gravel around 2.6m deep. We note that the recent testing at Plot 6 demonstrated adequate permeability rates. To facilitate sign off from Building Control, more localised testing is likely to be needed, another option would be to install granular material linking some of the soakaways where levels are similar. This detail can be addressed at site level.

We note that the provision of soakaways for roof drainage and porous paving for the access road should reduce runoff from the existing plot. However the road is lower than adjacent farmland.

*We note the proposals to install 150mm diameter Ductile Iron culverts below each access road as these can be laid with minimal cover. The drawing however still shows bends and this requires amendment*

*There is a highway culvert below the road which is not visible and needs to be reinstated. This is opposite the proposed site entrance. The alignment of this culvert will need to be confirmed so that the inlet to the highway drain is not covered up at the site entrance. The applicant will need to realign the culvert below the highway so that water can drain from the roadside ditch*



*Existing highway drainage catchpit located on north side of road, to the left of this hedge*



*Existing highway drainage catchpit*



*Existing highway drainage catchpit showing pipe below the highway, noting that the inlet is not visible*

*There is a separate problem of a foul drain that has been installed by the site owner. We understand that there were previous reports of a septic tank that discharged effluent into the roadside ditch. It would appear that the spreader from the septic tank, discharges into the development plot. It would also appear that the landowner has extended the spreader to ensure that foul water does not cause a practical problem during the proposed development of the site. The applicant will need to consider how this foul water will be addressed during the future lifetime of the site*

#### *Overall Comment*

*In principle we would hold no objection to the existing foul discharge that has been found on site being diverted into the proposed foul drainage system.*

*Minor amendments can be made to the scheme drawings and specifications to address the following issues, if these can be agreed by the applicant then we hold no objection to the scheme :*

- Amend the detail of new culverts below proposed access road*
- Realign the existing highway drain that crosses below the lane, so that the ditch will drain*
- The new final effluent pipe across the field needs to be laid at the correct depth*
- Complete amendments to the Operation and Maintenance Strategy as outlined above*

*A kiosk needs to be shown on the planning drawings. The pump manufacturer's literature (attached) suggests that this would be 750mm wide x 1250mm high x 400mm deep, although the applicant will need to confirm this detail*

*An Environment Agency Permit will be required. The connection to the existing HC Land Drain would require a Land Drainage Consent*

*As referred to above, a Cost Estimate for maintenance of the sewerage system is needed post Determination*

*All previous Land Drainage Comments are available on the Council's website:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=210068&search-term=210068](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&search-term=210068)*

## 5. Representations

### 5.1 Allensmore Parish Council

*Allensmore Parish Council does not object to the amendments but does have major concerns. Specifically:*

*It is well known that drainage of the site is difficult and whilst lowering the ground level achieves a lowering of the roof lines, which is to be welcomed, this could exacerbate the drainage challenges. Our concern is that the drainage proposals need to be particularly rigorously designed, scrutinised and enforced to minimise the risk to the surrounding area, as well as the new houses. The drainage plans must also include the building phase to ensure that the flooding of the lane is not made worse during this period. (Run-off from the site in the recent rains is already adversely affecting nearby residents*

*Secondly, this is a large development in the context of the narrow lane and the impact it makes on nearby residents and the local environment. We urge that the conditions imposed for the development phase recognise this context to ensure minimum disruption and are strictly enforced. These should ensure that the anticipated passing place is created in time to alleviate the problems of the additional traffic and HGVs during the development phase – however, this must be done at a time and way to cause minimum damage to the bird / wildlife population.*

*Whilst we do not object to the amendments, we strongly urge that the above matters are addressed and regularly monitored by the planning as a condition of any approval given.*

