

Agenda

Planning and Regulatory Committee

Date: **Wednesday 14 January 2026**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough
Lane Offices, Hereford, HR4 0LE**

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

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 in advance of the meeting.

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson	Councillor Terry James
Vice-chairperson	Councillor Clare Davies

Councillor Polly Andrews
Councillor Bruce Baker
Councillor Jacqui Carwardine
Councillor Simeon Cole
Councillor Dave Davies
Councillor Matthew Engel
Councillor Catherine Gennard
Councillor Peter Hamblin
Councillor Stef Simmons
Councillor John Stone
Councillor Charlotte Taylor
Councillor Richard Thomas
Councillor Mark Woodall

Agenda

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The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

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

Guide to Planning and Regulatory Committee

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

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

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

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

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

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

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

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

Role of the local ward member

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

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

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

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

**Minutes of the meeting of Planning and Regulatory Committee
held at Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE on Wednesday 10 December 2025 at
10.00 am**

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

**Councillors: Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole,
Dave Davies, Matthew Engel, Elizabeth Foxton, Catherine Gennard,
Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and
Mark Woodall**

In attendance: **Councillors Jenny Bartlett and Kevin Tillett**

Officers: **Senior Solicitor Planning and Highways, Development Manager Majors Team
and Team Leader Area Engineer**

47. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Taylor.

48. NAMED SUBSTITUTES (IF ANY)

Councillor Foxton acted as a substitute for Councillor Taylor.

49. DECLARATIONS OF INTEREST

There were no declarations of interest.

50. MINUTES

RESOLVED: That the minutes of the meeting held on 19 November be approved.

**51. 230432 - LAND TO THE REAR OF PROSPECT PLACE, ST MARTINS AVENUE,
HEREFORD**

The senior planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Milln spoke on behalf of Herefordshire City Council, Mr Irwin, local resident, spoke in objection to the application and Mr Eacock, applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the determination of the application was on a fine balance which was demonstrated by the significant number of relevant planning policies relating to the application and the large number of proposed conditions attached to the recommendation. The application site was: set within a conservation area; was of archaeological importance; and close to a scheduled monument and grade 2 listed

buildings. A full archaeological survey as required in the conditions demonstrated the importance of the site. The heritage impact assessment undertaken was considered flawed and had been challenged by an independent assessment. It was felt that the proposal was contrary to core strategy policies LD4 and SS6 and national planning policy framework paragraph 219 as the proposal did not protect, conserve or enhance heritage assets nor their setting. The proposed site was set in flood zone 3 and it was concerning that the applicant was challenging the Environment Agencies requirement under the section 106 agreement relating to flood risk infrastructure. Recent examples of flooding from the river Wye militated against applications within flood zones. There was a narrow access to the site which would cause difficulty for construction vehicles and fire tenders would not be able to access the development. Visibility from the access was very poor and located in an area heavily used by cars and pedestrians. Further, the proposed access would result in the loss of parking spaces which would place greater pressure on problematic parking already evident in the local area. Arrangements for the access were in conflict with core strategy policy MT1. An outstanding issue concerned ownership of the site which would need to be resolved before any development took place. The impact of the development on the local environment and the landscaping proposed in mitigation was not felt to be sufficient and therefore contrary to core strategy policy LD3.

The committee debated the application and was divided as to the acceptability of the proposals; the following principal points were raised:

- There was a need for more two-bedroom houses locally;
- The development was in a sustainable location with easy access to the town centre and good walking and cycling access.
- There were concerns regarding the access and the impact on highway safety in the local area;
- There was concern regarding the scale, design, siting and massing on the site. It was felt that this would have an adverse impact on the conservation area. There was no landscaping plan and no landscaping mitigation was proposed with the application. It was not considered that there was a suitable transition from the development site on to the Bishops Meadow adjacent to the application site. The development would pose an adverse impact on the landscape and was considered contrary to core strategy policies LD 1, 2, 3 and 4;
- There were no renewable energy facilities included with the application which was contrary to core strategy policy SD1;
- The design of the buildings was lacking in distinctiveness and posed an adverse impact on other local heritage assets contrary to core strategy policy SS6.
- There was concern that the section 106 agreement remained unsigned. Without the flood risk infrastructure proposed in the section 106 agreement the development site would be put at significant risk from flooding.

The development manager and the highways advisor provided the following clarification:

- there was sufficient width along the access for a fire tender to attend the site.

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

Councillor Richard Thomas proposed and councillor Stef Simmons seconded a motion that the application be refused on the following grounds:

- The scale, design, siting and massing on the site would have an adverse impact on the conservation area and landscape. The development would pose an adverse impact on the landscape and was contrary to core strategy policies LD 1, 2, 3 and 4;

- No renewable energy facilities were included with the application which was contrary to core strategy policy SD1;
- The design of the buildings was lacking in distinctiveness and posed an adverse impact on other local heritage assets contrary to core strategy policy SS6.
- The section 106 agreement to require a contribution towards the provision of flood risk infrastructure remained unsigned posing a risk from flooding on the site.

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

RESOLVED –

That the application is refused on the following grounds:

- **The scale, design, siting and massing on the site will have an adverse impact on the conservation area and landscape. The development will pose an adverse impact on the landscape and is contrary to core strategy policies LD 1, 2, 3 and 4;**
- **No renewable energy facilities are included with the application, contrary to core strategy policy SD1;**
- **The design of the buildings is lacking in distinctiveness and poses an adverse impact on other local heritage assets contrary to core strategy policy SS6.**
- **The section 106 agreement to require a contribution towards the provision of flood risk infrastructure remains unsigned posing a risk from flooding on the site.**

52. 240309 - LAND NORTH OF LEYS HILL, BISHOPSWOOD, ROSS-ON-WYE, HEREFORDSHIRE

Councillor Cole acted as local ward member for the following application

The development manager provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking, a statement was read on behalf of Walford Parish Council, Mr Saunders, local resident, spoke in objection to the application and Mr Thomas, applicant's agent, spoke in support.

Councillor Jacqueline Carwardine left the meeting at 11:13 a.m.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained the application was contrary to Walford neighbourhood development plan (NDP) policy 17 and core strategy policy RA2 as the proposal did not meet the local housing need of 2/3 bedroom houses. Furthermore, the application did not meet the requirements of NDP policies 2 and 4 and core strategy policies SS6 and LD1 as the proposed houses did not preserve or enhance the character of the area. The local area was adversely affected by in-filling and urbanisation. The current application was prominent in the landscape and the design of the houses was urban, out of keeping and dominant in the local setting. The council's principal environment officer had expressed concerns regarding the domineering nature of the houses and the adverse effects on the local landscape. The application proposed housing which did not meet the local housing need, which was contrary to core strategy policies SS2 and RA2 and NDP policy 17. The size, scale, bulk and design of the houses posed a harmful impact on the landscape which was contrary to core strategy policies SS6, RA1, RA2, LD1 and NDP policies 2 and 4.

The committee debated the application and was divided as to the acceptability of the proposals; the following principal points were raised:

- The application proposed two additional dwellings in the local area which was not felt to be excessive and did not pose an adverse impact on the local landscape;
- It was doubted whether the construction of 2/3 bedroom houses or affordable housing in the area was viable;
- The site was allocated for development in the NDP but cumulative development in the area was a concern;
- The proposed houses were felt to be in keeping with the style locally and the topography of the area;
- The Levelling-up and Regeneration Act 2023 was raised and the greater weight that needed to be given to protection of national landscapes;
- The visibility of the developments in the local setting was raised and it was queried whether the landscape and visual impacts assessment (LVIA) undertaken on the application was credible given it had not used views from Coppett Hill;
- The slope of Lays Hill was highly visible in the surrounding area with the driveway proposed and vehicles providing reflective surfaces which would impact negatively on the national landscape;
- It was noted that the size and scale of the houses had been adjusted during the application process and the number of houses proposed on site had been reduced from three to the current two;
- The scale of the groundworks on site and its impact on the landscape was raised as a concern; The proposed swale and cut and fill would create an unnatural landform and adverse impact on the appearance of the development on the landscape.

The development manager provided the following points of clarification:

- the LVIA had used views from across the valley and it was considered that the proposed houses would be seen within the context of other development adjacent to site. The cladding and timber roofing were felt to be less prominent than render; and
- the applicant would be engaged to seek assurance that the groundworks on site would be within a scale that was not obtrusive on the landscape.

The local ward member was given the opportunity to close the debate. He explained that the application did not address local housing needs and was in disregard of a national landscape. The committee was urged to refuse the application.

Councillor Polly Andrews proposed and councillor Dave Davis seconded a motion that the application be approved in accordance with the case officer's recommendation. The motion was put to the vote and 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:

That planning permission be granted subject to the following conditions:

Standard Conditions

1. Time limit for commencement (full permission)
2. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. ES085 P(0)001E; ES085 P(0)002C; ES085 P(0)003C; ES085 P(0)004C; ES085 P(0)005C; ES085 P(0)006C ES085 P(0)011A and Location Plan 05 March 2025).
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 WALF2, WALF6:, and WALF10 and the National Planning Policy Framework.

Pre Commencement Conditions

3. Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) including a fully detailed and specified Ecological Working Method Statement and details of an appointed Ecological Clerk of Works, 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 , NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

4. No development shall commence until a revised surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved drainage strategy, and no surface water shall discharge to the public highway.

Reason: To ensure that adequate provision is made for surface water drainage, to prevent increased risk of flooding and runoff to the public highway, and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework.

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

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

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

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

6. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres

back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 24 metres to the South West and 27 metres to the North East 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.

Pre- Occupation Conditions

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. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of three cars per dwellinghouse which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

9. Prior to the first occupation 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 in relation to the driveway/vehicle turning area.

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.

10. Prior to the first occupation of the development hereby permitted, the construction of the vehicular access shall be completed in accordance with a detailed specification that has first been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed at a gradient not steeper than 1 in 12.

Reason: To ensure the formation of a safe and satisfactory means of access to the highway, in the interests of highway safety and in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Prior to the first occupation of the dwellings hereby approved, 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.

12. Prior to completion of the development or first occupation of any of the dwellings hereby approved, whichever is the sooner, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- b) Full details of the long term future maintenance of all planting proposals.

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.

Post Occupancy and any other stage conditions

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

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

14. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: H.E.C, Arboricultural Impact Assessment and Tree Protection plan.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. The recommendations in the Phase One Habitat Survey and Bat Survey by Ecology Services dated January 2024 in respect of ecological interests on the site, biodiversity net gain and habitat enhancement recommendations, including mitigation-compensation measures and requirement for any relevant protected species licences from Natural England to be obtained prior to approved demolition works commencing, shall be implemented in full and hereafter maintained as approved 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 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.

16. All foul water shall discharge to a new private foul water system (Package Treatment Plant) discharging to a suitable soakaway drainage field on land under the applicant's ownership and all additional surface water shall be managed by appropriate sustainable drainage systems unless otherwise agreed with the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended) National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD3, SD4 and LD2.

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

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

18. No external lighting, including no driveway illumination, 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 10 minutes. 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.

19. Within six months of any of the solar panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference.

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

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

21. 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 shall at any time be placed in the East facing elevation of Unit A (as shown on drawing no. ES085 P(0)003C).

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

22. Notwithstanding the provisions Schedule 2, Part 2, Class A 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 fences, walls or other means of enclosure shall erected within the application site.

Reason: In order to protect the visual amenity of the site and surrounding locality and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status Protected Species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
3. Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.
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 Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, 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 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. 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.

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.

6. 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.
7. 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).

There was an adjournment at 11:45 AM; the meeting reconvened at 11:57 AM

Councillor Simeon Cole resumed his seat on the committee.

53. 242748 - 30 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JB

Councillor Mark Woodall acted as local ward member for the following application.

The senior planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Ms Hannah, spoke on behalf of Leominster Town Council and Mr Peach, the applicant's agent, spoke in support of the application.

Councillor Dave Davis left the meeting at 12:24 p.m.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the application saved a prominent and historic building in Leominster. The new restaurant in Leominster would also help to create footfall in the town and provide a social location for people to meet in the town. There were concerns regarding the application relating to traffic, litter, pests, noise and impact on dietary health. A number of mitigations or conditions were in place to overcome concerns relating to noise, litter and pests. However, concerns regarding the impact on public health posed by fast food remained. It was understood that the food franchise responsible for the application was developing a healthier menu. It was noted that there were a number of other takeaways in the locality but the present application was exempt from rules relating to the concentration of fast food restaurants due to its location within the town centre. The additional highway movements that the restaurant would generate would be in a location which was already busy with traffic attending supermarkets and nearby car parks; the speed of cars within the area was generally slow. The small car park attached to the restaurant was not for customer parking and would ensure that there was no deliveries or service vehicles for the restaurant utilising the public highway. There was concern regarding the noise impact from the site, in particular deliveries occurring overnight causing a disturbance and adversely impacting residential amenity. It was requested that a condition be added to restrict nighttime delivery. It was explained that the building had been in a very poor condition and that the current proposal would ensure that the historic building was restored with elements that were sympathetic with the original design and distinctiveness of the building. It was noted that the proposal was compliant with the Leominster NDP.

In accordance with the council's constitution, the adjoining ward member spoke on the application. In summary, she explained that a number of representations had been received locally for and against the application. It was pleasing the building would be restored and occupied and further applications that would make use of the foyer and frontage. Conditions concerning car parking at the rear of the building, noise, litter and pests were supported. The timings of deliveries to the store and the impact on local residential amenity were concerning. It was noted that the local water provider had recommended grease traps to avoid grease from the restaurant entering the local drainage system; a condition to require the installation of grease traps was supported. The replacement of the Beech tree which had previously been present on the site was welcomed and conditions regarding the exterior signage were supported.

The committee debated the application and was divided as to the acceptability of the proposals; the following principal points were raised:

- The renovation and restoration of an iconic local building was supported;
- There was concern that noise generated by night time deliveries to the store would impact adversely on residential amenity;
- It was felt that the time period in condition 8, years for the planting of replacement trees, should be extended up to 15 to ensure appropriate landscaping of the development into the future;
- The inclusion of a condition requiring the provision of grease traps at the restaurant was supported to avoid the restaurant having an adverse effect on the local waste water infrastructure;
- There was concern regarding the detrimental impact on the health of children and local people posed by local fast food restaurants and takeaways.

The development manager provided the following points of clarification;

- A condition that prohibited nighttime deliveries could be imposed. However, there would need to be consultation with the applicant to determine how deliveries could be made whilst avoiding nighttime hours. The final details of a condition relating to a prohibition of nighttime deliveries would be subject to consultation with the local ward members and the chairman of the planning committee;
- A condition could be added to use and maintain grease traps at the restaurant;
- An extension of the period of up to 15 years for the planting of replacement trees in condition 8 could be included in the permission.

The local ward member and the adjacent ward member were given the opportunity to close the debate.

Councillor Bruce Baker proposed and counsellor Richard Thomas seconded a motion that the application be approved with a change to the conditions as set out below:

- No nighttime deliveries (the finalisation of the condition will be undertaken following consultation with the applicant, local ward members and the committee chairman)
- The inclusion of a condition to use and maintain grease traps at the restaurant;
- An extension of the period of time up to 15 years for the planting of replacement trees in condition 8.

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, those conditions and changes to conditions set out above (no nighttime deliveries/grease traps/extension to tree re-planting) and any other further conditions or amendments to conditions considered necessary by officers named in the scheme of delegation to officers:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (Unnumbered Site location Plan (received 24/10/2024), 0000/2023/G121 Rev F – Proposed site plan, 0000/2023/G100 Rev E – Proposed GF general arrangement, 0000/2023/F100 Rev D – Proposed FF general arrangement, 0000/2023/G212 Rev D – Proposed external elevation A&B, 0000/2023/G213 Rev C – Proposed external elevations C&D) 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 LANP6 and LANP14 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.
3. **Prior to the first use of the development hereby approved, an Environmental Noise Assessment to include a survey of the existing noise levels on site (including night time), details of mechanical services equipment along with predicted noise levels with an impact assessment and appropriate mitigation for each of the identified**

noise sources shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the approved details and the development shall be carried out thereafter in accordance with the approved details.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

4. Prior to the first use of the development hereby approved, details of each separate extract flue proposed, including the type of filtration system, length of internal ductwork, residence time of flue gases, height of terminus, and maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

5. Prior to the first use of the development hereby approved, a Litter Management Plan, including plans for the provision of public waste bins within the site and commercial waste generated from the site shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1, of Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

6. Prior to the first use of the development hereby approved, a Pest Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy LNAP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

7. Prior to the first use of the development hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the development shall be submitted to and approved in writing by the Local Planning Authority.

