

## **Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 27 September 2023 at 10.00 am**

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

**Councillors:** Bruce Baker, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, Louis Stark, John Stone and Richard Thomas

**In attendance:** Councillors Bramer and Swinglehurst

**Officers:** Locum Solicitor, Planning & Highways, Highways Representative and Development Manager Hereford and South Team

### **29. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Polly Andrews, Dave Boulter, Dan Powell and Diana Toynbee.

### **30. NAMED SUBSTITUTES (IF ANY)**

Councillor Louis Stark acted as a substitute for Councillor Polly Andrews.

### **31. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **32. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 6 September 2023 be approved.

### **33. CHAIRPERSON'S ANNOUNCEMENTS**

### **34. 221395 - TREDUCHAN FARM, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ**

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Saunders spoke on behalf of Llangarron Parish Council, the Clerk read out a written statement by Mr Thackeray on behalf of local residents who object, and Mr Tompkins, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local award member spoke on the application, she explained that the application has local support for the conversion of local stone buildings as long as they are carried out sensitively. Instead, the application's proposal to remove modern farm buildings with new dwellings is where local people and the parish council is not supported as this is contrary to NDP policy and RA3 of the Core Strategy. The

local ward member asked members to consider whether the fall-back position, the existing class Q permission, was sufficient enough to set aside the aforementioned NDP and RA3.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The new barns are not sympathetic to the existing farmstead and historic buildings.
- The conversion of the old barns appears to have local support whilst the conversion of the new barns are already covered by Class Q which means that even if the application is refused, then Class Q will come into play and the old barns will be converted but not to a standard that this application would allow.
- The site needs to be developed as a whole and conditions will come into play and local stone, for example, can be used which covers the objections against the new barns' design and appearance.

The local ward member was given the opportunity to close the debate. She explained that Class Q should not be used as leverage to determine the outcome of the application. She thanked members for the debate and awaited the outcome.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor Clare Davies. The motion was put to the vote and was carried by a simple majority.

**Resolved:**

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

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

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

2. **The development shall be carried out strictly in accordance with the approved plans (drawing nos. P002C; P003D; P100B; P101B; P102B; P103B; P104A; P105A; P106A; P107A; Permissive path route), except where otherwise stipulated by conditions attached to this permission. Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

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

4. **Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**
  - a) **Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
  - b) **Trees and hedgerow to be removed.**
  - c) **All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
  - d) **All proposed hardstanding and boundary treatment.**

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

5. **Before the development is first occupied a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.**

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

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

**Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **With the exception of site clearance and groundworks, no further development shall commence until detailed surface water and foul water drainage layout and construction drawings have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of the development hereby approved.**

**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 and the National Planning Policy Framework.**

8. **Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission**

shall discharge through connection to the local mains sewer network managed by Welsh Water's Goodrich Wastewater Treatment Works.

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

9. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a suitably sized Sustainable Drainage System (SuDS).

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

10. At no time shall any external lighting, except low power (under 550 Lumens/5 watts), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Bat Conservation Trust or 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.

11. The ecological protection working methods scheme and mitigation measures (including specific Bat related recommendations) as detailed in the ecology report by Naturally Wild dated April 2022 shall be fully implemented and hereafter maintained 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 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 12. Prior to any new construction work commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features such as at least TEN habitat boxes supporting bird nesting and TWO hedgehog homes and 'hedgehog highways' through all solid boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority. All tree and woody shrub planting should only consist of locally characteristic native species.**

**Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.**

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

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

- 14. Prior to the first occupation of the development 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**

- 15. Before any other works hereby approved are commenced, visibility splays as per drawing P002 rev C should be provided. Nothing over 0.6m in height, measured from the height of the carriageway of the public highway, should be placed within the splays.**

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

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

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

- 17. Prior to the first occupation of the dwellings hereby approved the existing vehicular access points onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement**

of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work in relation to the closure of the access points.

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

18. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling 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;

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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. Those parts of the development which are to be of stonework shall be of local stone, properly coursed, laid on its natural bed in a mortar approved by the local planning authority prior to the commencement of any works to the stonework.. The works shall be carried out in accordance with the approved details

Reason: In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. All alterations to external elevations shall be made good using matching and where available original materials.