#### **Further comments 21<sup>st</sup> September 2021**

*I have been asked to write, on behalf of the Allensmore Parish Council, to advise you regarding concerns expressed about Riparian rights and the potential for there to be flooding of property in the Cobhall Common area of Allensmore. The Parish Council had a representation made by a resident of the common, Mr John Slough of Armstrong House, Cobhall Lane, who showed a map (dated circa 1950) at the parish council meeting held on 16/09/21. The map contained a diagram of properties with reference made, via a key, to certain areas of riparian responsibility within the Cobhall Common catchment. Mr Slough is extremely concerned about a development of houses (on "Land south of Cobhall Common Lane" and the subject of planning application 210068 for a variation of conditions) that is currently in progress opposite his property and which has seen considerable soil excavation at the location. Mr Slough is worried that the development will infringe his Riparian rights and that the site will flood making his property vulnerable to risk of flooding as a direct result of the building of homes that is taking place. Mr Slough also wants to ensure that the developers of the site fulfil their Riparian responsibilities. Mr Slough wishes for the parish council to record these concerns and to make representation, on his behalf, concerning the situation for the matter of public record*

- 5.2 **Third Party Representations** – to date a total of 57 representations have been received, comprising of 44 letters of objection, 2 general comments and 11 letters of support. Many individuals submitted multiple comments as amendments to the application were made. Comments are summarised below:

Initial Consultation (3rd February 2021)	
<b>1 Objection</b>	
<b>Objection:</b> Principle	- Size of the development - Increase vehicle activity

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Drainage/Flooding	- Flooding and drainage not addressed
Amenity	- Size of the dwellings - Impact on privacy due to overlooking as site is higher than adjacent land
Highways	- Narrow access with no pavements
<b>Re-consultation (21st April 2021)</b> Amended house design, scale, mix, site levels and drainage strategy <b>25 (17 Objections, 2 General Comments &amp; 6 Support)*</b>	
<b>Objections:</b>	
Principle	- Should include smaller affordable units - 7 dwellings inappropriate for local context (flooding and highways) - Principle of development needs reconsidering
Drainage/Flooding	- No drainage plan and no detail of wider drainage infrastructure - No mains drainage in the area - PTP located close to neighbouring site and can be noisy, smelly omit bio aerosols - Level of proposed houses just above water table - Development will lead to increased risk of flooding - Removal of soil and replacement of stone will increase flood risk locally - Adjoining land lower than drainage infrastructure - Drainage field no longer in applicants control - Does not comply with requirements set out on nearby development - Does not account for high water table - Insufficient testing of infiltration and ground water level - Drainage field should not be installed in a flood plain or in a seasonally waterlogged, boggy or frequently wetted area - Pipe work should be laid deeper to avoid disturbance from arable farming - Surface water flooding likely to occur as some water will run-off permeable paving and flood ditch and nearby properties therefore infringing riparian rights
Amenity	- Height of dwellings remain excessive and will impact adjacent/opposite dwellings - Loss of light and privacy as a result of overbearing design
Highways	- Narrow access lane need widening, passing places and pavements
Other matters	- Loss of green space and agricultural land - Work commenced in breach of condition - Hedgerow removed in bird nesting season - Advertisement on A465 - Variation of condition 2 does not deal with condition 16
<b>Supporting comments</b>	- Opportunity for the village to grow - Includes electric car chargers and air source heat pumps - Enhanced house design - Improved drainage scheme - Support employment in the area
<b>Further representations (3rd August 2021)</b> Following amended drainage strategy	

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

**22 Objections (2 objections have since been withdrawn)\***

<b>Objections:</b>	
Principle	- Allensmore has exceeded housing target
Drainage/Flooding	- Increased risk of flooding and impact on insurance of neighbouring properties, development should be directed elsewhere - Flood risk increasing due to climate change - Foul effluent from adjacent Red House not dealt with - 3 developments close by having ongoing flooding and drainage issues - High water table locally not accounted for - On going flood issues in the area - EA Permit unlikely to be achievable and should be secured by pre-commencement condition - Hundreds of metres of pipework should be under ownership of future residents - Undo effectiveness of private flood alleviation works - Road floods regularly, made worse by lack of maintenance to highway drains - No mains drainage available and tanked systems will not work - Pollution of the River Wye - Impact on area if management company goes bust
Highways	- Passing place required pre-commencement - Single track road to access the site - 7 dwellings will add significantly to the amount of traffic
Other matters	- Hedgerow removed in bird nesting season - Concrete causes 8% of global CO2 emissions