The covered and secure cycle parking facilities shall be carried out in 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. All planting, seeding or turf laying in the approved plans (0000/2023/G121 Rev F) shall be carried out in the first planting season following completion of the development. Any trees or plants which die, are removed or become severely damaged or diseased within 15 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the soft landscaping approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policy LANP9 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

9. 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.

10. The use hereby permitted shall not be open to customers outside the hours of [0900 to 2300] Sundays to Thursdays and [0900 and 2330] Fridays and Saturdays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy LANP5 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

11. The use of the car park as identified on plan number 0000/2023/G121 Rev F shall be carried out strictly in accordance with the submitted Car Parking Management Plan (Received 31/07/2025).

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

12. All servicing and deliveries to the site shall take place within the designated on-site areas as shown on the approved plans within the Car Parking Management Plan (received 31/07/2025).

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

13. All external soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals proposed shall be supplied or painted matt black and maintained as such thereafter.

Reason: To safeguard the architectural interest and character of the building as a non-designated heritage assets and the character of the Leominster Conservation Area under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, Policy LANP14 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework

14. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to accord with policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

INFORMATIVES:

1. The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

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

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

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

2. All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
- intentionally kill, injure or take any wild bird
 - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - intentionally take or destroy the egg of any wild bird
 - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a

nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

- 3. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application). Separate application should be made to Herefordshire Council in accordance with the Town and Country Planning (Control of Advertisements)(England) Regulations 2007.**

Councillor Woodall resumed his seat on the committee.

54. 243059 - LAND AT GRENDON MANOR FARM, BREDENBURY, BROMYARD, HR7 4TH

Councillor Baker acted as local ward member for the application below.

The senior planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Hulse spoke on behalf of Bredenbury Group Parish Council and Mr Tompkins, 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 two generations of the same family lived on the farm. The younger generation now required a home on the farm to start a young family whilst managing the operation of the farm effectively. The conclusion of the rural planning appraisal that the farmer should live in Bromyard was not credible and were not supported. A house was required on the farm to respond to alarms from the chicken houses, protect livestock welfare and ensure bio security. The proposed home was set away from the main farm buildings to ensure the safety of a young family. Paragraph 84e of the NPPF allows for houses in the countryside where there is an essential need for an agricultural worker; the present application was in accordance with this paragraph. The committee was urged to approve the application.

The committee debated the application. The committee was assured that there was a need for the dwelling for the farm manager to be present on the site for the effective management of operations. There was however division among the members of the committee regarding the location of the proposed house. Some members of the committee were concerned that the positioning of the proposed house posed an

unacceptable impact on the landscape and the proposed dwelling should be positioned in closer proximity to the established farmhouse and farm buildings on the farm.

Councillor Peter Hamblin proposed and Councillor Richard Thomas seconded a motion that the application be approved. The motion was withdrawn.

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

Councillor Woodall proposed and Councillor Foxton seconded a motion that the application be refused in accordance with case officer recommendation 2 only. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

That planning permission be REFUSED for the following reason:

The proposed development, due to its elevated and isolated location within the rural landscape, its detachment from existing built form, and its failure to reflect the historic pattern of development, would result in adverse impacts on the character and visual amenity of the area. For these reasons, the proposal is contrary to Policies RA4 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BW&GB10 of the Bredenbury and District Group Neighbourhood Development Plan and the National Planning Policy Framework.

55. APPENDIX - SCHEDULE OF UPDATES AND PUBLIC SPEAKERS - 10 DECEMBER 2025 (PAGES 19 - 54)

The meeting ended at 1.40 pm

Chairperson



Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 10 December 2025

10.00 am

**Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE**

Schedule of updates

Public speakers

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PLANNING COMMITTEE

Date: 10 DECEMBER 2025

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

6 230432 - PROPOSED ERECTION OF 7 TOWNHOUSES WITH ASSOCIATED DEVELOPMENT AT LAND TO THE REAR OF PROSPECT PLACE, ST MARTINS AVENUE, HEREFORD.

For: Mr Tobin per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN

ADDITIONAL REPRESENTATIONS

Further to the publication of the officer report, an additional 4 letters of representation have been received from 1 interested party. They have been published on the application webpage although are also provided below for convenience:

Representation 1 (2 December 2025)

"Dear Mr. Bailey, It has just been brought to my attention that the Council has not required the applicant to provide an Update to the submitted Preliminary Ecological Assessment originally produced 2019. The Council's Ecologist states in their July response that

"With no PRFs present and no change in very low likelihood of presence of protected species the LPA has no reasonable cause to require an updated ecological assessment prior to determination."

This response contradicts the CIEEM Advice Note on the 'Lifespan of Ecological reports & Surveys' (April 2019) (see attached). This Note states that with reports between 18 months and 3 years that

"The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken".

For reports more than three years old "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist".

I am reliably informed that any data search from the Council's resources undertaken in 2019 would now be out of date. The site also lies in proximity of the River Wye SSSI (at least 110 metres) and the possible mobility of European Protected Species since 2019 renders the report out of date and in need of updating. Can I ask that your Council reconsider its acceptance of this six year old Assessment given the foregoing?

*Thank you.
Paul Smith MRTPI"*

Representation 2 (2 December 2025)

"Dear Mr. Bailey,

I have just received the attached. Can you advise me how you intend to address the issue of the unregistered land along the alleyway access? Has this matter been resolved?

*Regards,
Paul Smith MRTPI*

Representation 3 (3 December 2025)

Schedule of Committee Updates

"Dear Mr. Bailey,

Thank you for seeking a response from the applicant over the legal position over the alleyway access. I see that you have added the Certificate D Notice to the application file but not the Certificate D itself. Can you arrange for the removal of the Certificate A dated 1 February 2023 from the application form and add the Certificate D (and not just the Notice) to the file to render the application correct and valid? Certificates A and D are mutually exclusive. Further, Certificate D requires the applicant to confirm that reasonable steps have been taken to find the names and addresses of everyone else who on the day 21 days before the date of the application was the owner to which the application relates. How can this be confirmed before the Planning Committee on 10 December?

*Your sincerely,
Paul Smith"*

Representation 4 (4 December 2025)

"Dear Mr. Bailey,

Regarding the forthcoming site visit by councillors, to whom should submit a request that councillors view the proposal from the rear garden of no. 21 St Martins Street regarding the issue of overlooking?

*Regards,
Paul Smith"*

OFFICER COMMENTS

Matters pertaining to the validity of the ecological survey is discussed at 7.134 of the report. For avoidance of doubt, an update letter submitted in 2023 advises that the extended Phase 1 ecology survey, written and reviewed in 2019, is still an accurate representation of the site. The Council's Ecologist in their most comments of 31 July 2025 advises that with no potential roosting features present and no change in the very low likelihood of presence of protected species, the Local Planning Authority has no reasonable cause to require an updated ecological assessment prior to determination of this application from the applicant.

With regards to the unregistered land along the alleyway access, the local planning authority received a completed Notice under Article 13 (Notice of applications for planning permission) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 on 28 November 2025 from the applicants' agent. A signed Certificate D was subsequently received by the Local Planning Authority on 3 December 2025 again from the applicants' agent. Notice under Article 13 regarding the ownership certificate went into the Local Press on 4 December 2025. As a result of the change to the ownership certificate, officers erected new site notices around the application site on 9 December 2025 and this consultation expires on 5 January 2026. In reaffirming 7.151 of the report, this procedural matter does not prevent the Committee from being able to make a resolution, it simply it means that no formal determination of the application would be made until 6 January 2026 at the earliest.

Requests to visit and view proposals from third party properties is at the discretion of the Chairperson of the Planning & Regulatory Committee (or the substitute Chairperson at the Planning Site Inspection in the absence of the Chairperson of the Planning & Regulatory Committee). Members who attended the site inspection did visit the application site and surrounding public receptors, including St Martins Avenue and Bishops Meadow, to be able to consider both the site setting and its surroundings which includes consideration of impacts on residential amenity.

Given ii) of the original officer recommendation has been complied with, a revised officer recommendation is proposed as set out below.

CHANGE TO RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary by officers, subject to:

- i) the completion of a Section 106 Town & Country Planning Act 1990 planning obligation agreement to secure financial contributions towards the management costs of flood risk infrastructure as operated by the Environment Agency (with draft agreement to be published for a minimum of 10 working days prior to determination of the application); and*
- ii) no new material planning considerations arising which may otherwise lead to a revised officer recommendation.*

7 240309 - THE PROPOSED ERECTION OF 2 NO. DWELLINGS AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING AND DRAINAGE AT LAND NORTH OF LEYS HILL, BISHOPSWOOD, ROSS-ON-WYE

For: Thomas per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

A further representation has been provided by Walford Parish Council in lieu of their inability to address the Planning Committee in person. The summary of comments is as follows:

- 1. Inadequate Housing Needs:** The proposed development comprises two large, four bedroom dwellings that fail to address the identified local community housing needs outlined in the Walford Neighbourhood Development Plan and the Core Strategy.
- 2. Conflict with Local Character and Landscape Quality:** The development is deemed incompatible with the local character and landscape quality of the area. It would negatively impact the appearance and setting of the rural landscape.
- 3. Inappropriateness of Dwellings:** The characteristics of the proposed dwellings, including their size, scale, massing, and urbanising effects, are deemed inappropriate for the local vernacular of small wayside cottages and individual dwellings in the area.
- 4. Negative Impact on Surrounding Views:** The Principal Natural Environment Officer has expressed concerns that the proposed dwellings would stand out as negative features and exacerbate the incongruity of the development in surrounding views.
- 5. Driveway Construction:** Parish Council is concerned that the driveway now goes higher up the hillside, and adds to the concerns it already has over surface water drainage.
- 6. Inadequate Junction:** In 2016, the highways officer reported that the junction to the lane was dangerous and substandard. While council is awaiting the introduction of an experimental 30mph speed limit which it is hoped will improve safety, four bedroom

houses may lead to a disproportionate number of additional vehicles using the lane and junction

OFFICER COMMENTS

For the avoidance of doubt, Officers wish to clarify that the proposed height of the ground floor slab levels above road level is around 8.5-9 metres

NO CHANGE TO RECOMMENDATION

8 242748 - PROPOSED ALTERATIONS TO AND CHANGE OF USE OF EXISTING BUILDING TO ALLOW OCCUPATION FOR CLASS E(B)/SUI GENERIS (HOT FOOD TAKEAWAY) USE, INCLUDING THE PROVISION OF DESIGNATED CAR PARKING AREA AND ALTERATIONS TO EXISTING ELEVATIONS. AT 30 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JB

For: NNA Ltd per Ms Polly Mason, De La Bere House, Bayshill Road, Cheltenham, GL50 3AW

ADDITIONAL REPRESENTATIONS

Officers have received and are aware that Members have also received an email attaching a 'Briefing note' and 'Good Neighbour Document' (See Appendix 1) from the applicants Strategic Communications Consultant.

Officers do not consider the documents to raise any new material considerations not already addressed within the officers' report.

OFFICER COMMENTS

Officers have reviewed the plans submitted and note the inconsistency with respect to the 3 trees represented on the plan, not conforming to the annotated no. 4 trees to be planted. As such, Officers recommend a change to condition 8 as set out below.

CHANGE TO RECOMMENDATION

Change to condition 8 as follows:

Condition 8:

Notwithstanding plan number 0000/2023/G121 Rev F – Proposed site plan, A landscape scheme to include a tree planting specification shall be submitted to and approved in writing by the local planning Authority, prior to first use of the site as approved.

All planting, seeding or turf laying shall be carried out in the first planting season following completion of the development in accordance with the approved scheme.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the soft landscaping approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policy LANP9 of the Leominster Neighbourhood Development Plan and the National Planning Policy Framework.

9 243059 - THE ERECTION OF ONE SELF-BUILD AGRICULTURAL WORKER'S DWELLING AND ASSOCIATED WORKS AT LAND AT GRENDON MANOR FARM, BREDENBURY, BROMYARD, HR7 4TH

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

Officers note that the 'Appendix 1' as referenced in paragraph 4.9 of the Committee Report had not been published with the papers. This has been published with the papers and the application today and is appended to these updates for ease of reference.

It is noted that the documents had previously been published to the website here since February 2025: <https://myaccount.herefordshire.gov.uk/documents?id=b9db6307-f356-11ef-908b-005056ab11cd>

NO CHANGE TO RECOMMENDATION

Appendices

Appendix 1 (a) – Item 8 (242748) – Good Neighbour document

Appendix 1 (b) – Item 8 (242748) – Briefing Note

Appendix 2 – Item 9 (243059) – Rural Planning Appraisal (listed as appendix 1 in original report)



OUR COMMITMENT TO BEING A GOOD NEIGHBOUR

Think you know about KFC – the nation's favourite, and original finger lickin' chicken? Think again.

With great chicken (and we know we have great chicken!), comes great responsibility. We are committed to being a Good Neighbour in the heart of the communities where we have restaurants. As a business with more than 1,000 restaurants across the UK and Ireland, we know we have an active and important role to play in promoting social responsibility. The jobs that we create and the footfall we drive play a crucial role in supporting the local jobs market and the regeneration of high streets across the country. Local jobs mean local investment and growth. But at KFC, we are so much more than that. We believe in feeding people's potential, investing in the next generation and creating a more sustainable and equitable future for young people.

KFC - AT A GLANCE

- In 2022, we launched Hatch, a pre-employment training programme, in partnership with UK Youth.
- The KFC Youth Foundation has provided over £10 million of charitable grants (so far!)
- Over 2,500,000 meals donated via our partnership with FareShare
- Over 50,000 bags of litter collected in partnership with Keep Britain Tidy.

HATCH
UK YOUTH x KFC

HATCH

- In 2022, we launched Hatch in partnership with UK Youth, a pre-employment training programme. The Hatch programme has been designed to support 16-24-year-olds, who have faced barriers to employment to find work.
- Our programme offers 1-2-1 training, support, and practical work experience, with a guaranteed interview for a role at KFC upon graduation. Now in its third year, Hatch has supported over 1,000 young people with pre-employment training. Hatch is now run directly by KFC and KFC Youth Foundation to enable the scheme to be more adaptive and flexible.
- Our experience with Hatch shows that pre-employment training has a huge role to play in helping young people to successfully enter the world of work. By 2030, KFC aims for a third of all new hires to be young people through Hatch.



100% of our chicken on the bone comes from British Red Tractor farms.

OUR FOOD

- As a leading UK restaurant business, we have a role to play in helping people have access to nutritious, good food. Food that is fast does not have to be junk, and we are proud of our work to date to improve the nutritional content of our food.
- Our chicken is freshly prepared and hand breaded in restaurant every day by our talented chefs.
- In 2024 we launched our Nutrition Update. The report will be published annually to update where we are in our nutrition journey, as well as report on our progress and set ambitious goals. Through this work we want to be open and transparent about our food and how we are delivering meaningful improvements to our menu and for our customers.
- Changes we have already delivered include; reformulating our fries and removing salt from them – thereby removing 13 billion calories a year from our menu; removing full-sugar Pepsi from our menu, removing a further 8 billion calories from our menu each year; the first QSR to launch a Vegan Burger; increasing our menu range to give more balanced choice for our customers, including '600 kcals or less' options like Riceboxes, Twister Wraps and Salads.
- We want to go further and continue to innovate across our menu. Our annual Nutrition Report will set out further changes.



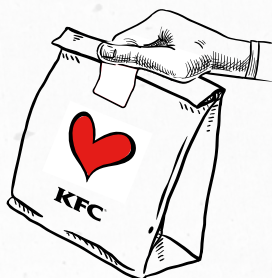
KFC YOUTH FOUNDATION

- KFC Youth Foundation was set-up to empower young people in the UK to fulfil their potential by providing safe spaces, build life skills and provide mentoring to help them build a positive future.
- Since 2020, there have been more than 300 grants (over £10 million) given out via the KFC Youth Foundation programme to youth charities and organisations across the UK.
- In 2024 we have opened a permanent KFC Youth Foundation centre in Middlesbrough, which will aid young people with tools and skills to find sustainable employment, self value and belief in themselves. The Foundation is planning to open five Youth Hubs across the country in areas that need them most by 2030.



FOOD DONATION

- Over 7 million people in the UK are struggling to afford to eat. As a food business, we strongly believe that no child should ever go to bed hungry.
- Since November 2021, KFC has partnered with the charity FareShare on a nationwide food redistribution programme, redistributing the equivalent of over 2,500,000 meals and supporting a network of over 925 charities and community groups across the UK.
- The partnership was FareShare's first venture into frozen food, diversifying the food available to people facing hunger and providing much needed protein.