Reason: To maintain the appearance of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. Prior to the first occupation of the dwellings hereby permitted, a scheme of the Implementation, management and maintenance of the permissive path detailed on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The path shall be made available for use and thereafter managed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

Reason: To provide alternative means of pedestrian access in accordance with the aims of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## INFORMATIVES:

### 1. Application Approved Following Revisions

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

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

3. **THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL** under the Building Regulations 2010. The works may also require Building Regulations approval.

In relation to energy efficiency, the Approved Document Part L1B makes specific reference to exemptions and considerations for certain building types, including, '*Buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture*'.

They advise, '*the aim should be to improve energy efficiency as far as is reasonably practicable...work should not prejudice the character of the host building or increase the risk of long-term deterioration of the building fabric or fittings.*'

**Additional guidance on appropriate materials can be found online in the following document:**

- ***Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings; Historic England, 2015.***

**35. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER**

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Mears spoke on behalf of Kimbolton Parish Council and Mr Robinson spoke in objection to the application.

In accordance with the council's constitution the local award member spoke on the application, he referred to outline planning permission from December 2015 that was given for the development of up to 21 dwellings in the field adjoining A4112 and Chestnut Avenue. The application was then revised made in full as opposed to outline for 25 dwellings. Kimbolton Parish Council supported the 2018 application and was endorsed as part of the Kimbolton NDP which was supported in their local referendum. Since 2018, there has been an issue of phosphate with the application site within the hydrological catchment of the River Lugg and progress was stalled for four years. The council's approach is to offer phosphate credits as they become available and they are now available for the application proposal and on the basis of mitigation provided, positive appropriate assessment has now been completed. Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the River Wye Special Area of Conservation (SAC). The most significant change from the 2018 report has been the applicants' agreement to increase the number of affordable housing from 4 to 6 although the total number remains the same. Whilst the affordable housing element of 24% is not as high as originally proposed in 2015, this is a significant improvement. Kimbolton PC requested that affordable housing is offered strictly to local persons with family or similar historical connections, and it is pleasing that the affordable housing units are to be offered to those with a local connection. It was noted that the parish council have asked to be directly consulted on the allocation of Section 106 monies, set aside specifically for the community of Kimbolton, and hopes that this will be agreed. It was added that drainage and flooding are the main issue of concern raised during consultation. Highway safety was also raised as a concern for the village and the provision of traffic calming is a priority for the parish council. It was requested that the parish council are involved in discussing all traffic related proposals with the relevant officer. The local ward member requested that extra sporting facilities and equipment be provided as part of the S106 agreement.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The building of both affordable housing and bungalows was welcomed by members.
- Pleased with improvement in planning contribution by developer, particularly in relation to affordable housing.
- The principle of development was supported in this location with existing bus route and road links cited as supporting factors.
- The use of materials are to be in keeping with the surrounding area in terms of design and appearance.
- Flooding and drainage could be exacerbated by heavy rainfall, however, it was felt that these concerns were answered in the report.



- Concerns regarding connectivity to existing ecological highways and networks were raised. In particular, preference for connectivity to the tree boundary along the sunken lane to the north-east of the site to be joined up with the hedgerows was noted. Two field accesses were raised as unnecessary with the impact of heavy goods vehicles accessing the site.
- The offer of solar panels to purchasers of the dwellings.

The local ward member was given the opportunity to close the debate. He explained that keeping the hedgerow is important and that no trees should be lost as a result of the application. It was noted that this is the most important development to Kimbolton and represents a huge improvement compared with the earlier scheme. Kimbolton stands to benefit from this development in many ways and he expressed his agreement with the officer's recommendation for approval subject to a completion of an S106 agreement and the conditions being met.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Richard Thomas and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

#### **Resolved:**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report 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 or amendments to conditions considered necessary:**

#### **General 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 (Drawing Nos Inserted) except where otherwise stipulated by conditions attached to this permission.**

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

#### **Details required prior to commencement**

3. **Prior to commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4. Prior to commencement of development, a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval.**

**The approved CEMP shall be implemented in full for the duration of all construction works at the site 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 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.**

- 5. Prior to commencement of development, a detailed Landscape Ecological Management Plan (LEMP) should be supplied for written approval by the local planning authority. The LEMP must include full specifications for proposed Hedgerow planting (minimum of 7 woody plants per meter in a double staggered row); standard hedgerow trees (planted at random spacings based on 1 tree per 10m of hedgerow); specification for wildflower rich grass seed; and an establishment and maintenance plan.**

**The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

**All species proposed should be locally characteristic, native species considering climate change and pest-pathogen resilience. No spikey or thorny species should be planted adjacent to any highway, footway or areas of formal public open space.**

**Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan**

**- Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency. Compliance with Highways Design Guide and to consider resident**

safety.

6. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Construction Access details (including visibility splays and any boundary treatments)
  - b. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
  - c. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
  - d. A plan to show the location of site offices and rest areas for staff
  - e. A noise management plan including a scheme for the monitoring of construction noise.
  - f. Details of working hours and hours for deliveries
  - g. A scheme for the control of dust arising from building and site works
  - h. A scheme for the management of all waste arising from the site
  - i. A travel plan for employees

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**No works with the exception of site clearance and groundworks**

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

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

8. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme has been submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) **Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
- b) **Trees and hedgerow to be removed.**
- c) **All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- d) **All proposed hardstanding and boundary treatment.**

**The landscaping scheme shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved.**

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

- 9. With the exception of site clearance and groundworks, no further development shall take place until the applicant has undertaken and cleansing work and CCTV survey on the existing highway drain to confirm its functionality. The details of that assessment shall be submitted to and approved in writing by the local planning authority and any remedial works undertaken prior to occupation of the dwellings hereby approved.**

**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 and the National Planning Policy Framework.**

- 10. Development shall not begin in relation to the provision of road and drainage infrastructure (on and off site works) until the following details are submitted to and approved in writing to the local planning authority:**

- **Visibility Splays**
- **Access Gradient**
- **Surface finishes**
- **Drainage details**
- **Future maintenance arrangements (including any technical approvals /adoption)**

**The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved in writing by the Local Planning Authority)**

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

**Details required prior to occupation**

- 11. Prior to the occupation any dwelling hereby permitted, a Package Treatment Plant Management Plan for the management in perpetuity of the approved package treatment plant including all elements of monitoring, maintenance and dosing shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be written by a British Water Accredited Service Technician, or other suitably qualified professional, and all elements of management/maintenance shall only be carried out by a professional individual/company. Sludge shall be removed by a registered waste carrier. Management of the system shall then be in accordance with the approved details for the lifetime of the development.**

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

- 12. Prior to occupation of any dwelling hereby permitted, a schedule of implementation and landscape maintenance for any areas of outside of the residential curtilage shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.**

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

- 13. Prior to the first occupation of any dwelling hereby permitted, 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 ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core**

## **Strategy and the National Planning Policy Framework.**

- 14. Prior to the occupation of any dwelling hereby permitted, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling 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;**

**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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 15. Prior to the first occupation of any dwelling hereby permitted, a scheme demonstrating measures for the efficient use of water demonstrating a maximum water usage of 110l per person per day water usage shall be submitted to and approved in writing by the local planning authority and implemented as approved. The development shall be retained in accordance with the approved details thereafter.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework and having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.**

- 16. Prior to the first occupation of any dwelling hereby permitted, a scheme to enable the charging of plug in and other ultra low 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.**

### **Compliance**

- 17. The foul and surface water drainage arrangements shall be implemented in accordance with the following documents:**

- Amended Proposed Site Plan (Rev A); and
- Technical Note Mitigation Strategy Review;
- Drainage & External Works Layout (2/2) (Rev O);
- Section 38 Highways Drainage Plan (2/2) (Rev N);
- S104 Flow Control Chamber & Tank Details (Rev G).
- 881-042B Off Site Drainage Layout Rev B (Dated 30 Aug 2023).

The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved 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 and the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan - Proposed Site Plan (Drawing Ref: 5776/25/P/10).