**Further representations (17th August 2021)**

Following site meeting between developer, residents and Ward Cllr

**9 (4 Objections & 5 Support)\***

<b>Objections:</b>	
Drainage/Flooding	-High water table locally - Soil removed from site and membrane and stone laid in replacement prior to conditions being discharged - Increase risk of flooding - Infringe riparian rights of adjacent landowners - Existing pumped system nearby fails in periods of rain - Outlet pipes can get blocked causing further pump failures - Highway ditches not maintained leading to flooding along Cobhall Lane - Construction began without discharging pre-commencement conditions
Highways	- Passing place opposite existing passing place
Other matters	- Hedgerow removed in bird nesting season
<b>Supporting comments:</b>	- Improvement to the existing drainage arrangements under 174681 - Less likely to exacerbate flooding than original approval and will mitigate some of the concerns of residents - Developer has sought to address local concerns - Improved aesthetic appearance and landscaping

Further information on the subject of this report is available from Mr David Gosset on 01432 261588

\*N.B. 7 letters of representation (5 in support and 2 in objection) did not provide an address and it was, therefore, not possible to ascertain whether they were local to the area.

- 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=210068&search-term=210068](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=210068&search-term=210068)

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 'made' Allensmore Neighbourhood Development Plan (ANDP). The National Planning Policy Framework 2021 is a significant material consideration but does not hold the statutory presumption of a development plan.
- 6.3 As the application is a Section 73 application to vary a condition on which a previous planning permission was granted, the principle of the development on the site is considered to have been established in planning terms, and the previous permission represents a significant fall-back position. While the planning policy position has altered since the approval of 174681, by way of the ANDP becoming part of the development plan, the ANDP designates the application site for residential development for 7 dwellings through Policy A3 and therefore further confirms the principle of development. Given the nature of the application and the consistency of the planning policy position it is Officer's assessment that the principle of development is not under consideration as part of this application.

### *Layout and landscape impact*

- 6.4 Both policies RA2 (CS) and A3 (ADNP) are underpinned by Policy LD1 (CS) and A1 (ANDP), respectively. These policies require development proposals to demonstrate that features such as scale and layout have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. In particular the ANDP seeks to protect the dispersed, low density character of the parish, with large plots set back from the highway and specific to the site (through policy A3) that the local linear settlement pattern is maintained. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings. The proposed layout is shown below (extract from P003 Rev F):



- 6.5 The proposed layout of the development, as set out above, is broadly in accordance with the previously approved layout for 174681. The layout provides a linear development pattern with dwellings setback from the highways edge, each on large plots. Landscaping is provided within the development site through the rear gardens and to the front of the dwellings, with the mature roadside hedgerow retained, as previously approved, along the northern site boundary. This helps to assimilate the development into its site and setting.
- 6.6 The amended form of the development continues to represent development that is in keeping with the local landscape character and the character and setting of Cobhall Common. It is considered to satisfy the requirements of policies RA2, LD1, A1 and A3 in this regard.

*Design and amenity*

- 6.7 Notwithstanding the landscape matters assessed above, CS policy SD1 requires that 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 including, where appropriate, through innovative design. The NPPF 2021 has also raised design standards, paragraph 127 is explicit that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.8 Furthermore policy SD1 states that development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing structures are.
- 6.9 The proposed development is considered to function well within its surroundings and will add to the overall quality of the area, establishing a strong sense of space and arrival into the settlement, using the streetscape to create an attractive and comfortable place to live, not only for the future residents but for those living in existing properties.