LITTER PREVENTION

- We've stepped up our efforts to address littering in our local communities with a litter commitment, we've provided; more litter-picking around our restaurants, more communication with our customers, including anti-littering messaging signage and in-restaurant audio to encourage responsible behaviour.
- Our partnership with Keep Britain Tidy has been running over the past 5 years, annually taking part in the Great British Spring Clean campaign, which has seen over 50,000 bags of litter collected thus far.
- In 2023, we provided a £45,000 grant to support hundreds of local litter picking groups and help them to buy new litter picking equipment.
- In 2023, we worked with charity Hubbub on a behaviour change campaign around litter prevention. Together we created solar-powered Big Ballot Bins that asked members of the public to vote, using their litter, on topical subjects – in Manchester we asked locals who they preferred, Noel or Liam. The litter captured by Big Ballot Bins was analysed and on average, drinks litter was reduced by approximately 70% and food litter by around 60% within 20 metres of the bins.



ANIMAL WELFARE

- You won't be surprised to know that at KFC, great tasting chicken matters. Our chickens, like all animals, deserve to be treated well – it's as simple as that. That's why chicken welfare is a key priority for our business.
- We use fresh wholesome chicken across all our restaurants. 100% of our chicken on the bone comes from British Red Tractor farms.
- When it comes to eggs, 100% of all ingredient and processed egg used within KFC UK&I products is sourced from cage free systems. We do not use any fresh shell eggs.
- We work closely with experts in the field, including Compassion in World Farming (CIWF), FAI Farms and other organisations to continually improve our standards.



Planning and Regulatory Committee:

P242748/F 30 SOUTH STREET, LEOMINSTER, HR6 8JB

Wednesday 10th December

ABOUT THE **APPLICANT**

**THE APPLICATION HAS BEEN BROUGHT FORWARD BY NNA LTD,
AN AWARD-WINNING FAMILY-OWNED FRANCHISE BUSINESS.**

NNA Ltd is run by Gerard and Martina Nicholas, who live in the Forest of Dean and this year marked their 43rd year as key franchise partners for KFC and Gerard's 50th year working for the brand.

As a locally based business, they employ over 380 staff across the region and have won a number of prestigious awards in recognition of their high standards and performance. Recent award wins include; KFC Heart Led Leader award at the KFC Global Franchisee Convention; Partner of the Year (2024), Area Coach of the Year (2024) and Operational Excellence (2024). To top this all off, they have just recently won UK Franchisee of the Year 2025!



**GERARD AND
MARTINA NICHOLAS**



KFC are proud to have been able to serve our customers over the past 60 years by offering fresh, quality food at great value. We have a responsibility to our customers and the communities in which we are situated for the food we serve, and it is one that is taken very seriously. That is why we are committed to being open and transparent about what goes into our menu.

KFC BRAND SUPPORT

NNA Ltd are backed by the KFC brand who support and bolster their own experience. In addition to KFC's commitment to serving great chicken and food, it is committed to feeding people's potential, investing in the next generation and creating a more sustainable and equitable future for young people.

In 2024, we published our first Nutrition Update where we set ourselves measurable ambitions to improve our menu. We were very pleased to report in our March 2025 update that 67% of our permanent menu is now classified non-HFSS (High in fat, sugar or salt), well on our way to our target of 70% by the end of the year.

BENEFITS

THE PLANS WOULD PROVIDE A RANGE OF BENEFITS, INCLUDING:



TOWN CENTRE REGENERATION

Bringing back into good use a vacant, underutilised building that is at risk of long-term vacancy and degradation.



SIGNIFICANT ECONOMIC BENEFITS

Every KFC restaurant delivers on average 32.5 new jobs and a £620,000 economic (GVA – Gross Value Added) uplift for the local area.



CREATING A VIABLE AND ATTRACTIVE FUTURE

For a sustainably located town centre site that would increase footfall in the town centre by promoting active travel and transport to the site.



FILLING AN UNMET MARKET NEED

For high quality food options, providing wider choices for the Leominster community.



A CAREFULLY CONSIDERED SCHEME DESIGN

Maintaining key elements of the existing building, including the Art Deco Facade, in keeping with the Conservation Area.



BUSINESS RATES CONTRIBUTIONS

A thriving, considerably managed restaurant would deliver business rate contributions to the council, compared to its current vacancy.

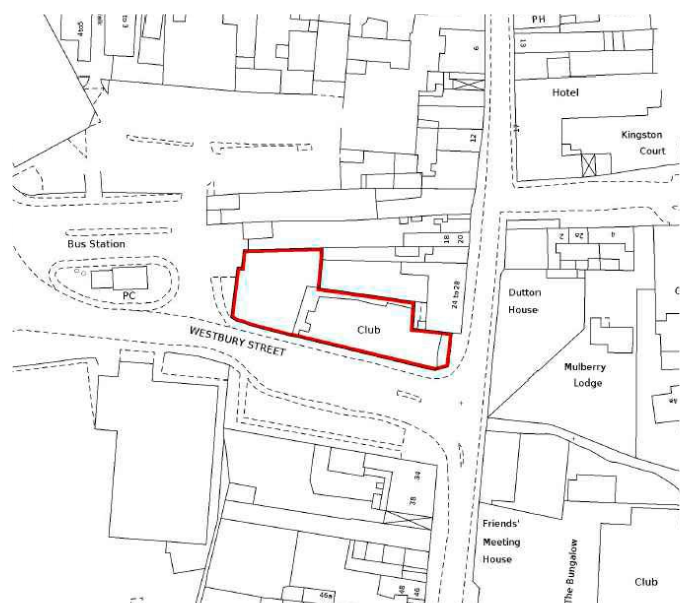
THE SITE, IN NEED OF REGENERATION

THE BROWNFIELD SITE, 30 SOUTH STREET, LEOMINSTER, COMPRISES A FORMER BINGO HALL (PREVIOUSLY A CINEMA) WHICH HAS BEEN VACANT EVER SINCE THE PANDEMIC.

The use of the building for its historic purposes as a bingo hall / cinema is no longer viable. From September 2022 – March 2024 when the building was advertised for sale, there was **no interest from bingo hall or cinema operators.**

Planning policies state in Leominster town centre, development for retail and commercial uses will be encouraged where there is sympathetic re-use and improvement of existing premises.

An alternative use has to be secured to avoid the continued long term vacancy and degradation of this key town centre site.



THE SITE CURRENTLY



View of site from South Street. The current art deco facade of the cinema will be retained.



View of the site from Westbury Street.

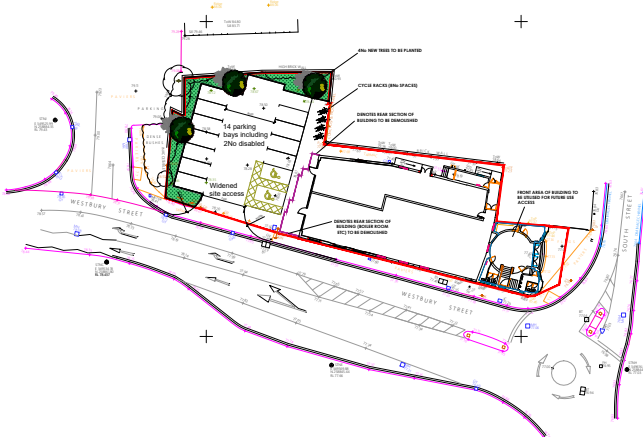
THE PROPOSALS

THE CHANGE OF USE APPLICATION IS FOR “ALTERATIONS TO AND CHANGE OF USE OF EXISTING BUILDING TO ALLOW OCCUPATION FOR CLASS E(B) / SUI GENERIS (HOT FOOD TAKEAWY) USE, INCLUDING THE PROVISION OF DESIGNATED CAR PARKING AREA AND ALTERATIONS TO EXISTING ELEVATIONS”.

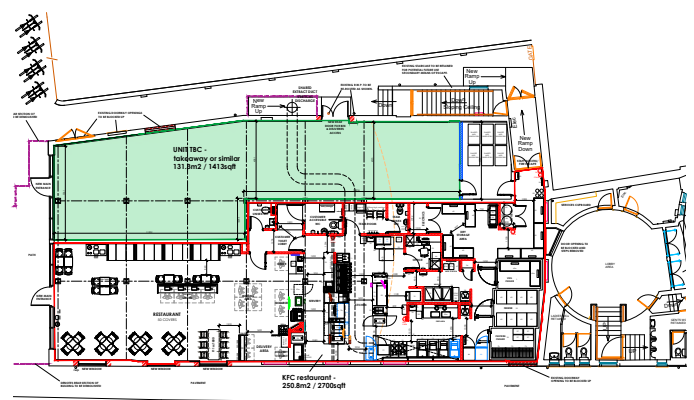
The plans include one 250m² drive-to KFC, a 131m² takeaway or similar unit and a 14-space staff car park and widened site access from Westbury Street.

No discussions have been had to date with a potential operator of the additional unit.

The proposal will be complementary to the established retail and leisure uses in the local area and Leominster town centre. The planning consent would allow a significant visual upgrade to the western elevation that will act as a catalyst and generate interest in the additional unit.



RED LINE SHOWING THE APPLICATION AREA



PROPOSED GROUND FLOOR GENERAL ARRANGEMENT

DESIGN AND HERITAGE

CAREFUL CONSIDERATION HAS BEEN GIVEN TO THE CONSERVATION AREA AND ADJACENT LISTED BUILDING.

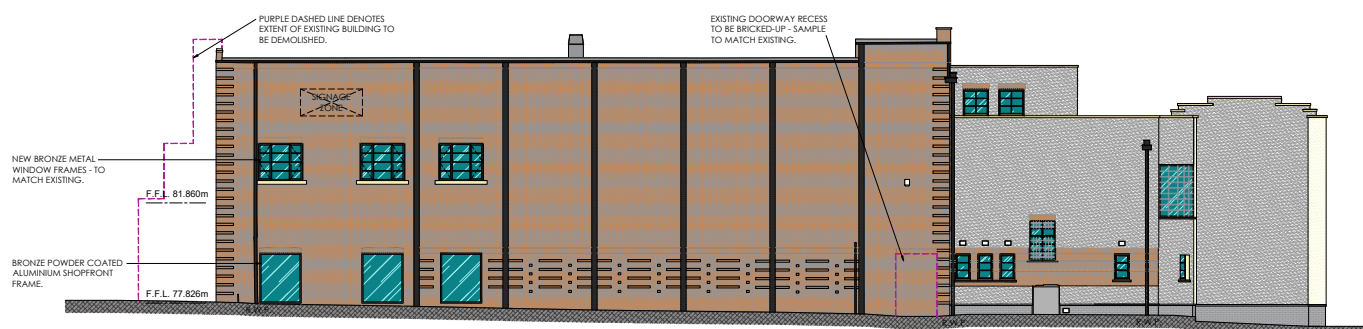
The proposals will not have a significant impact on the character and appearance of the Conservation Area or adjacent listed building, and indeed the regeneration of the currently vacant site will have a number of benefits for the town centre.

The proposals do not include works to the existing foyer / lobby space on the corner of Westbury Street and South Street, preserving and protecting the existing Art Deco Façade and interiors.

Since submitting the application, key design changes have been made to incorporate feedback relating to heritage, including the removal of some upper floor windows fronting Westbury Street. As a result, the plans have no objection from Hereford Council's Building Conservation Officer.



PROPOSED ELEVATION FROM SOUTH STREET, SHOWING THE RETENTION OF THE EXISTING FAÇADE



PROPOSED ELEVATION FROM WESTBURY STREET, SHOWING A SLIGHTLY REDUCED BUILDING MASSING TO CURRENT BUILDING

ACCESS, HIGHWAYS AND PARKING

THE SITE IS IN A HIGHLY SUSTAINABLE LOCATION AND THERE ARE OPPORTUNITIES FOR THE USE OF SUSTAINABLE MODES OF TRANSPORT TO GET TO THE SITE E.G. ARRIVING ON FOOT AND VIA BICYCLE, BUS OR RAIL.

The Transport Statement concluded the proposals would not create any significant or material increase in traffic generation. The KFC restaurant would cater primarily for shoppers that are already in the locality and walk in trade. It is not expected to specifically cater to people travelling to the site by vehicle from further distances.

In-line with Highways officer feedback, the proposed parking spaces would be exclusively for staff parking and deliveries. Customer parking would be accommodated within existing town centre public car parks.

As a result of both the carefully considered scheme design and updates that have been made to the proposals following officer engagement, including the removal of proposed customer parking, transport officers have said that the plans are acceptable.

CONCLUSION

The proposal before you would deliver substantial investment by a locally based family-owned business committed to sensitively regenerate the site and secure its long term future.

The previous uses of the former Clifton Cinema/Bingo are no longer appropriate, have seen no interest by operators and would not deliver the investment needed. Enabling a new appropriate use that would revitalise the site and bring back economic activity should be encouraged.

Since submitting the application, numerous members of the public have submitted comments in support of the application. Key themes include the economic benefits including job creation, alongside attracting further footfall and investment to Leominster town centre.

It is clear that this application would deliver significant benefits and enable the revitalisation of an underutilised building within the town centre, aligning with the strategic objectives of national and local policy.

We hope you will grant your approval to the significant new investment to revitalise a key town centre site, filling a market need, and delivering local economic benefits.

KFC



FOX RURAL

PLANNING & LAND MANAGEMENT

HEREFORDSHIRE COUNCIL
RURAL PLANNING APPRAISAL

PROPOSED RURAL WORKER'S DWELLING

AT

**GRENDON MANOR
BREDENBURY**

PLANNING REFERENCE – 243059

REFERENCE

FOX RURAL has been commissioned to provide an appraisal of the justification of a new farm worker's dwelling at Grendon Manor, Bredenbury, further to an outline planning application.

Previously I had met the applicant (Massie Piggott) and family members, together with their agent, plus Amber Morris and Ollie Jones in attendance, on 2nd July 2024, in relation to an application for pre-application advice on the proposal for a new dwelling. As a result, it was agreed that a desktop appraisal was appropriate on this occasion.

1.0 OVERVIEW

1.01 Location

The farmstead is situated to the south of the A44 just to the west of Bredenbury.

OS Grid Reference - SO595567.

1.02 Background and History

There are currently two dwellings on the farm, and an outline application was submitted in 2023 (P223950/O) for a further rural worker's dwelling. I was then commissioned to undertake an essential need appraisal which I submitted to the authority on the 26th April 2023. I concluded that there was no essential need for a further dwelling at Grendon Manor. The application was withdrawn in July 2023.

The situation then changed with one of the dwellings, previously not available to the farming business becoming available, since the recent death of the applicant's father. In addition, the applicant had made the decision to retire as from August 2024, with the intention to hand over the management of the farm to his son ■■■.

It was in light of these changes/proposals that the applicant wanted to explore the possibility of applying again for a worker's dwelling, which would be a residence for ■■■, whilst the applicant would continue to reside in the farmhouse.

An application for pre-application advice was submitted (241281), and despite the change in circumstances, the conclusion was that there was no essential need for a further dwelling.

The applicant has now applied for the dwelling based on an opinion that there is an essential need, whilst raising issues with regard the Fox Rural pre-application appraisal.

This appraisal will look afresh at the case taking into account the latest submitted documents.

2.0 CURRENT SITUATION

2.01 Ownership and Occupation

Grendon Manor consists of dwellings, modern farm buildings and c250 acres.

A further 150 acres nearby is farmed on a Share Farming Agreement.

All is farmed by the farming partnership 'MG, SJ & JJ Piggott' which consists of Massie Piggott, his wife ■■■ and son ■■■.

2.02 Enterprises

Arable

Around 350 acres of arable crops are grown each year, which include Winter Wheat, Winter Barley, Oil Seed Rape, and Oats.

Sheep

There is c50 acres of grass leys and pasture on which the family run a flock of c300 ewes which include North Country Mules and other commercial breeds. Charolais and Texel tups are used. The flock is lambled in two batches spanning February to April.

The lambs are finished and sold either direct to [REDACTED] or through Hereford Market.

Poultry

The family had reared Turkeys for nearly 30 years but have now changed over to Broilers through converting the existing sheds. These sheds now produce 168,000 broilers per flock and c7.5 flocks each year i.e. 1.26 million birds per annum with the partnership still contracted to [REDACTED].

[REDACTED] supplies the day-old chicks. There would then would typically be a thinning of approximately 30% of the flock at around 30 days with the remainder killed at 36 to 40 days. The removal of smaller birds, maintains the stocking density in accordance with regulations and also satisfies markets for smaller birds.

The sheds are automated with regard feed and water. They are insulated and equipped with automated ventilation and heating systems to maintain house temperatures on or close to the optimum temperature appropriate for the age of the birds, regardless of outside temperature.

There is a wood chip biomass boiler that provides the heat with gas back up in case of blockages or issues with electricity supply.

As the birds grow and the live mass increases, the heat given off from the birds increases and the houses require less heat input. This will of course depend on the time of year, and the system relies on constant automated adjustment.