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

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

**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. This full planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement dated (date to be added in upon completion of S106 Agreement).**
- 3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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.**
- 4. 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 845900.**
- 5. 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.**
- 6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the**



Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

7. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
8. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
9. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),
10. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'

**36. 231864 - LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW**

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

In accordance with the criteria for public speaking, Dr Bradney, spoke in objection to the application, and Ms Broadstock, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local award member spoke on the application, he explained that the application has led to a lot of residents putting in objections to Herefordshire Council and many of the residents have also contacted the

local ward member himself. Warren Lane is a very narrow lane, and it is not wide enough for it to be possible for an entrance turn for tractors. The parish council have strongly opposed the application, which follows on from the retrospective planning application P221376F for the new barn itself. The gradient of the lane is also very steep. Flooding will be exacerbated with run-off in this narrow lane which at the foot of the lane is the Rudhall Brook which often floods. It was noted that the application was in conflict with policies AST12 and AST13 of the Aston Ingham NDP.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The existence of an ancient hedgerow should only be removed if deemed absolutely necessary.
- The existing topography of the sunken lane which would be exacerbated by the creation of this access.
- Warren Lane is very narrow, and hedges are very high. Driving down this lane was very difficult, and it would be difficult to imagine tractors turning into that lane without causing damage to the hedgerows.
- Concern with an increase to surface water run-off on the lane.
- The potential damage to existing wildlife and biodiversity in the area.

The local ward member was given the opportunity to close the debate. He thanked the committee for the debate and asked that members refuse the application.

A motion that the application be refused due to concerns relating to core strategy policies LD1 in terms of character. LD3 in terms of connectivity and biodiversity impact. MT1 in terms of highway safety. Aston Ingham NDP policies AST12 in respect of traffic generation and AST13 with relation to water drainage. This was proposed by Councillor Dave Davies and seconded by Councillor Stef Simmons. The motion was put to the vote and carried unanimously

**Resolved – that:**

**The application be refused due to concerns relating to core strategy policies LD1, LD3, and MT1; and Aston Ingham NDP policies AST12 and AST13.**

**37. 232181 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG (Pages 21 - 22)**

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution, the local award member spoke on the application. He expressed no objections to the application and recommended members vote in favour.

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

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and carried unanimously.

**Resolved:**

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

1. C01 – Time limit for commencement (full permission)
2. C06 – Development in accordance with the approved plans
3. CBO – Scheme of surface water drainage
4. C59 – No Conversion of ancillary building to habitable accommodation
5. C64 – Restriction on separate sale

**INFORMATIVES:**

1. IP1 – Application approved without amendment

**38. DATE OF NEXT MEETING**

Date of next meeting – 25 October 2023

The meeting ended at 12.16 pm

**Chairperson**



**231864- PROPOSED CREATION OF A NEW PERMANENT ACCESS FOR AGRICULTURAL VEHICLES FROM WARREN LANE.**

**LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HR9 7LW**

**For: Ms Towler per Ms Hannah Towler, 25 Vyner Street, Cambridge Heath, London, E29DG**

**OFFICER COMMENTS**

1. Please note that owing to formatting issues, the map shown (Figure 3) at 6.10 has an inaccurate red star. The amended map is shown below

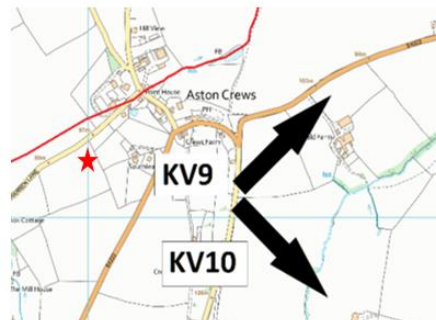


Figure 3: Extract from Aston Ingham NDP

2. A concern was raised regarding *Key View 7 KV7: Lea Line to Linton ridge (View of include the B4222 into Aston Crews South West)* which faces towards the site. This view is identified within the Aston Ingham Neighbourhood Development Plan. The topography of the area means that the access would site below the field to the rear and would not be visible from this vantage point, as such there is no material changes to the assessment.
3. Condition 2 should read:

“The development hereby approved shall be carried out strictly in accordance with the approved plans [G111\_1105 A; G111\_1104 B; G111\_1103 B; G111\_1102 B; G111\_1101 B; G111\_0100 B] and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies AST1, AST3, and AST13 of the Aston Ingham Neighbourhood Development Plan and the National Planning Policy Framework.

**RECOMMENDATION: No change to recommendation**