6.10 The proposed amendments to the scheme are best illustrated in the submitted street scene plan:

*Approved under 174681:*



*Proposed amendments:*



- 6.11 The current proposal has been amended through the processing of this application to address concerns with scale, visual massing, and the integration with adjacent dwellings. Nevertheless when compared to the approved scheme the proposed development does increase the visual massing of the development which results in the appearance of a denser form of development. This is primarily as a result of the inclusion of an attached garage on Plot 4 which widens this dwelling in combination with an increased massing at first floor level on Plots 1, 6 and 7. The ridge heights on plots 2, 3, 4 and 5 remain largely the same or slightly below that previously approved. While the ridge heights on Plots 1 and 7 increase marginally by between 150mm and 500mm and Plot 6 increases materially by approximately 1.6m.
- 6.12 A key aspects of the approved scheme was the integration with the surrounding development by concentrating development to the centre of the site and lowering the ridgelines on Plots 1 and 7 at the site edges. Despite the slight increase in ridge heights for Plots 1 and 7 this stepped down approach is maintained with Plots 1 and 7 having ridgelines approximately 1.15 - 1.7m lower than other plots. The ridgelines for Plots 1 and 7 are akin to those seen at Elm Tree Cottage to the immediate west of the application site and Red House to the immediate east.
- 6.13 The approved material specification was a modern selection of materials that aligned with the design of the dwellings but took little reference from the surrounding built form. The proposed amendment uses natural materials that accord with local character and are present in the surrounding built form of the village. The material specification will add some uniformity and create a sense of identity to the development while the variance in design will avoid any visual monotony.
- 6.14 As such the proposal is considered an appropriate design response to the context, building on and reinforcing local character through this complementary development. The proposal is considered to satisfy CS policies SS6, RA2 and SD1, the relevant policies of the ANDP and relevant design and context aims and objectives of the NPPF.
- 6.15 The positioning of each dwelling continues to provide adequate spacing between the proposed and existing dwellings. With front to front distances of 30-40m to the dwellings on the northern side of the U73417 (Cobhall Lane). Over this distance the slight increase in ridgelines of Plots 1, 6 and 7 from the approved scheme will not elicit any material visual amenity impacts and the dwellings are not considered to be overbearing or to overshadow those dwellings opposite.

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

Similarly over this distance, with the intervening public highway and significant mature hedgerow boundary to the north of the site the impact on privacy remains negligible in accordance with that previously approved.

- 6.16 The impact of an increase in the ridge heights of Plots 1, 6 and 7 at either end of the site is adequately reduced by the separation distance, existing mature boundaries and the comparability of these ridgelines with the immediately adjacent dwellings. As such no harm is identified in regards to overbearing or overshadowing from the proposed changes. In regards to privacy the dwellings proposed at Plots 1 and 7 have no windows proposed in the north west and south east side elevations, respectively, and therefore there is limited opportunity for overlooking to occur.
- 6.17 Officer's acknowledge that a number of objections were submitted noting the visual impact of the proposed development and the impact on residential amenity values. However, when comparing the approved scheme with what is proposed, no policy conflict has been identified in this regard and the schemes are largely comparable.
- 6.18 Finally, with regards to noise and nuisance, noting the content of some of the objections submitted the proposed amendments will not materially alter the development in this regard. The proposed 7 dwellings will have a comparable level of activity associated with the construction period and once occupied. In either event the construction period is temporary and is not given significant weight in regards to its disturbance.
- 6.19 Having regard to all the above it is considered occupiers of the proposals have a good level of amenity and privacy and there is no significant adverse impact on adjoining amenity or privacy created from the proposed changes. The proposal is therefore considered to satisfy CS policy SD1, the relevant policies of the ANDP and relevant amenity aims and objectives of the NPPF.

#### *Housing Mix*

- 6.20 The proposed amendments will alter the housing mix which is now proposed to be 4 x 3 bedroom dwellings and 3 x 4 dwellings. Housing mix should be assessed under Policy H3 of the CS and policy A5 of the ANDP jointly.
- 6.21 Both policies H3 of the Core Strategy and A5 of the ANDP state that residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. The Housing Market Area Needs Assessment (available on the Council's website) details the affordable and open housing market requirements across the County. The market housing required within the Ross Housing Market Area (and more specifically for 'Ross Rural' where the site lies) can be found below:

**Table 12.11 Ross-on-Wye HMA Recommend Housing Mix by Tenure by Size**

		1 Bedroom	2 Bedrooms	3 Bedrooms	4+Bedrooms
Urban	Market	5%	30%	50%	15%
	Affordable home ownership	25%	35%	35%	5%
	Affordable rented housing	40%	30%	25%	5%
Rural	Market	5%	25%	50%	20%
	Affordable home ownership	20%	35%	35%	10%
	Affordable rented housing	35%	30%	30%	5%
HMA	Market	5%	25%	50%	20%
	Affordable home ownership	20%	40%	35%	5%
	Affordable rented housing	40%	30%	25%	5%