Prior to slaughter, broilers are “caught” before being transported to the works. This work is carried out at night, so as to minimise stress to livestock. Catching staff and transport is provided by [REDACTED], whilst the family would be responsible for overseeing the process in order to ensure bird welfare.

Following the transport of birds off farm, extensive cleaning and maintenance is required before the next crop arrives. These works include removal of litter, cleaning the sheds and putting down fresh bedding. Automated systems including feeders, heating and water supply are maintained and primed during this period. This work is organised by the family, and typically, there would be c7 days between crops.

To combat the issue of automated system failure, the sheds are connected to an alarm system as installed by [REDACTED]. The system monitors the temperature in the sheds and triggers alarms for unintended climate changes, and also production equipment failures eg feed and water lines. In the event of a power cut there is an automated generators that kicks in.

Whenever there is a ‘breakdown’ there is an audible alarm for each of the sheds. In addition, the alarm system is monitored by [REDACTED] Ltd who via a tumbledown system dial in turn the Poultry Manager then [REDACTED], and continue dialling until a response is received that a member of staff is aware of the alarm. If the audible alarms are

heard first then the person responsible has to ring Custodian and submit a code to stop/prevent the dialling.

Once aware, then the person responsible would have to get to the sheds as soon as possible to identify and rectify the situation. It should be noted that temperature response levels are set within parameters to allow sufficient notice and time to take appropriate action.

Animal Feed

The family produce a variety of animal feed mixes for sale utilising home grown arable crops and their own mill and mix unit.

I understand that they have been providing this service for local livestock farmers since the mid 90's. The buyers have to collect the feed from Grendon Manor.

Bed & Breakfast

The family has built up a successful B&B business, annexing the southern wing of the house and creating 5 ensuite bedrooms. This enterprise has been boosted by the nearby and recently created wedding venue of Bredenbury Court Barns.

2.03 Labour

Massie Piggott [REDACTED] was full time on the farm, [REDACTED]
[REDACTED] he has now retired from physical farm work. A full-time farm labourer is being sourced to fill this gap.

■■■ Piggott ■■■ is now managing the day to day running of the farm, especially in respect of the Arable, Sheep and Feed enterprises, and helps out with the broiler unit, which was one of the roles his father undertook.

■■■ Piggott, will I understand continue to manage the B&B business and oversee the farm accounts.

The partnership also employs a Poultry Manager and a General Farm Worker, with contractors used for round baling and hedge cutting.

2.04 Buildings and Equipment

There is a range of modern buildings at Upper House Farm yard including:

- 6 poultry sheds
- Grain storage
- Straw storage/ Livestock Shed
- Machinery Store and workshop
- Fertiliser and Chemical storage
- Wood Chip Biomass boiler.

2.05 Dwellings

Mr & Mrs Piggott and their son ■■■ live in the main part of the farmhouse.

There is a 3-bedroom bungalow called 'Sticking Field' which is owned by ■■■ Piggott and was occupied by Massie's father until he recently passed away. It is understood that the applicant's daughter has temporarily moved in.

The family also own a house in Bromyard namely [REDACTED] Winslow Road, Bromyard, [REDACTED] which is occupied by the Poultry Manager. The general farm worker lives in Bartestree.

The plan is for the poultry manager to move into 'Sticking Field' and the proposal as per the application would be to develop a new dwelling at the farm for [REDACTED].

4.0 ESSENTIAL NEED APPRAISAL – RURAL WORKER'S DWELLING

4.01 Approach

As way of background, Clause 88 of the National Planning Policy Framework (NPPF) states that local planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses;

In accordance with Clause 84 of the NPPF, planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply including where:

a) “there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”

The reference to the “essential need for a rural worker..... to live permanently at or near their place of work”, originated from clause 10 of PPS7, which went on to recommend that planning authorities should follow the guidance in Annex A to PPS7.

Despite the NPPF having superseded Annex A of PPS7, Annex A did provide clear criteria to assessing the 'essential need' for a rural worker's dwelling. This guidance is tried and

trusted, and it is sometimes used as further reference by professionals and planning inspectors.

In July 2019, further guidance was added to the Planning Practice Guidance (PPG) under the *Rural Housing* section of *Housing Needs of Different Groups*, with regard to considerations that might be relevant to take into account, when applying paragraph 79(a) of the NPPF 2018, (which is the same wording as paragraph 84(a) of the NPPF 2021).

These are:

- “• evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products;*
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Importantly *Policy RA4* of the Core Strategy – *Agricultural, forestry and rural enterprise dwellings*, clearly reflects similar criteria of justification.

In summary, paragraph 84(a) of the NPPF, now read in conjunction with the recent PPG guidance, plus CS Policy RA4, all reflect similar areas of requirement in making a case for there being an essential need, all of which I shall cover.

4.02 Functional Need

The most frequent reason for a functional need for a rural worker to be permanently based on a site, is so that there is somebody experienced to be able to deal quickly with emergency issues, most frequently revolving around the welfare of livestock, and which are likely to arise throughout the majority of the year, and during the middle of the night.

There would not normally be a functional requirement for there to be somebody on site with respect to an arable enterprise. The main issue here would be the matter of security.

Security

Security and rural crime is always an issue for farms and of course it is going to be a factor when considering functional need.

There are already two dwellings at the farm, which would be a significant deterrent to intruders, and in any case, although security is a factor, it can never be an overriding.

Security can be a contributing factor and every situation must be judged individually. This farm for instance would not be considered as vulnerable as one on an urban fringe or in a particularly remote location. In addition, if farms are considered particularly vulnerable to intrusion, there are always steps that can be taken to make a yard, buildings and equipment more secure.

Sheep

For the majority of the year the sheep will be out grazing and brought back to the yard for dipping, treatment, shearing, and lambing.

The important point to make here is that whether there is a dwelling available on site, does not affect the welfare of the ewes and lambs during the lambing period, since lambing is something that is planned for, and the duties to be actually in and around the lambing ewes can be likened to shift work. In other words, a dwelling nearby is superfluous when comes to the practicalities of lambing, since the person responsible will be in and around the ewes as and when required.

Many sheep businesses station a touring caravan on the farm to house a student (typically veterinary or agricultural) during seasonal lambing. Not because there is a functional need for onsite accommodation, but to provide “off shift” accommodation for that person who might have come far, and the business not being in a position to source short term accommodation, plus of course provision of basic facilities where they are not already on site.

Poultry

The day-to-day management of a broiler unit has to be meticulously planned for, with routines varying with each stage of flock development. When birds are ‘in’, this will involve checking the birds a few times a day and sometimes late, depending at what stage, plus monitoring the automated systems and the bio-mass boiler.

During normal working hours, and during the periods when birds are in, there would be a worker in and around the poultry buildings. The need for a worker to be based nearby therefore arises mainly during the night time hours when there could conceivably be an

electricity supply and/or breakdown in the automated system or issues with the biomass boiler.

Issues relating to temperature and ventilation cause particular issues particularly during hot weather with large birds or conversely during cold weather with young birds. Failure of ventilation/heating can certainly affect the feed conversion ratio and loss of birds if left too long.

In the case of a feed line stopping then the birds can start to drink more to compensate which has the effect of flushing the food out of their system which can lead to mortalities.

In terms of adequate heating, which is particularly important with young chicks, a worker would need to be available to deal with issues relating to the biomass boiler, such as a blocked augur. Other typical issues may be a power-cut in which case a worker would be needed to ensure the back-up generator was functional.

However unlikely it might be that a system failure actually results in a welfare emergency, there is always the potential every time the alarm is raised, and therefore there is considered to be a functional need for somebody to be based close enough to be able to get to the site sufficiently quickly during those periods the houses are occupied to assess the situation, which is a scenario that could occur anytime in the year.

Bio-security is an increasing consideration when looking at the location of key workers for the prevention of diseases such as Avian Flu, and generally more stringent requirements of supermarkets. Bio security measures are still also expected to be adhered to for accessing the sheds in case of emergencies which has to be factored in.

It is difficult to assess what the maximum response time required from being aware of the alarm activation to presence at the site for welfare of the birds, since the

circumstances will vary. One comes across so many figures but I am aware of 20 minutes timescale within which to attend broiler housing the housing having been used/accepted in the past when considering rural worker's dwellings.

However, since my last report I am now aware of a Red Tractor Assurance maximum response time of 15 minutes, as referred to in the supporting letter from [REDACTED].

Although I failed to locate this figure within the Red Tractor Assurance Scheme Manual for Broilers & Poussin 1st October 2017 (Updated 1st October 2019), I am happy to accept this as the required response time for the purposes of this application.

Overall, there would be a functional requirement for a broiler unit of this scale to have an experienced employee based on site, or within a few minutes' drive of the farm.

There will be required back up labour to the poultry manager for the day-to-day management of the unit, however given the automated nature of broiler farming, we do not consider there to be a functional requirement for more than the primary worker to be based within easy access overnight. With a properly functioning alarm and custodian system, one person is considered sufficient to respond to automatic system failure within a 15-minute timeframe.

Having a second worker based within easy access, might be convenient and potentially financially advantageous, however there is not considered to be a functional need for more than one person living close to the housing.

If for some reason during a crop cycle, the farm manager had to stay away, it would be possible for somebody, to stay on site as temporary short-term cover if that second person

was not based close enough. This scenario could be house sitting, staying in a touring caravan, or in this case in one of the B&B rooms.

4.03 Full Time Labour

The proposed dwelling is destined for ■■■ Piggott who is already fully employed on the farm.

4.04 Establishment and Viability

I have previously seen the partnership accounts and consider the business to be viable and likely to remain as such for the foreseeable future.

4.05 Alternative Dwellings

The approach is to firstly investigate the availability of existing dwellings and ensure that, to quote Paragraph 3 (iv) of Annex A, “the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned”.

Taking this into account, one would normally look at the potential availability of any other relevant dwelling(s), in the light of the need of the enterprise. To quote Paragraph 1 of Annex A to PPS7, “Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved”.

However, it is clear from cases such as Keen and Cussons, that personal circumstances of individuals with regard their homes, can be considered. In this particular case I do not feel that one can attach any weight to the farmhouse, if the intention is for the applicant to shortly retire and continue to reside here.

In essence, one is looking at whether there are any dwellings available or potentially available to the farming business, that would render the proposal of a new worker's dwelling non-essential.

The main functional requirement would be to have somebody readily available to deal with issues arising out of hours in respect of the broilers.

However, since the Poultry Manager will be moving onto the farm, then a case has not been established that he could not undertake the primary responsibility of attending in the case of an alarm.

We have also to consider the potential role of the dwelling in Winslow Road. This dwelling is on the eastern fringes of Bromyard and c3.6 miles from the farm yard and the question to be asked is whether this property could also fulfil the functional requirement, or to be more specific whether it is close enough and sufficiently accessible to Grendon Manor to enable quick enough response to alarms in connection with the broiler housing or the Bio Mass boiler.

It is accepted that the demands of both the broilers and the Bio-Mass boiler might require regular attendance and monitoring during unsociable hours, and that it would be much more convenient, if that person was within easy walking distance as opposed to relying on motorised transport.

However, it would seem inconceivable that somebody living in Winslow Road could not get to the broiler unit or AD Plant well within 10 minutes and at the very least, and provide support to the primary person based at Grendon Manor.

There is at the start a few metres of 30mph limit after which the journey would mean travelling within the national speed limit of 60mph on the A44. If one takes the distance

to be 4 miles then the journey at an average of 50 miles per hour the time taken would be under 5 minutes. It would be inconceivable that somebody based at Winslow Road could not get to the broiler unit within 15 minutes.

There are also properties for sale within and close to Winslow Road which could equally cover the functional need.

Another consideration would be to create a further dwelling out of the main farmhouse. This would inevitably have serious consequences for the B&B enterprise which is an important diversification enterprise. However, it is an option that could be explored further in the event of there being an essential need to provide further independent accommodation for a worker at the farm in the future.

In summary there is considered enough housing options to cover the welfare of the broiler flock. To have a further dwelling at Grendon Manor might be considered convenient and ideal for the family, however the requirement is to assess whether the proposal is **essential** not whether it is reasonable.

5.0 OTHER PLANNING MATTERS

5.01 Succession

Paragraph 80 of the NPPF introduces a new element to the exception circumstance of essential need for a rural worker to live on site, where it refers to “**those taking majority control of a farm business**”.

The PPG refers to the consideration of “ **whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process**”.

This is taken to mean that the requirement for the dwelling(s) might also be linked to business succession, and thereby enabling the continuing essential need for a permanent presence to be fulfilled by a suitable and eligible person, (say a son or daughter), whilst the retiring relative(s) can continue to reside in the original dwelling.

■ is ■ with a good number of years of farming experience under his belt, and would no doubt be considered suitable and eligible to take over the management of the farm.

With the applicant basically retired and his intention to remain in the farmhouse, it is clear that ■ will need a dwelling of his own on or within a quick commute of the farm. What is also clear, is that there are options to achieving this, aside creating a new dwelling at Grendon Manor, without affecting “continued viability” of the farm.

6.00 Conclusion

In accordance with planning policy and guidance, there is no essential need for a new dwelling at Grendon Manor.

Signed _____

Robert Fox BSc (Hons) FAAV

Date: 7th February 2025

PLANNING and REGULATORY COMMITTEE

10 December 2025

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Tobin per Mr Bernard Eacock	Proposed erection of 7 townhouses with associated development at LAND TO THE REAR OF PROSPECT PLACE, ST MARTINS AVENUE, HEREFORD	230432	75
CITY COUNCIL		MR MILLN (Hereford City Council)		
OBJECTOR		MR IRWIN (Local Resident)		
SUPPORTER		MR EACOCK (Applicant's agent)		
7	Thomas per Mr Ed Thomas	The proposed erection of 2 no. dwellings and associated works including access, landscaping and drainage at LAND NORTH OF LEYS HILL, BISHOPSWOOD, ROSS-ON-WYE, HEREFORDSHIRE	240309	171
PARISH COUNCIL		WALFORD PARISH COUNCIL		
OBJECTOR		MR SAUNDERS (Local Resident)		
SUPPORTER		MR THOMAS (Applicant's agent)		
8	NNA Ltd per Ms Polly Mason	Proposed alterations to and change of use of existing building to allow occupation for Class E(b)/sui generis (hot food takeaway) use, including the provision of designated car parking area and alterationsto existing elevations at 30 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JB	242748	201
SUPPORTER		MR PEACH (Applicant's agent)		
9	Mr & Mrs Piggott per Mr Matt Tompkins	The erection of one self-build agricultural worker's dwelling and associated works at LAND AT GRENDON MANOR FARM, BREDENBURY, BROMYARD, HR7 4TH	243059	235
PARISH COUNCIL		MR HULSE (Bredenbury Group Parish Council)		
SUPPORTER		MR TOMPKINS (Applicant's agent)		

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	14 JANUARY 2026
TITLE OF REPORT:	223128 - DEMOLITION OF 2 NO. AGRICULTURAL BUILDINGS. PROPOSED 4 NO. DWELLINGHOUSES WITH GARAGES, LANDSCAPING AND ASSOCIATED WORKS. AT BARNS AT MONKS BURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU For: LTF Properties Ltd per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=223128&search-term=223128
Reason Application submitted to Committee – Redirection (Deferred)	

Date Received: 16 September 2022 Ward: Three Crosses Grid Ref: 361997,244280

Expiry Date: 16 January 2026

Local Members: Cllr Jonathan Lester

1. Introduction

1.1 The application was originally reported to Planning Committee on 15 October 2025 with a recommendation for approval, subject to the completion of a Section 106 Agreement. Following a site visit and discussion by the Planning Committee the application was deferred. The minutes of the meeting outline the points of concern and these are summarised below:

- The scale of the houses was excessive and would cause overlooking of the historic barns resulting in an unacceptable impact on residential amenity;
- The layout of the site was excessively restricted and cramped. The new houses would be located too close to those won on appeal which would be overbearing and cause overlooking resulting in an unacceptable impact on residential amenity;
- The design of the houses was out of keeping with the local vernacular and resulted in an unacceptable impact on the landscape. A better use of materials and improved design was required to mitigate the impact of the Development on the landscape and to ensure that it was in-keeping with the local area.