Source: Housing Market Model and Modelled Outputs, Appendix A

- 6.22 The proposed housing mix focuses predominantly on the provision of 3 bedroom units which accords with the identified needs of the area and accords with the specific terms of Policy A5. The provision of 4 bedroom units is considered to be over represented on the site and the loss of a 2 bedroom unit from the approved scheme is considered to be a disbenefit. Despite the slight over provision of 4 bedroom units having regard to the small scale of the site it is recognised to broadly accord with the aspirations of both Policy H3 and A5.

### *Highways*

- 6.23 Policy SS7 requires proposals to focus development to the most sustainable locations and reduce the need to travel by private car. This aim is reflected by policies SS4 and MT1, which stipulate that proposals should facilitate a genuine choice of travel modes such as a walking, cycling and public transport. These policies are reflective of the National Planning Policy Framework objectives to guide development to sustainable locations. Given the nature of the application the principle of development is not under consideration and it is the proposed changes that are to be considered.
- 6.24 These policies accord with the guidance for decision making set out in Chapter 9 of the NPPF, specifically Paragraph 110 states that in assessing applications for development it should be ensured, amongst other matters, that safe and suitable access can be achieved for all users. Furthermore, paragraph 111 indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.25 Access arrangements have not been altered and the proposal remains to create two vehicular accesses to serve the development. The proposed layout includes private parking arrangements for all dwellings, the level of which has been confirmed as acceptable by the Transportation Manager. The site layout also provides sufficient space for a tanker to park in front of Plot 7, without blocking access to their parking area, to carry out maintenance and desludging of the shared PTP. As such the development site is considered to adequately provide for the parking needs of future occupiers such that displacement of parked vehicles onto the public highway will not occur.
- 6.26 The approved scheme secured, via condition 11, the provision of a passing place along Cobhall Lane, east of the site on route to the A465. It is Officers recommendation that the condition is re-imposed to secure this public benefit. In addition the developer has agreed to providing drainage arrangements for the passing place that would connect into the existing ditch infrastructure to help alleviate the issue of highway flooding experienced along Cobhall Lane on a regular basis. This is a material benefit of the proposed scheme.

## *Flooding and drainage*

- 6.27 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 to provide opportunities to enhance biodiversity, health and recreation and 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).
- 6.28 Specific to the Parish policy A7 seeks to further protect local areas from flooding given the high-water table throughout much of the Parish. Development must be supported by a sustainable foul drainage strategy, ensure minimum risk of pollution or flooding elsewhere, provide mitigation to reduce run-off in line with SuDS hierarchy.
- 6.29 Drainage and flooding has been the reason for the majority of representations received and it is clearly a significant local concern. Primarily objectors are concerned that the proposed development will worsen the flood risk locally, affecting existing and future residents. In addition there are concerns that the proposed drainage strategy does not adequately account for local conditions, significantly the high water table. A full summary of representations is available in section 5.2 above.
- 6.30 As part of the proposed amendments the application includes a revised drainage strategy from that already approved under 174681. The proposal is for the installation of a single shared PTP for all 7 dwellings, this will be located within the landscaped area to the front of the development site on land that will ultimately be under the shared ownership of future occupiers. Treated foul effluent will then be pumped from the site to an adjacent agricultural field. Here it will be delivered to a partial drainage field. The partial drainage field will operate as a typical drainage field during dry conditions when the ground water level is not elevated. When ground water levels rise, as they are known to in this area, the partial drainage field will instead discharge to the existing culverted watercourse which is known to run during wet conditions. The infrastructure will be covered by legal easements that enable maintenance to be carried out in a manner which accords with the approval of 174681.
- 6.31 A detailed Operation and Maintenance Strategy has been provided as part of the application which details how the infrastructure will be serviced and maintained to avoid failure and environmental pollution. This includes a service agreement to fix the pump within 24 hours in the event of failure. In such an event there is sufficient storage in the system to ensure foul effluent does not back up.
- 6.32 The Council's Drainage Engineer has reviewed the proposed strategy for foul effluent and has confirmed that in principle they support the proposed strategy as it accords with the relevant development plan policies, above. While some technical aspects were highlighted in the most recent comments these have now been dealt with as follows:
- Cover for all pipe work is noted to be minimum 600mm which accords with the stated requirement;
  - Manufacturer has confirmed that no above ground kiosk is required.
- 6.33 Overall the proposed foul drainage arrangements accord with Policy SD4 and are considered to be an improvement on the previous iteration which is acting as the fall-back position.