1.2 The applicant's agent has subsequently submitted amended plans that have been subject to further public consultation. The revisions utilise the area of land to the west and increase the separation between the proposed dwellings to give greater distances between the plots. The garages have now become detached to further increase the sense of space between dwellings. However, the proposal retains the courtyard arrangement and linear form and arrangement of the buildings. The applicant's agent is of the view that this is the correct design approach and ensures that the agrarian character and setting of the existing site is respected and the proposed dwellings assimilate into the rural character of the area. The amended plans are shown below:

Further information on the subject of this report is available from Mr A Banks on 01432 383085



PROPOSED BLOCK PLAN IN CONTEXT WITH
APPROVED APPLICATION - P192785/F
SCALE 1:500



2. Public Consultation

2.1 The submission of the amended plans has generated one further letter of representation. The points raised are as follows:

- It is evident from the latest drawings that the developer has not taken note of the Planning Committee's comments regarding the nature and layout of the site. All he has done is to show detached rather than attached garages as was the case previously.
- Committee members did not want to see a repeat of the nearby 7 house site by the same developer which everyone considered unattractive and out of place while also failing to be sympathetic with the nearby barns. The latest amendments simply make the same mistakes. They also do not address a prime concern of the Committee which was the overlooking of these properties by the recently completed houses behind due to the topography of the land.
- The gardens of the proposed development are tiny for the style of houses indicated and the site should be completely re-drawn with a more appropriate housing mix. Half of the 7 houses behind remain unsold after a year and the Parish does not want to see a repeat scenario.
- I also note that there is no mention of an EA discharge licence into the nearby culvert which must surely be required. The culvert is not a flowing tributary of the nearby river,

but a surface water channel that runs dry in summer and is subject to flooding in periods of heavy rain.

3. Officer's Appraisal

- 3.1 The minutes of the Planning Committee meeting of 15 October 2025 clearly set out the points of concern and accordingly this update report will focus only on those matters rather than completely re-visiting the proposals as a whole. The original Planning Officer Report is appended and should be read in conjunction with the matters raised here.
- 3.2 As set out in the minutes of the meeting the issues of concern raised relate to the scale and impact on residential amenity, the cramped and restricted layout of the scheme and the design of the dwellings being out of keeping with the local vernacular. Each of these will be covered separately.

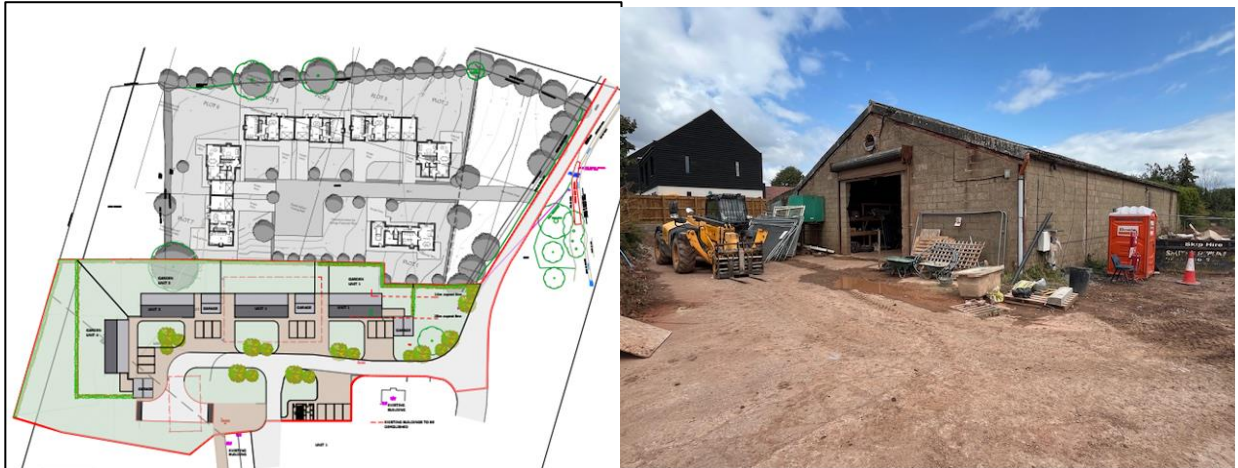
Scale and Impact on Residential Amenity

- 3.3 The scale of the dwellings proposed is similar to that of the new dwellings to the north, and to that of the original threshing barn to the south of the site. Each of the dwellings have an approximate footprint of 100 square metres and an overall floor area (ground and first floor) of approximately 200 square metres. Each measures approximately 8.3 metres to the ridge which is fairly typical for new dwellings. The separation of the garages from the dwellings has served to reduce the perceived mass of the built development by creating gaps between them. When viewed in context of the surrounding area the scale of the dwellings is considered to be acceptable and in accordance with Policy SD1 of the Core Strategy.
- 3.4 In terms of residential amenity, the proposed dwellings are well spaced from those existing to the north and south. The converted threshing barn to the south of the site is in excess of 40 metres away from unit 2, that most directly opposes it, while unit 1 is approximately 30 metres from the gable end of the single storey property. Both are shown in the photograph below. While the proposed dwellings do have full height windows in their front elevations the distances between properties, their orientation, limited fenestration and intervening structures all lead your officers to conclude that the proposals will not give rise to an unacceptable loss of amenity to justify the refusal of planning permission.



- 3.5 Turning to the relationship with the new build development to the rear, it should first be noted that there is a significant level change between the two sites; the area to which this application relates

being approximately 1.5 metres lower than that to the north. The layout plan below shows the relationship of the properties while the photograph shows the gable end of an existing dwelling with two narrow windows at first floor level. The fenestration on the rear elevations of the dwellings proposed is fairly typical. Unit 2 looks out onto the shared space of the existing development and has no impact on residential amenity. Units 1 and 3 have a more immediate relationship with existing dwellings. The area upon which Unit 1 is to be constructed is made up land and it would be constructed with a lower slab level.



- 3.6 Officers consider that the distances between properties and their physical relationship to one another; particularly the significant ground level difference, means that any impacts on residential amenity will be very limited, and not sufficient to justify refusal. However, a condition is recommended in order to ensure that the new dwellings have an appropriate slab level so as to protect residential amenity. On this basis the proposal is considered to accord with Policy SD1 of the Core Strategy.

Layout

- 3.7 The minutes report that committee considered the layout of the proposed development to be too cramped and would be overbearing and cause overlooking of the development to the north. The previous section of this report has dealt with the second of these points and officers are very clear in their view that a reason for refusal based on unacceptable impacts on residential amenity could not be sustained. In response to the first point, the applicant's agent has amended the layout, increasing the plot sizes within the red line. Officers would also note that the site is 0.4 hectares with 4 dwellings proposed, amounting to 10 dwellings per hectare. As one would expect, a significant part of the site is given over to access and parking for the dwellings, but this is not unduly excessive or disproportionate in relation to the new build development to the north. At 10 dwellings per hectare the proposal is considered to be of a low density that reflects the rural location and cannot be described as cramped. Each property has a good sized garden. Notwithstanding this, the Council does not have any policies or spaces standards to set out expectations of private amenity space. The proposal is compliant with Policy SD1 of the Core Strategy in this regard.

Design

- 3.8 The fundamental design of the dwellings has not changed significantly, the applicant's agent maintaining the view that the correct design approach has been taken. The main change in terms of design has been to increase the plot sizes and to separate the garages from their respective dwellings in order that they improve the sense of space between built forms. The dwellings have taken design cues from the existing brick-built barns to the south, replicating the parapet and ridge details and choice of materials. This is similar to the new build development to the north and; whilst that application was ultimately decided at appeal, officers take the view that it would

Further information on the subject of this report is available from Mr A Banks on 01432 383085

be wholly unreasonable to come to a conclusion that a similarly designed scheme immediately adjacent was somehow unacceptable in terms of its design.

- 3.9 In conclusion, your officers are satisfied that the amended scheme satisfactorily addresses the points of deferral from the previous meeting. Conditions (7 and 14) have been added to the recommendation to require details of slab levels to be submitted before development commences, and to require further consideration to be given to the use of sustainable energy measures. Accordingly it is concluded that the proposal complies with the Development Plan and, subject to the conditions recommended below and the completion of a Section 106 Agreement to secure phosphate credits, the application is recommended for approval.

RECOMMENDATION

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, or a condition requiring the completion of an agreement prior to the commencement of development, 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

1. Time limit for commencement (full permission)

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with the approved plans

Location Plans

2219 P01 Block Plans

2219 P 10 Elevations

2219 P 04A Proposed Ground Floor Plan

2219 P 05A Proposed First Floor Plan

2219 P 06A Proposed North and South Elevations

2219 P 07A Proposed East and West Elevations

Reason: To ensure adherence to the approved plans in the interests of proper Planning having regard to policies SD1, LD1, LD2, MT1 of the Herefordshire Local Plan, Core Strategy, Policies contained within the Yarkhill Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

Pre-commencement Conditions

3. No development shall take place until details of improvements to the access from the A417 to the development hereby permitted have been submitted to and approved in writing by the local planning authority.

The approved details shall be completed prior to first occupation of any dwelling approved under this permission and thereafter maintained to an acceptable standard.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

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

- detailed surface water and foul water drainage design drawings and construction layout

Work shall be carried out in accordance with the approved details and shall be installed prior to the first occupation of the dwellings hereby approved and maintained in accordance with the approved details thereafter.

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

5 Construction Management

Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location and specification
- c) Parking for site operatives
- d) Construction Traffic Management Plan
- e) Siting of construction compound / site offices / storage
- f) Tree / hedgerow protection measures
- g) Hours of working during construction

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

Reason: The details relate to the duration of the construction period and are required prior to commencement of development in the interests of highway safety, amenity and landscape protection and to conform to the requirements of Policies SD1, LD1, LD3 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

- 7 Prior to the 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.

Other stage conditions

- 8 With the exception of any site clearance and groundwork, no development shall take place, a landscape scheme shall be submitted and approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

1. Trees and hedgerow to be retained, setting out measure for their protection during construction, including the location of temporary fencing, in accordance with BS5837:2012.
2. Trees and hedgerow to be removed.
3. All proposed planting and seeding, accompanied by a written specification setting out: species, size, quantity, density and cultivation details. This should include native trees.
4. All proposed hardstanding and boundary treatments.
5. Detailed construction drawings of the southern boundary retaining wall in conjunction with proposed tree pits and any other planting.

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, Policy Y11 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 9 With the exception of any site clearance and groundwork, no 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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 10 Prior to first occupation of any part of the development works hereby approved, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approvedT

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy Y2 of the Yarkhill Neighbourhood Development Plan.

- 11 Prior to first occupation, the details of the management company responsible for the maintenance of the foul water infrastructure shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.

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

- 12 Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the any dwelling hereby permitted and maintained thereafter.

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

- 13 Prior to the first occupation of the new residential dwellings hereby permitted, written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 14 With the exception of any site clearance and groundwork, no further development shall take place on the dwellings hereby permitted until details of measures to demonstrate the sustainability of each of the dwellings 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.

Reason: In order that the development is sustainable and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the Council’s Climate Emergency Declaration

Compliance Conditions

- 15 No development shall take place until visibility splays, and any associated set back splays at 45 degree angles have been 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 154 metres northbound and 160 metres southbound along the nearside edge of the adjoining carriageway.

Development shall be carried out in accordance with the approved details and 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, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 16 The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved.

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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.

- 17 All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

All hard landscaping shall be completed prior to the first occupation of the dwelling to which it relates.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 18 All foul water shall discharge through connection to a private foul water treatment system as detailed in the Flood Risk Assessment and Surface Water Management Plan Revision 2 prepared by Greenaway Planning Ltd (dated February 2022) and all surface water shall be managed through plot specific soakaway infiltration systems.

Reason: In order to ensure Nutrient Neutrality and 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), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policy Y8 of the Yarkhill Neighbourhood Development Plan.

- 19 None of the dwellings approved by this permission shall be occupied prior to the 1st of June 2026.

Reason: To ensure that the Tarrington integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Wye SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 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; Policy Y11 of the Yarkhill Neighbourhood Development Plan; and the council's declared Climate Change and Ecological Emergency.

- 21 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, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - To ensure the character of the countryside is maintained and to comply with Policy SD1 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 Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year.

Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect

locally dark landscapes and associated public amenity and nature conservation interests.

3. Consent will be required from the Internal Drainage Board for any proposed outfall into the un-named watercourse to the east of the site.
4. Consent will be required from the Internal Drainage Board if any obstructions are proposed within 9 metres of the un-named watercourse to the east of the site.

Decision:

Notes:

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Appendices

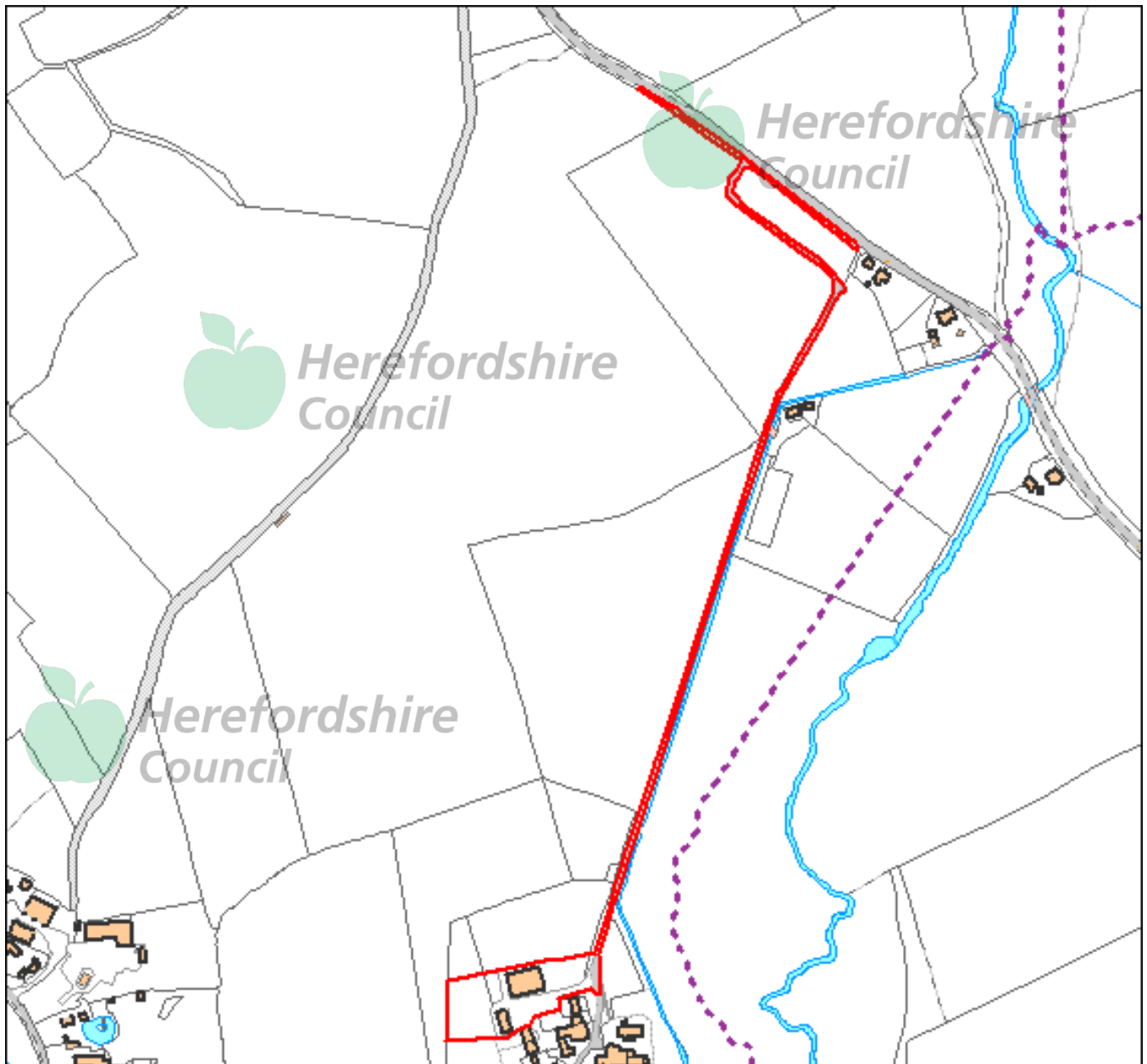
Appendix 1 – Flood Risk and Drainage Checklist

Appendix 2 – Section 106 agreement

Appendix 3 – Report to planning committee on 15 October 2025

Background Papers

None identified.