- 6.34 It is acknowledged that an Environment Agency permit is required. This is managed through separate legislation and, in accordance with paragraph 188 of the NPPF, should not be a matter for consideration within the planning process. The proposed foul drainage arrangements are considered to accord with policy and to avoid adverse environmental impacts. The developer's Drainage Engineer has submitted details which set out how an EA permit will be achieved.
- 6.35 During the initial construction phase of the development a third party discharge of foul effluent was identified as discharging to the highway drain. It is accepted that this is not from the development site and does not form part of the considerations of this application. It was explored whether it could be incorporated into the foul drainage arrangements of the proposed development but this was not possible.
- 6.36 The surface water drainage strategy remains principally the same as already approved with roofs and impermeable areas discharging to individual soakaways across the development site. These have been moved from the front of the development site to the rear further from adjacent development and the public highway. The shared access, parking and turning areas will be laid with a permeable membrane to reduce surface water run-off from the development. It is acknowledged that the application site is higher than the public highway and development opposite and so there is a risk of surface water run-off, in heavy rainfall events, still occurring despite the permeable surfacing proposed. However, the amended site levels compared with the approved 174681 reduces the fall from the development site to the road and therefore reduces the amount and speed of surface water runoff. It is therefore considered that the removal of soil from the site and the adjustment of the site level will have a beneficial impact for the surrounding area in regards to surface water flood risk when compared to the approved scheme.
- 6.37 It has been highlighted in the public representations and by the Parish Council, that if the development site was to discharge water to adjacent land this may infringe individual's riparian rights. Riparian rights are rights and responsibilities of owners of land abutting a watercourse. As set out at paragraph 188 of the NPPF, below, this is not a matter that planning decisions should consider as it would be a duplication of separate regimes:
- “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*
- 6.38 In this context, therefore, riparian rights are not considered to be a material planning consideration and would likely be a civil matter between the two land owners.
- 6.39 The proposed foul and surface water drainage strategies are considered to represent an improvement to the approved scheme, which is the fall-back position against which assessment should be made. The development adequately controls the disposal of foul and surface water and in accordance with CS policies SD3 and SD4 as well as ANDP policy A7.

### *Climate Change*

- 6.40 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.41 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living & sustainable transport modes (as defined by the framework). The NPPF sets out at paragraph 110 that LPA's in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.42 In line with the provision of car charging points, the government has reaffirmed by way of a Written Ministerial Statement on 18 November 2020 (Statement UIN HCWS586), the commitment to electric vehicles by seeking to "accelerate the transition to electric vehicles, and transforming our national infrastructure to better support electric vehicles" as it has announced the ban on the sale of new fossil fuel reliant vehicles by 2030, thus the need for the provision of electric vehicle charging points is amplified; it follows that to make the decision acceptable given the above material planning considerations, a condition for electric vehicle charging points is recommended to require such provisions are available for future residents.

### *Conclusion and balance*

- 6.43 The application proposes under s73 of the Town and Country Planning Act (1990) to vary the conditions under which permission 174681 was granted. The proposed amendments amount to a redesign of the dwellings including amended site levels, a change to the housing mix and an updated drainage scheme. Permission 174681 is considered to be extant and difference between the approved and proposed scheme has been assessed in the preceding sections.
- 6.44 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF, at paragraph 11, states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 6.45 At this time the Development Plan comprises the Core Strategy and Allensmore Neighbourhood Development Plan. Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles.
- 6.46 While the amended housing mix does effectively lose a 2 bedroom unit which is replaced with a larger 4 bedroom unit this adverse impact is not significant and does not result in a breach of either Policy H3 or A5. Accordingly it is considered that the schemes benefits outweigh its harm and the provision of a more suitable drainage arrangement to that of the approved scheme along with the already notable benefits associated with the provision of 7 dwellings amounts to moderate benefits.
- 6.47 On the basis of the clear direction from NPPF paragraph 11, the compliance with the relevant development plan policies, a lack of technical reasons or other material considerations that indicate planning permission should be withheld and all within the context of the fall-back position of the approved scheme 174681 it is Officers recommendation that planning permission be granted for the variation of conditions attached to permission 174681.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development shall be carried out strictly in accordance with the approved plans and documents listed below and the schedule of materials indicated thereon, except where otherwise stipulated by conditions attached to this permission.
  - P001 - Site Location Plan - showing proposed passing bay
  - P002 B – Block plan as proposed
  - P003 F – Site plan as proposed
  - P004 E - Street Scene as proposed
  - P100 B - Plot 1 as proposed
  - P101 C – Plot 2 as proposed
  - P102 B – Plot 3 as proposed
  - P103 C –Plot 4 as proposed
  - P104 B – Plot 5 as proposed
  - P105 C - Plot 6 as proposed
  - P106 B – Plot 7 as proposed
  - LB001 C - Landscaping and biodiversity enhancement scheme as proposed
  - PC001 A – Access parking and turning details as proposed
  - PC002 B – Site operative parking details as proposed
  - C001 F – Engineering layout sheet 1
  - C002 G – Engineering layout sheet 2
  - C010 – Construction details
  - Operation and Maintenance Schedule – SuDS/Drainage – Revision C (CTP-21-0251)
  - Ecological Assessment Ref OHA/1833/16.1

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, LD1, H3, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies A1, A3, A4, A5 and A7 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.

- 2 The soft landscaping scheme as shown on the approved plan no. LB001 C 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 5-year maintenance period. The hard landscaping shall be completed prior to the first use/occupation of the development hereby permitted

**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 A1 of the

**Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.**

- 3 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details set out on drawing PC001 and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 4 The parking for site operatives and visitors as set out on drawing PC002 B shall be retained and kept available during construction of the development.**

**Reason: To prevent indiscriminate parking, with immediate effect, 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.**

- 5 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 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.**

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

- 6 Prior to the first occupation of any of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. As set out on the approved drawings PC001 A and C001 F.**

**Reason: 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.**

- 7 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 31 metres to the east and 34 metres to the west 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 and the National Planning Policy Framework.**

- 8 **Within 6 months of this permission, unless otherwise agreed in writing with the Local Planning Authority, the proposed passing place shall be constructed and made available for use with an associated drainage arrangement, in accordance with technical specification and details (including evidence of an agreement under the Section 278 of the Highways Act 1980 S278 agreement) to be submitted to and approved in writing by the Local planning Authority.**

**Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policies MT1 and SD3 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.**

- 9 **None of the existing trees 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 A1 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.**

- 10 **The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Star Ecology dated July 2017 and biodiversity enhancements on plan LB001 C 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 A2 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework, NERC 2006.**

- 11 **All foul water from the dwellings approved under this Decision Notice shall discharge into a single shared package treatment plant as outlined in the drainage strategy on drawings C001 F, C002 G and C010 unless otherwise agreed in writing by the Local Planning Authority. The drainage infrastructure shall be maintained in accordance with the details set out the Operation and Maintenance Schedule – SuDS/Drainage – Revision C (CTP-21-0251) for the lifetime of the development.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and maintained in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy A7 of the Allensmore Neighbourhood Development Plan and the National Planning Policy Framework.**

- 12 **Surface water will be managed through an appropriate Sustainable Drainage System (SuDS) and soakaway system within the development site on land under the applicant's control. The surface water management system shall include the collection of rain water from roofs and shall be implemented and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy, Policy A7 of the Allensmore 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. 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 In the light of the localised drainage characteristics of the site and its locality, future occupiers are advised of their maintenance responsibilities in relation to the drainage infrastructure associated with the development hereby approved.**
- 3 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.**
- 4 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 5 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**

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

- 6 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,**

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Further information on the subject of this report is available from Mr David Gosset on 01432 261588

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.