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

APPLICATION NO: 223128

SITE ADDRESS : BARNES AT MONKSBUURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

Full Planning Applications: Flood Risk and Drainage Checklist

Application details

SITE:	Monksbury Court Barns, Monkhide Village Road, Monkhide, Herefordshire HR8 2TU
DESCRIPTION:	Demolition of 2 no. agricultural buildings. Proposed 4 no. dwellinghouses with garages, landscaping and associated works.
APPLICATION NO:	223128
GRID REFERENCE:	OS 362005, 244306
APPLICANT:	L.T.F Properties Ltd.
AGENT	Mr Ben Greenaway
DATE OF THIS RESPONSE:	10/11/2023

This response is in regard to flood risk and land drainage aspects, with information obtained from the additional sources, following our initial consultation response in December 2022:

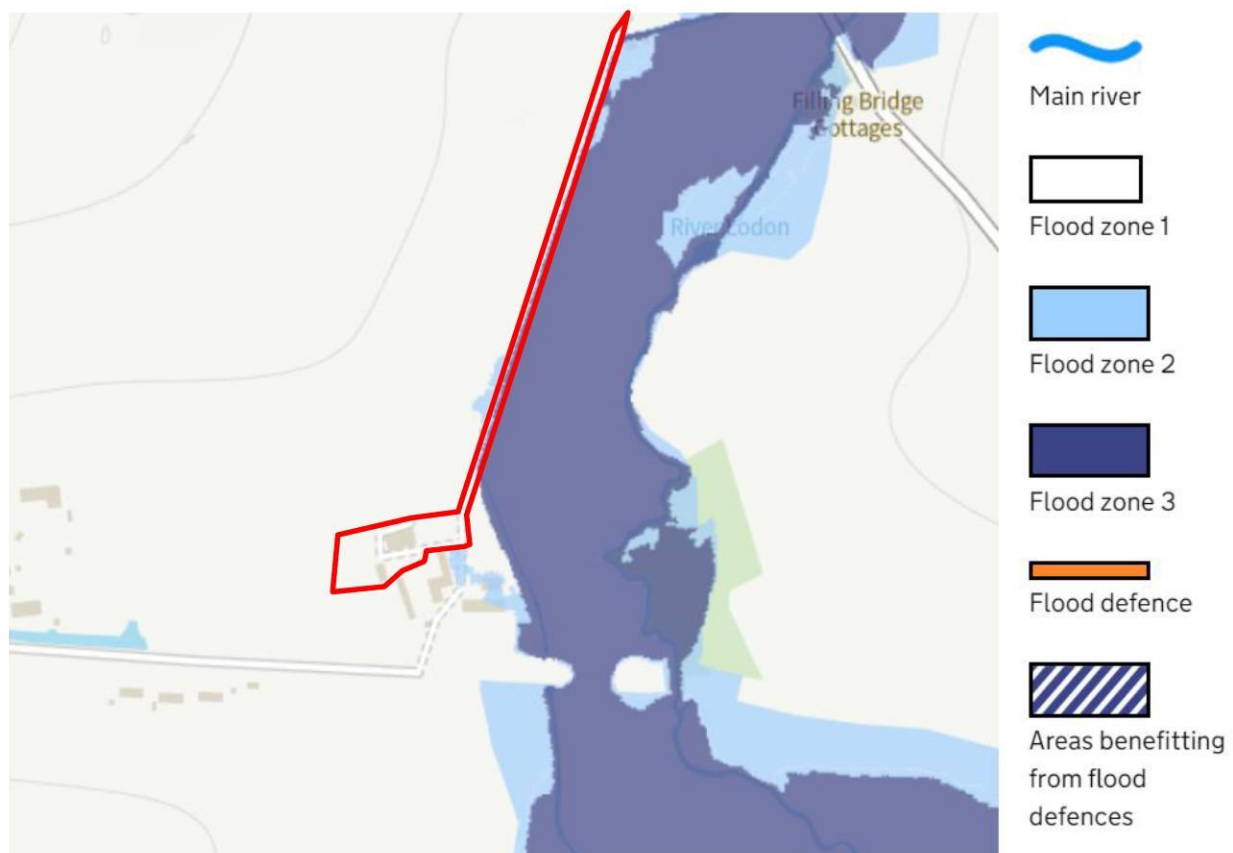
- Surface Water Management Plan, Flood Risk Assessment and Foul Drainage (Rev 2);
- Further drainage information (29/09/2023).

We highlight that any planning application should be submitted in accordance with the Herefordshire SuDS Handbook and the Herefordshire Council Planning Applications Flood Risk & Drainage Checklist available on the Council's website:

https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/11

Site location and extract of flood map(s)

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), November 2022



Development description

The Applicant proposes the demolition of 2 agricultural barns and the construction of four dwellings with associated garages and access roads. The site occupies an area of 0.4ha and is currently a brownfield site. An ordinary watercourse flows parallel along the eastern boundary of the site access road. The topography of the site slopes from the west to east.

Flood Risk

A Flood Risk Assessment (prepared in accordance with NPPF and EA Standing Advice) must support the planning application for any development:

- Located in Flood Zone 2 or Flood Zone 3¹.
- With a site area greater than 1 hectare.
- Located in an area identified to be at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents.

Due to the potential flood risk from the ordinary watercourse to the east of the site and along the access road, a Flood Risk Assessment for the site has been submitted.

Information required	Reviewers comments
Confirmation of the site area in hectares or square metres	Site area confirmed as 0.4ha
Identification of all main rivers within 20m of the site boundary	There are no main rivers within 20m of the site boundary.
Identification of all ordinary watercourses and land drains within 20m of the site boundary	There is an ordinary watercourse immediately adjacent to the eastern boundary of the site access road. The ordinary watercourse is approximately 200m west of the River Lodon and connects to the floodplain associated with the river. A drainage ditch is located within 50m to the south of the site.
Confirmation of the site's location in Flood Zone 1, Flood Zone 2 or Flood Zone 3, and taking climate change effects into account	<p>The submitted FRA shows the site to be within Flood Zone 1. The proposed access road however passes through Flood Zone 2. The site is also in close proximity to areas of Flood Zone 3 associated with the ordinary watercourse to the east of the site. However, due to the close proximity of Flood Zones 2 and 3 in this area it is anticipated that there will be minimal increases in the Flood Zone extents due to climate change.</p> <p>Residents have advised that some parts of the access track has flooded in the past. The fluvial flood level defined on the Flood Map for Planning suggests that the access track forms the limit of the 100 year flood zone. The fluvial flood level could have been higher in the 2007 floods as there are reports of domestic flooding in the vicinity, but in the absence of other flood level data the flood map for planning forms the best point of reference. We may assume for the purpose of discussion that the fluvial flood level is similar to the level of the access track adjacent to the development.</p>
Confirmation and supporting justification of whether the site is at significant risk of flooding from other sources, including surface water flood risk or flood risk from minor watercourses with unmapped flood extents	Although the EA surface water flood risk maps show the site to be at a very low risk of surface water flooding, we have reviewed photographs of the adjacent properties and note that there appears to be a surface water flooding issue, with water caught in low lying areas of a flat site.

¹ Note that the Council may also request an assessment of flood risk where the development is indicated to be at risk of flooding when the potential effects of climate change are taken into account.

The following information should be provided within the FRA:

✓ Information provided is considered sufficient

✗ Information provided is not considered sufficient and further information will be required

Information required	Reviewer comments	✓ ✗
Sources of risk		
Assessment of Flood Zone 2 and 3 taking the effects of climate change into account, including predicted flood depths for the 1 in 100 and 1 in 1000 annual probability events	The provided FRA identifies the majority of the site as being located within Flood Zone 1. While the site is in close proximity to the Flood Zone 2 and 3 areas associated with the ordinary watercourse to the east of the site it is expected that the flood extents will not increase significantly with climate change. The access track to the site is shown to be within Flood Zone 2. The FRA however stated that the risk to the access road was acceptably low. We agree with the overall categorisation of low flood risk but the risk to the access road has been further considered as cut-off ditches will be provided along the north and western boundaries of the site to minimise risk from these overland flows.	✓
Assessment of fluvial flood risk from other watercourses in close proximity (c.20m) to the site including those with no mapped flood extent, and taking the effects of climate change into account	As above.	✓
Assessment of mapped surface water flood risk	The FRA states that EA surface water flood risk maps show that the site is at very low risk of surface water flooding, though it is noted that the site is surrounded by gently grading slopes. In addition with the slightly impeded drainage properties of the sites topsoil it is possible that sheet flows could pass into the site. The FRA recommends that cut-off ditches are provided along the north and western boundaries of the site to minimise risk from these overland flows. We agree with this assessment of the overland flows and surface water flood risk. Though it is likely that, due to the relatively flat surrounding topography, these overland flows would not be significant.	✓
Assessment of flood risk associated with potential overland flow from adjacent steeply sloping land	As above.	✓
Assessment of groundwater flood risk	The FRA states that the site is considered to be at low risk of groundwater flooding. The lowest point on site sits approximately 1.5m above the floodplain of the River Lodon. We consider this to be an accurate assessment of the groundwater flood risk. In addition, the presence of clayey soils and slightly impeded drainage indicates that groundwater emergence would be unlikely.	✓
Assessment of flooding from surface water, foul water and highway sewers	The FRA states that no drainage from highway land enters the site. Given the topography of the site that slopes towards the access road this assessment is considered to be accurate.	✓
Assessment of flood risk from any other manmade sources, including reservoirs, ponds, detention basins etc.	The FRA states that there is no risk from other manmade features including reservoirs or ponds. Review of OS mapping shows that this assessment is accurate, with no significant manmade water features located upstream of the site.	✓

Information required	Reviewer comments	✓ x
Summary of historic flooding records and anecdotal evidence	The FRA has not provided as assessment of historical flooding in the area. However, due to the low risk of flooding at the site this is not seen to be an issue.	✓
Other works that could pose risk		
Are there any other proposed works that could lead to increase flood risk to the site or elsewhere, for example culverting or diversion of watercourses?	The FRA does not indicate that there are any other works that could lead to an increase in flood risk at the site.	✓
Sequential approach		
Demonstration that the development is in accordance with the Sequential Test outlined in the NPPF	As the site lies within Flood Zone 1 the application of the sequential test is not required.	✓
Demonstration of how a sequential approach has been taken to locate development in the lowest risk areas of the site, including the risk of flooding from other sources	As the site is at minimal risk of flooding the application of the sequential test to the site layout is not considered necessary.	✓
Mitigation		
Summary of how the development has addressed the identified flood risks and incorporated appropriate mitigation into the layout and operation of the development	<p>The site is considered to be at minimal risk of flooding. The FRA identifies that the lowest building is 0.75m above the access track. However, the FRA states that in order to minimise risk further, the following steps will be taken:</p> <ul style="list-style-type: none"> Finished floor levels will be set a minimum of at least 150mm above the surrounding ground levels. Cut-off ditches will be put in place along the northern and western boundaries of the site in order to manage overland sheet flow. When heavy rain events are forecast, it will be recommended that residents check flood alerts for the River Lodon and take early precautionary action in relation to passing along the small section of access road that sits within Flood Zone 2. <p>The above mitigations are considered sufficient to mitigate the flood risk to the site.</p>	✓
Assessment of how a safe access route(s) to Flood Zone 1 (not including dry islands) would be achieved from the development, taking flood hazard and climate change into account	The FRA states that a small portion of the proposed access road is within Flood Zone 2 associated with the River Lodon. The FRA however stated that the risk to the access road was acceptably low. We agree with the overall categorisation of low flood risk but the risk to the access road has been further considered as cut-off ditches will be provided along the north and western boundaries of the site to minimise risk from these overland flows. In the case of an emergency the track to the south could be used for safe access and egress.	✓

Information required	Reviewer comments	✓ x
Assessment of how the development will ensure no increased risk to people, property or infrastructure elsewhere, for example through the displacement of floodplain compensation or failure of flood defence structures, and demonstration of how mitigation will be incorporated into the design, with supporting calculations	The site is not proposed to be built in an area of existing flood storage. As such it is expected to have no impact on fluvial flood risk to third parties.	✓
Exception Test		
Justification for the successful application of the Sequential Test, if applicable	Due to its presence in Flood Zone 1, in accordance with the NPPF, the Exception Test does not apply to this development.	✓

Surface Water Management Strategy

Infiltration tests undertaken at the site varied between $4.08 \times 10^{-6} \text{m/s}$ and $1.74 \times 10^{-4} \text{m/s}$. Within the soakaway calculations, designed for a 1 in 100 year plus 45% climate change event, the conservative rate of $4.08 \times 10^{-6} \text{m/s}$ has been used.

Each property will be served by its own individual geocellular soakaway.

Foul Water Management Strategy

We understand that previous foul water drainage arrangements for the site comprised a pumped discharge to a shared field. In order to remove the need for pumping, an offsite, gravity fed discharge, via a shared package treatment plant (located in open space) to the River Lodon tributary, to the east of the site is proposed.

The Applicant has confirmed that they own the land between the redline site boundary and watercourse, so no third party permissions to lay the discharge pipe are required. However, the Applicant should ensure that the management company, responsible for the maintenance of the foul water infrastructure are granted access to this land via easement, once the individual plots have been sold off.

The Applicant has confirmed that the daily discharge volume will exceed 2m^3 and an EA permit to discharge will be required.

Overall Comment

CONDITIONAL NO OBJECTION

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

- Detailed surface water and foul water drainage design drawings/construction layout.
- Details of the management company responsible for the maintenance of the foul water infrastructure.

Dated

2025

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

AND

LTF PROPERTIES LIMITED

**PLANNING OBLIGATION BY AGREEMENT PURSUANT TO SECTION 106
OF THE TOWN AND COUNTRY PLANNING ACT 1990 AND ASSOCIATED
POWERS**

RELATING TO

Barns at Monksbury Court, Monkhide Village Road, Monkhide, HR8 2TU

Herefordshire Council

Legal Services

Plough Lane

Herefordshire

HR4 0LE

Council's Legal Ref: **104558**

Council's Planning Ref: **P223128/F**

THIS DEED is made the

day of

2025

BETWEEN

- (1) **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL** of Plough Lane Offices, Plough Lane, Hereford HR4 0LE ('the Council');
- (2) **LTF PROPERTIES LIMITED** incorporated and registered in England and Wales with company number **11489195** whose registered office is at Little Tarrington Farm, Little Tarrington, Hereford, United Kingdom, HR1 4JA (**Owner**)

BACKGROUND

- (A) The Council is the Local Planning Authority for the purposes of the 1990 Act for the area in which the Site is situated.
- (B) The Owner is the freehold owner of the whole of the Site free of encumbrances being part of the land registered at the Land Registry with title number HE16248
- (C) The Planning Application was submitted to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.
- (D) On 15 October 2025 the matter is to be heard by the Council's Planning Committee to resolve the Planning Permission subject to conditions and the prior completion of this Deed.
- (E) Pursuant to its statutory duty under section 63 of the 2017 Regulations the Council is required to undertake an appropriate assessment of the implications of the Development and to satisfy itself that the Mitigation secured by the allocation of Phosphate Credits to the Development will ensure the Development is Phosphate Neutral and will not adversely affect the integrity of the Catchment Area as a Habitat Site.
- (F) The Owner agrees to secure the Mitigation in accordance with the Council's Interim Phosphate Policy by the purchase of Phosphate Credits from the Council, in respect of the Development and enters into this Deed accordingly.
- (G) The Council has considered the provisions of the development plan and taken into account material planning considerations affecting the site and considers that in the interests of the proper planning of its area the Development of the Site ought to be only permitted subject to the terms of this Deed and for that purpose the parties are expressly willing to enter into this Deed.
- (H) The Owner has agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed and that they may be enforced by the Council against the Owner and its respective successors in title.

THIS DEED WITNESSES AS FOLLOWS:-**OPERATIVE PROVISIONS****1. INTERPRETATION**

- 1.1 For the purposes of the recitals and the covenants in the Agreement, in this Deed the following words and expressions have the following meanings:

“1990 Act”	The Town and Country Planning Act 1990 (as amended);
“2017 Regulations”	The Conservation of Habitats and Species Regulations 2017 (as amended);
“Catchment Area”	means the River Lugg Catchment Area which is an integral part of the River Wye Special Area of Conservation ;
“Commencement Date”	means the carrying out in relation to the Development of any material operation (as defined within section 56(4) of the 1990 Act) on the Site pursuant to the Planning Permission but (for the purposes of this Agreement) excluding operations consisting of: <ul style="list-style-type: none"> - site clearance, - environmental site investigations, - archaeological investigations, - site survey works; - investigations for the purpose of assessing ground conditions, - preparatory and remedial work in respect of any decontamination or other adverse ground conditions; - erection of any temporary means of enclosure and the temporary display of site notices or advertisements.