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.

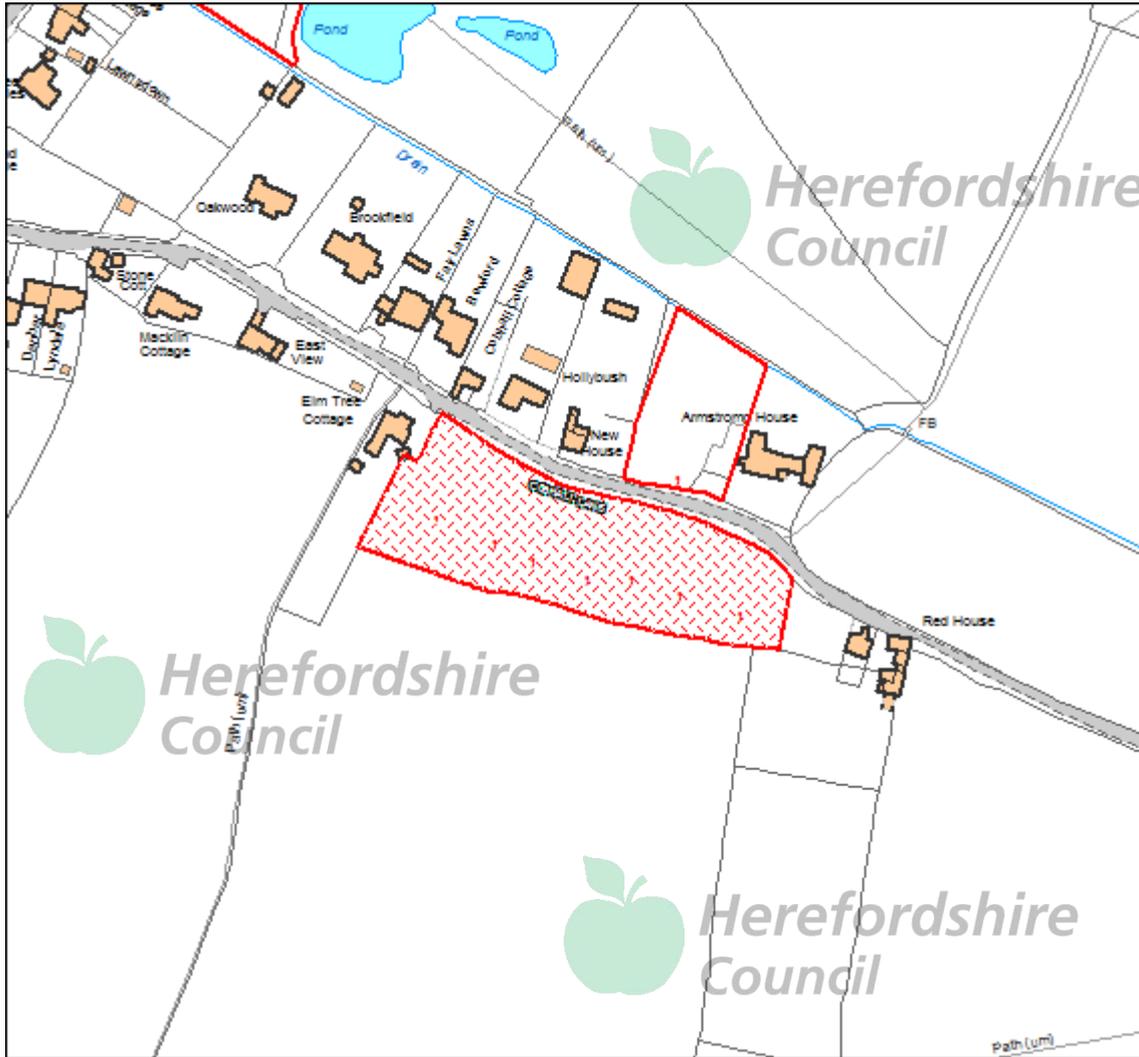
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 210068

**SITE ADDRESS :** LAND SOUTH OF COBHALL COMMON LANE, COBHALL COMMON, HEREFORD

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