The words “Commence”, “Commenced” “Commencement” shall be construed accordingly;

“Commencement Notice” means a written notice to be in the form set out in Schedule 3 to be served by the Owner on the Council not less than five Working Days prior to Commencement Date;

“Development” means the development of the Site as authorised by the Planning Permission;

“Disposal” means any disposition of whole of the Site under a transfer of the freehold title or grant of leasehold of at least 125 years;

“Dwellings” means the dwellings (including houses flats apartments and maisonettes) to be constructed on the Site pursuant to the Planning Permission and “Dwelling” shall be construed accordingly;

“Habitat Site” means any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites;

“Interim Phosphate Policy” means the Council’s Interim Phosphate Pricing Credit Pricing and Allocation Policy dated May 2022;

“Interest”	means interest at 4.5% above the base lending rate of the Bank of England from time to time;
“Mitigation”	means measures to reduce the input of phosphates to the Catchment Area to off-set the adverse impact of the phosphate output of development, to ensure that the Development is Phosphate Neutral in line with Natural England’s policy requirements;
“Occupation”	means occupation for the purposes permitted by the Planning Permission but does not include occupation for the purposes of fitting out, decoration, marketing, staff training or site security and “Occupy” and “Occupying” shall be construed accordingly;
“Phosphate Credit”	means the instrument which represents the removal or offsetting of 1Kg at £14,000.00 of phosphates per annum from the Catchment Area;
“Phosphate Credit Deposit”	means 10% of the Phosphate Credit Sum
“Phosphate Credit Requirement”	means the 0.96kg Phosphate Credits from Tarrington WETLAND pursuant to the calculations to secure the Mitigation and ensure that the Development will be Phosphate Neutral;
“Phosphate Credit Final Payment”	means 90% of the Phosphate Credit Sum
“Phosphate Credit Reservation”	means the provisional reservation by the Council of the Phosphate Credit

	Requirement to the Development following receipt of the Phosphate Credit Deposit from the Owner
“Phosphate Credit Sum”	a payment of thirteen thousand four hundred and forty pounds (£13,440.00) paid by the Owner to the Council to meet the Phosphate Credit Requirement;
“Phosphate Neutral”	means that a development plan or project does not add to existing phosphate burdens within the Catchment Areas, so there is no net increase in phosphates as a result of the plan or project;
“Plan”	means the plan attached to this Deed at Annex 1
“Planning Application”	means the application for Planning Permission for the Development submitted to the Council and to which the Council has allocated the reference P223128/F ;
“Planning Obligations Manager”	means the Council employee who manages, implements and monitors Section 106 agreements;
“Planning Permission”	means the planning permission demolition of 2 no. agricultural buildings, AND proposed 4 no. dwellinghouses with garages, landscaping and associated works subject to conditions which may be granted in respect of the Planning Application;

“Release Declaration”	means the declaration completed by the Owner returning any unused Phosphate Credits to the Council in accordance with Schedule 1 Part 3 and in the form annexed at Schedule 4;
“Released”	means the release and cancellation of the Phosphate Credit Reservation;
“Site”	means the land shown edged red on the Plan against which this Deed may be enforced and registered at HM Land Registry under title number HE16248 ;
“Working Day(s)”	Mondays to Fridays (excluding days that in England are public holidays) inclusive.

1.2 In this Deed:

- 1.2.1 the clause headings in this Deed are for convenience only and do not affect its interpretation;
- 1.2.2 unless otherwise indicated references to clauses and Schedules are to clauses of and Schedules to this Deed and references in a Schedule to a Part or paragraph are to a Part or paragraph of that Schedule;
- 1.2.3 a reference to any legislation or legislative provision is a reference to:
 - (a) Legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by subsequent legislation; that statute or statutory provision as from time to time amended extended re-enacted consolidated or replaced; and
 - (b) any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision whether before or after the date of this Deed;
- 1.2.4 where the agreement, approval, consent or an expression of satisfaction is required by the Owner under the terms of this Deed from the Council; that agreement, approval, consent or satisfaction shall be given in writing and shall not be unreasonably withheld or delayed;
- 1.2.5 references to the Site include any part of it;

- 1.2.6 references to any party in this Deed include the successors in title of that party and assigns and any person deriving title through or under that party. In addition, references to the Council include any successor to its functions as local planning authority exercising planning powers under the 1990 Act;
 - 1.2.7 “including” means “including, without limitation”;
 - 1.2.8 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;
 - 1.2.9 where two or more people form a party to this Deed the obligations of that party will be joint and several and may be enforced against them all jointly or against each of them individually;
 - 1.2.10 if any provision of this Deed is held by a Court of competent jurisdiction to be illegal unlawful invalid or unenforceable then to the extent possible the offending provision(s) will be severed from the Deed and the legality lawfulness validity and enforceability of the remainder of the Deed shall be unaffected and continue in full force and effect
 - 1.2.11 words importing the singular shall include the plural and vice versa;
 - 1.2.12 words importing the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words shall be construed interchangeable in that manner.
- 1.3 Without prejudice to the terms of any other provision contained in this Deed the Owner shall pay all costs, charges and expenses (including without prejudice to legal costs and Surveyor’s fees) reasonably incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or any obligation of the Owner arising under this Deed;
 - 1.4 The parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 as amended, by any person not a party to it and the terms of this Deed may be varied by a deed agreed between the parties without the consent of any third party being required;
 - 1.5 No party will be liable for any breach of the terms of this Deed occurring after the date on which they part with their entire interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice to liability for any breaches of this Deed occurring before parting with such interests. Neither the reservations of any rights nor the inclusion of any covenants or restrictions over the Site in any transfer of the Site will constitute an interest for the purposes of this sub-clause;

- 1.6 The obligations in this Deed will not be enforceable against a statutory undertaker after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated by the Owner to that statutory undertaker;
- 1.7 No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

2. EFFECT OF THIS DEED

- 2.1 This Deed is made pursuant to section 106 of the 1990 Act and to the extent that they fall within the terms of section 106 of the 1990 Act the obligations contained in this Deed are planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the Council.
- 2.2 To the extent that any of the obligations contained in this Deed are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in section 111 Local Government Act 1972, section 2 of the Local Government Act 2000, section 1 Localism Act 2011 and all other enabling powers, with the intention to bind the Owner and successors in title.
- 2.3 The covenants, restrictions and requirements of the Owner contained in this Deed are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by them in the Site and their respective successors and assigns.
- 2.4 Nothing in this Deed restricts or is intended to restrict the proper exercise at any time by the Council of any of its statutory powers, functions or discretions in relation to the Site or otherwise.
- 2.5 This Deed will be registered as a local land charge by the Council.
- 2.6 If the Council agrees following an application under Section 73 of the Act to vary or release any condition contained in the Planning Permission or if a condition is varied or released following an appeal under Section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission unless the Council in determining the application for the new planning permission indicate that consequential amendments are required to this Deed to reflect the impact of the Section 73 application when a separate deed under Section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

3. MISCELLANEOUS

- 3.1 Nothing in this Deed prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Deed, whether or not pursuant to an appeal.
- 3.2 Nothing in this Deed shall be construed as a grant of planning permission.
- 3.3 Unless expressly agreed otherwise in this Agreement, the covenants in this Deed shall be enforceable without any limit of time against the Owner and any successors in title to the Site and assigns of the Owner in an interest or estate to the Site or any part or parts of the Site as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.

4. COMMENCEMENT

The provisions of this Deed shall have immediate effect on the date upon which it is completed.

5. OBLIGATIONS OF THE OWNER

The Owner covenants with the Council as set out in Schedule 1 of this Deed.

6. OBLIGATIONS OF THE COUNCIL

The Council covenants with the Owner as set out in Schedule 2 of this Deed.

7. TERMINATION OF THIS DEED

- 7.1 This Deed will cease to have effect (insofar only as it has not already been complied with) if:
- 7.1.1 the Planning Permission is quashed, revoked or otherwise withdrawn prior to the Commencement Date so as to render this Deed or any part of it irrelevant, impractical or unviable or;
 - 7.1.2 the Planning Permission expires prior to the Commencement Date.
- 7.2 The Council shall upon receipt of a written request by the Owner and without unreasonable delay at any time after this Deed has come to an end under clause 7.1 or the obligations contained in the Schedules hereto have been discharged issue written confirmation thereof and note all related entries in the Register of Local Land Charges provided that the Owner has adequately set out the basis for making such a request.

8. NOTICES

- 8.1 A notice under this Deed is valid only if it is given by hand, sent by recorded delivery and it is served at the address shown in this Deed for the receiving party or at any address specified in a notice given by that party to the other parties.
- 8.2 A notice sent to the Council:
 - 8.2.1 in relation to any matters arising from this Deed shall be addressed to the Planning Obligations Manager Development Management Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE quoting reference **P223128/F**;
- 8.3 A notice shall be deemed delivered:
 - 8.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that, if delivery occurs:
 - (a) before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day; and
 - (b) if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
 - 8.3.2 if sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post or on the third working day after posting if sent by second class post;

9. CHANGE IN OWNERSHIP

- 9.1 At the time of execution of this Deed, the Owner warrants that no person other than the Owner has any legal or equitable interest in the Site.
- 9.2 The Owner agrees to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company address or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

10. ENFORCEMENT

- 10.1 This Deed is to be governed by and interpreted in accordance with the law of England;
- 10.2 The Courts of England are to have jurisdiction in relation to any disputes between the parties out of or related to this Deed. This clause operates for the benefit of the Council who retains the right to sue the Owner and enforce any judgment against the Owner in the courts of any competent jurisdiction.

11. DISPUTE

Any dispute or disputes between any of the parties to this Deed arising out of the provisions of this Deed (other than a dispute or difference relating to a matter of law or

concerning the meaning or construction of this Deed) shall be referred to a single arbitrator to be agreed between the parties or in default of agreement on the application of any party by the President of the Royal Institute of Chartered Surveyors in accordance with the Arbitration Act 1996 or any statutory modification or re-enactment for the time-being in force.

12. COUNCIL'S COSTS

The Owner covenants and agrees with the Council that prior to completion of this Deed the Owner shall pay to the Council its reasonable and proper legal costs in connection with the preparation of this Deed, together with all disbursements, incurred in connection with the negotiation, preparation, completion and registration of this Deed;

13. LATE PAYMENT

Without prejudice to the Council's rights to enforce any breaches of this Deed (including by way of injunction) if any sum due to the Council from the Owner under this Deed is not paid on or before the date upon which it is due then Interest shall be payable from the due date of payment until the actual date of payment

14. COMMUNITY INFRASTRUCTURE LEVY

The terms of this Deed comply in all respects with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the obligations contained herein are necessary to make the Development acceptable in planning terms, directly relate to the Development and fairly and reasonably relate in scale and kind to the Development.

SCHEDULE 1
Owner's Obligations

The Owner covenants with the Council:

Part 1

1. To serve the Commencement Notice on the Council and;
2. Not to allow, suffer or permit the Commencement Date until the Commencement Notice has been served upon the Council.

Part 2

Payment of the Phosphate Credit Sum

1. To pay to the Council upon completion of this Deed the Phosphate Credit Deposit and the Owner acknowledges that the Phosphate Credit Deposit shall be non-refundable except where the provisions of paragraphs 2.1 or 2.2 of the Second Schedule of this Deed are applicable.
2. To pay to the Council prior to the Commencement of Development the Phosphate Credit Final Payment and not to Commence or cause or allow the Commencement of Development unless the Phosphate Credit Final Payment has been paid.

Part 3

The Release of Phosphate Credits Purchased

1. In the event that:-
 - 1.1 this Deed terminates in accordance with clause 7.17.1; or
 - 1.2 the Development is not Commenced within 3 years of the date on which the Planning Permission is granted and the Planning Permission has expired;

the Phosphate Credit Reservation shall be Released and the Owner acknowledges that the Council shall be entitled to re-allocate the Phosphate Credits comprised in the Phosphate Credit Requirement to other developments and projects in its administrative area.

2. That if the Phosphate Credit Reservation is Released then the Owner (or such successor in title) shall not implement the Planning Permission.

Part 4

Disposal of the Site Prior to the Commencement Date:

1. If prior to Commencement Date there is a Disposal of the Site, the Phosphate Credits already reserved shall transfer to the purchaser/successor in title and the Owner shall be responsible for recovering the reimbursement of the Phosphate Credit Deposit from the purchaser/successor in title if applicable.
2. The Owner shall notify the Council in writing within 14 days of the Disposal of the Site to a purchaser/successor in title. Such notice shall give details of the transferee's full name and registered office (if a company address or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

SCHEDULE 2
Council's Obligations

The Reservation of the Phosphate Credit Requirement

1. On receipt of the Phosphate Credit Deposit from the Owner the Council shall reserve the Phosphate Credit Requirement for the benefit of the Development and shall not allocate the Phosphate Credit Requirement to any other development or project within its administrative area unless the Phosphate Credit Reservation is Released in accordance with Paragraph 1 of Part 3 to the First Schedule
2. The Council hereby covenants with the Owner that on receipt of the completed Release Declaration by the Owner, that it will refund to the Owner within 28 days of receipt, the Phosphate Credit Deposit where either of the following circumstances apply:
 - 2.1 The Planning Permission has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired ("Circumstance 1");
 - 2.2 The Planning Permission has been quashed, revoked or otherwise withdrawn without the Owner's consent before Commencement of Development ("Circumstance 2");
3. The Council hereby covenants with the Owner that on receipt of the completed Release Declaration by the Owner, that if the Owner has already paid the Phosphate Credit Final Payment it will refund to the Owner within 28 days of receipt, the Phosphate Credit Deposit Final Payment where any of the following circumstances apply:
 - 3.1 The Planning Application has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired ("Circumstance 1");
 - 3.2 The Planning Permission and has been quashed, revoked or otherwise withdrawn without the Owner's consent before Commencement of Development ("Circumstance 2");

- 3.3 The Planning Permission has lapsed prior to the Commencement of Development ("Circumstance 3");
4. In the event a refund is due under paragraphs 2 or 3 of this Schedule 2 the Council shall issue the refund to the Owner or such purchaser/successor in title, provided they are registered as the freehold or long leasehold (of at least 125 years) Owner of the entire Site at the HM Land Registry or evidence of such ownership is provided to the reasonable satisfaction of the Council.
5. The refund made by the Council in respect of the Phosphate Credit Sum shall not accrue interest.

SCHEDULE 3
Commencement Notice

TO: Planning Obligations Manager
Hereford Council
Plough Lane
Hereford
HR4 0LE

("the Council")

FROM:

("the Owner")

DEVELOPMENT: (*description of development and site name*):

RELEVANT PLANNING PERMISSION (*reference number*):

RELEVANT SECTION 106 AGREEMENT (*date and parties*):

("the Section 106 Agreement")

I/We Owner * hereby put the Council on notice that we intend to commence development on [] 20[]. This notice is the Commencement Notice served pursuant to the Section 106 Agreement.

DATED this day of 202[]

.....

Signed by the Owner or an authorised signatory of the Owner

SCHEDULE 4
Release Declaration

Planning Obligations Manager
Hereford Council
Plough Lane Offices,
Plough Lane,
Hereford
HR4 0LE

Planning Application Site:	
the Applicant (full name):	
Development	
Details of the Planning Permission	
Details of the S106 Agreement	

The Owner entered into the above Section 106 Agreement with the Council on [DATE].

In the Section 106 Agreement the Owner reserved the Phosphate Credits by payment of the Phosphate Credit Deposit in accordance with Schedule 1 of the Section 106 Agreement and the Council's Interim Phosphate Pricing Credit Pricing and Allocation Policy dated May 2022 to offset the phosphate output of the Development and thereby mitigating adverse effects resulting from increased phosphate levels within the River Lugg Catchment Area.

The Owner HEREBY GIVES NOTICE to the Council that:

- a. The Planning Permission referred to in the Section 106 Agreement has not been granted and the Owner does not intend to appeal this decision or the time for making an appeal against this decision has now expired;
- b. The Planning Permission referred to in the Section 106 Agreement has been quashed, revoked or otherwise withdrawn before Commencement of Development;
- c. It has been more than 3 years since the date on which the Planning Permission was granted and the Planning Permission has now expired.

[Delete as appropriate]

and the Owner hereby returns the Phosphate Credits as set out below:

I the Owner hereby return to the Council the Phosphate Credits Purchased under the S106 Agreement in respect of the Whole of the Development :	Details of the Phosphate Credits for the Development:
--	---

Signed

Owner

Print Name

DATED

ANNEX 1
SITE PLAN

IN WITNESS of which the parties have executed this Agreement as a Deed on the date first written above

EXECUTED AS A DEED when)

THE COMMON SEAL OF)

THE COUNTY OF HEREFORDSHIRE)

DISTRICT COUNCIL

Was hereunto affixed BY ORDER)

Authorised Signatory :

**EXECUTED as a DEED by
LTF PROPERTIES LIMITED**

Acting by:

Director

Director/ Secretary

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	15 OCTOBER 2025
TITLE OF REPORT:	223128 - DEMOLITION OF 2 NO. AGRICULTURAL BUILDINGS. PROPOSED 4 NO. DWELLINGHOUSES WITH GARAGES, LANDSCAPING AND ASSOCIATED WORKS AT BARNES AT MONKSBUURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU For: LTF Properties Ltd per Mr Ben Greenaway, PO Box 937, Worcester, WR4 4GS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223128&search-term=223128
Reason Application submitted to Committee – Redirection	

Date Received: 16 September 2022 Ward: Three Crosses Grid Ref: 361997,244280
Expiry Date: 29 August 2025
 Local Members: Cllr Jonathan Lester

1. Site Description and Proposal

- 1.1 The application site lies to the north-east of Hereford within the settlement of Monkhide. Monkhide consists of three sections, which includes the main built form of the village, Monksbury Cottages which are two storey semi-detached dwellings to the southeast of the main village and to the south side of Village Road, and Monksbury Court to the east. Monksbury Court is undergoing long-term redevelopment, and permission has been granted for development to the north of the site which consists of seven dwellings (5 x 3 bed and 2 x 4 bed) detached dwellings with garages which was allowed on appeal. Some of the barns within the original farmstead have already been granted approval for conversion to residential use. The proposed development can be seen in context with the approved site in **Figure 1** below.



Figure 1. Proposed block plan in context with the layout of approved application P192765/F.
Extract from drawing number 2219 P01

Further information on the subject of this report is available from Ms Tracey Meachen on

- 1.2 The application seeks permission for the demolition of 2 no. agricultural buildings, and a proposed development consisting of 4 no. dwellinghouses with garages, landscaping and associated works.
- 1.3 The site relates to two buildings which formed part of application reference 204153 which sought permission for barn conversions from agricultural to residential under the Class Q route. The application was not granted as full planning consent was deemed to be required.
- 1.4 This application therefore seeks full planning permission for the demolition of the 2 no. agricultural buildings and subsequent erection of 4x4 bed dwellinghouses with garages, landscaping and associated works. The proposed floor plans and elevations are illustrated at **Figures 2 and 3** below.



Figure 2. Proposed ground floor plan in context (Drg Number 2219 P 04A)



Figure 3. Proposed general elevations(drg Number 2219 P 10)

- 1.5 The site plan suggests there will be three car parking spaces for each dwelling in addition to the associated garages. Units 1 to 3 will be linked by the attached garages and units 1 and 4 will have detached garages. 4 additional car parking spaces will be provided close to the bin and bike store. Unit 3 will back onto plot 7 of the approved development to the north, and Unit 1 will back onto Plot 1.
- 1.6 The site will be accessed from Broadlands which is an existing single-track lane which leads from the A417, continues to the east of the original farmstead, and connects to the lane which runs through Monkhide. This is detailed on the location plan as inserted below – Figure 4

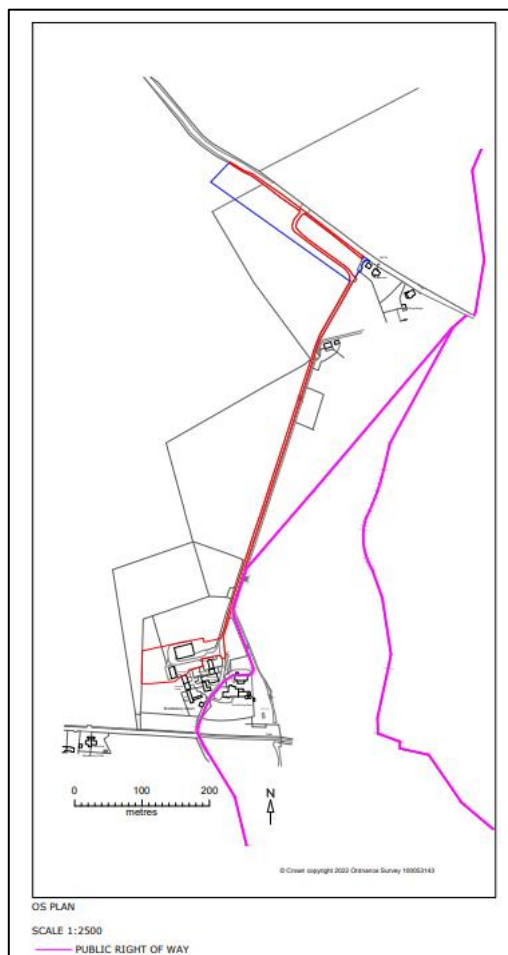


Figure 4 – Location Plan (drawing number 2291 P09A)

- 1.7 The site is not located close to any listed buildings or within a conservation area. Public Rights of Way (detailed in pink on the above plan) lie to the east of the site

2. Policies

2.1 Herefordshire Local Plan - Core Strategy 2011 – 2031

- SS1 Presumption in favour of sustainable development
- SS2 Delivering new homes
- SS3 Releasing land for residential development
- SS4 Movement and transportation
- SS6 Environmental quality and local distinctiveness
- SS7 Addressing climate change
- RA1 Rural housing distribution
- RA2 Housing in settlements outside Hereford and the market towns

- MT1 Traffic Management, highway safety and promoting active travel
- LD1 Landscape and townscape
- LD2 Biodiversity and geodiversity
- LD3 Green Infrastructure
- LD4 Historic environment and heritage assets
- SD1 Sustainable Design and energy efficiency
- SD3 Sustainable water management and water resources
- SD4 Waste water treatment and river water quality

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Yarkhill Neighbourhood Development Plan:

The Yarkhill Neighbourhood Development Plan was made on 25 September 2018. It now forms part of the Development Plan.

[Yarkhill Neighbourhood Development Plan - Neighbourhood areas and plans directory – Herefordshire Council](#)

- Y2 Settlement Boundaries
- Y7 Traffic and Transport
- Y8 Water Supply and Sewerage
- Y9 Reducing Flood Risk and Supporting Sustainability
- Y11 Protecting Landscape Character

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

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 6. Building a strong, competitive economy
- 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 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

- 2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

- 3.1 **204153/PA4** - Notification for prior approval for a proposed change of use of two agricultural buildings to form 3 smaller and 1 larger dwellinghouses (Class C3) and for associated works. –

Further information on the subject of this report is available from Ms Tracey Meachen on

Was considered the proposals required full planning permission as they did not meet the strict criteria of Class Q – agricultural buildings to dwellinghouses.

3.2 *(Adjacent Site)*

192765 - The proposed erection of seven dwellings with garages and associated development. (DOC 5, 6, 7, 14 see 232487) (DOC 8 see 240254) (DOC 3, 4, 11 see 240484) (DOC 19 see 242245)

Appeal Allowed – 11th March 2022

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=192765&search-term=192765&search-service=search&search-source=the%20keyword&search-item=%27192765%27

4. **Consultation Summary**

Statutory Consultations

4.1 **Welsh Water Comments:** No objection

Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage

4.2 Natural England Comments: Raises No objection
Consulted on HRA on 10th April 2025. No objection raised.

Internal Council Consultations

4.3 **Team Leader Area Engineer (Highways)** comments: No objection subject to conditions

The access has previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use.

Condition recommended regarding the provision of the visibility splays and improvements to the access.

4.4 **Principal Natural Environment Officer (Landscape)** comments: No objection subject to conditions.

The proposed site is adjacent to Monksbury Court, which is now converted from farm buildings to residential dwellings. It is at the far eastern end of Monkhide, which is a very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes. The landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature. I have previously commented on the adjacent residential site (planning ref 192765).

On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings.

The site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development. Visually the proposed building materials will be brick, timber and tiled roof (Design and Access Statement section 8), which will reflect the adjacent new and old buildings.

If the application is to be approved then a condition should be added to provide a fully detailed hard and soft landscape scheme.

There is no objection in relation to Core Strategy Policy LD1, as the proposed development will integrate appropriately into its surroundings.

4.5 **Principal Natural Environment Officer (Ecology)** comments: No objection subject to the purchase of credits

Original comments dated 2nd November 2022 included a holding objection:

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

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

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

Notes in respect of HRA

The proposal is for FOUR new self-contained dwellings with associated additional foul water flows (nutrient pathways).

No mains sewer connection is available at this location.

The applicant has advised that they intend to connect to the private foul water system previously approved for an adjacent development (permitted March 2022 under appeal application ref 192765)

No details of the proposed private foul water scheme – previously approved and updated to include detailed consideration of additional flows now being proposed has been submitted. Each application must be supported by the relevant scientific details and information/designs and demonstrate legal certainty of nutrient neutrality for the lifetime of the development supported.

An updated professional foul water management scheme with all relevant updated calculations, specifications, plans and any relevant updated BS6297 testing (as previous report and testing is now at least 2 years old) is requested to support this current application and provide required scientific and legal certainty for the HRA process now required as part of this new planning application.

Once the fully updated foul water scheme has been supplied the relevant HRA process for this current application can be progressed.

This currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be discussed with the planning case officer once the final new scheme has been designed.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; and NERC Act obligations.

Other ecology comments

The preliminary ecological appraisal and bat report by AWARE Ecology dated September 2022 is noted and refers.

The initial ecology assessment and optimal period bat surveys completed in 2022 demonstrated that the buildings were being utilised by small numbers of "common" bat species and that a Protected Species Licence from Natural England would be required PRIOR to any works commencing. No further protected species (Bats) surveys are identified as being required in order to allow the LPA to make a determination in respect of planning permission. The required protected species licence can only be applied for subsequent to a planning permission being granted.

The applicant should be aware that Natural England may require further 'optimal period' and hibernation bat roost assessments to be completed within same/one season of the Protected Species Licence application being submitted to them. This requirement is separate to any determination or planning permission granted by this authority. If the requirements of Natural England Licensing in anyway amend or change approved plans relevant additional-updated planning permission may be required prior to works progressing.

Based on available information the LPA has no reason to consider that a protected species licence will not be granted by Natural England, The detailed recommendations, including protected species licence requirements, mitigation and compensation measures as detailed in the ecology report by Turnstone Ecology should be secured for implementation by a condition on any planning permission granted.

Ecological Protection

The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved 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 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.

As identified in the NPPF, NERC Act and Core Strategy LD2 all developments should demonstrate how they are going to practically enhance ("Net Gain") the Biodiversity potential of the area. These enhancements are in addition to any mitigation or compensation required by other constraints. To secure these enhancements a relevant Condition is suggested:

To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. These biodiversity net gain enhancements are in addition to any mitigation or compensation required due to Natural England species licensing requirements.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

The site is in an area with an intrinsically dark landscape that benefits local amenity and nature conservation interests, including nocturnal protected species present at the site. A condition to ensure all external lighting is kept to the essential minimum for householder safety and any systems installed compliant with current best practice is requested:

Protected Species and Dark Skies (external illumination)

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

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

Following further information and re-consultation dated 24th April 2024

Habitat Regulations Assessment considerations only (other previous ecology comments remain valid)

The Surface Water Management Plan, Flood Risk Assessment and Foul Drainage Strategy by Greenway Planning Ltd Rev2 dated 15/02/2023 is noted and refers.

This report provides details and confirmation that a new private, shared, foul water treatment system comprising of a Package Treatment Plant discharging to a local watercourse will be used to manage all foul water flows from the proposed new 4 residential dwelling development.

As a direct outfall to local watercourse is proposed the additional foul water outfall discharged will create new-additional nutrient pathways (Phosphates) in to the River Lodon which forms part of the River Lugg (Wye) SAC catchment.

The proposal is to demonstrate that nutrient neutrality can be achieved for the lifetime of the development through the purchase of relevant 'Natural England' approved Phosphate Credits. No confirmation of a completed purchase has been supplied and the required HRA appropriate

assessment process cannot be progressed at this time and no planning permission should be granted.

Once a final purchase of required P Credits has been completed, based on current guidance and approved Nutrient Neutrality Calculator, the required HRA process can be progressed.

The Habitat Regulation Assessment can be seen here:

<https://myaccount.herefordshire.gov.uk/documents?id=decea24a-15f3-11f0-908d-005056ab11cd>

4.6 **Public Rights of Way Manager** comments: No objection

4.7 **Land Drainage** comments: 4th December 2022 – Further information required

Initial consultation provided **4th December 2022** initially asked for further information:

Conclusion:

As discussed above, we recommend that the following information is provided prior to the Council granting planning permission for this development:

- Surface water drainage strategy.
- Revised foul water drainage strategy which utilises a gravity fed discharge

Full comments (4th December 2022) can be read at :

<https://myaccount.herefordshire.gov.uk/documents?id=14d63e2a-8831-11ed-9066-005056ab11cd>

4.8 **Land Drainage** comments: 10th November 2023 - No objection subject to conditions

Full Comments can be read here:

<https://myaccount.herefordshire.gov.uk/documents?id=670116b9-83c0-11ee-9073-005056ab3a27> – Appendix 1

Overall Comment

CONDITIONAL NO OBJECTION

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

- Detailed surface water and foul water drainage design drawings/construction layout.
- Details of the management company responsible for the maintenance of the foul water infrastructure.

4.9 **Waste Management** comments:

A swept path analysis should be provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access. The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards

In the event that any roads within the development are not adopted, please note the council will only agree to travel private roads for the purposes of waste collection if:

- The council and its contractors determine that collections can be carried out safely; and

- The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for this type of vehicle to travel over on a frequent basis; and
- The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.

When the development is brought into use, the council and/or its contractor will assess the safety of collections via the completion of a risk assessment which will take into consideration the access and suitability of the road surface, width, obstructions and turning areas for a 26 tonne RCV.

A Bin Store have been included on the plans. These should be large enough to position the required number of containers and large enough to remove one bin without having to move another first.

Bin collection points (areas of hardstanding where residents can place their bins for collection) should be provided for any plot located over a 25 metre walking distance from where the RCV can safely access. These should be an area of hardstanding that is large enough to position the required number of containers.

Other Consultation responses

4.10 **The Ramblers** comments: No objection

4.11 **River Lugg Drainage Board** comments: No objection

The site is just outside IDB district but the un-named water course to the east of the site is within the district flowing south to meet Watery Lane.

If infiltration tests show soakaways to be unsuitable for this site the applicant is proposing to use storage with a controlled discharge into this un-named watercourse. The applicant is also indicating that if a drainage field is not appropriate then the outfall from the package treatment plant will discharge into this un-named water course.

CONSENTS will be required from the IDB for both these proposed new outfalls into the un-named watercourse. We would recommend that this is a planning condition of any planning decision. Reason: requirements of Land Drainage Act 1991 (as amended).

CONSENT would also be required from the IDB if any obstructions are proposed within 9m of this watercourse.

4.12 **Hereford Wildlife Trust** comments: no response

4.13 **The British Horse Society** comments:

The British Horse Society is the UK's largest equestrian Charity, representing the UK's 3 million horse riders. Nationally equestrians have just 22% of the rights of way network and are increasingly forced to use busy roads to access them.

The design and access statement suggests that the access to/from the proposed properties will be from the A417. Presumably there would be no access for MPV's through the farm buildings via Yarkhill FP2 and Bridleway Yarkhill 3 towards Monkhide. This is clearly used for MPV/farm access on the ground currently: whilst recorded partly as UCR with mixed maintenance responsibility additional MPV traffic using this route would impact on the safety and enjoyment of the bridleway.

The British Horse Society seeks assurance that the bridleway network here will not be detrimentally affected by the additional housing.

5. Representations

5.1 Yarkhill Parish Council comments: (November 2022) Objection

Irrespective of the demolition of two unattractive buildings, we consider this to be an ill-conceived and presented development scheme. It fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned while also being in close proximity to flood risk zones 2 and 3. In addition, the application is peppered with errors, contradictions and lacking critical information which we consider essential.

Appraisal

Settlement Boundary

- The Planning Statement appears to misunderstand the entitlements of a settlement boundary and the nature of Yarkhill's NDP. Indeed, contrary to the Agent's statement in paragraph 14, the Parish Council and local residents in drafting the NDP, did not wish any site beyond the existing Monksbury Court Barns development to be included within the boundary. This was in order to protect the integrity and attractiveness of the local landscape while recognising the flood risk and paucity of Monkhide's infrastructure. We were, however, compelled to include it under the rules for the drawing of settlement boundaries primarily due to the existence of an agricultural building on the extended site
- While we accept that this action established the principle of development, it does not give LTF properties the right to build as it wishes. The essential purpose of the NDP is to apply policies to any development within the boundary and, as it stands, this application proposes a development where there are numerous conflicts with the established criteria.

Design / Layout

- There is no attempt to address two of the key reasons why Herefordshire Council refused previous application 204153, namely the issue of flooding and the inadequacy of the existing access. Highways, in particular, expressed specific concern about the poor state of the access track and the high number of dwellings already served such that now increasing the number of houses would appear to be inconsistent with this assessment
- The houses will impinge on the converted Victorian barns yet bear little resemblance in either style or layout. When viewed from the south, the proposed development appears as one large dark terrace block without redeeming features or variety which confirms the squeezed in nature of the houses and therefore the overdevelopment of the site. This is in direct conflict with Policy Y2 (Housing within Settlement Boundaries) of our NDP
- The development will not contribute towards the landscape character of Yarkhill irrespective of the removal of the two existing buildings and this is contrary to NDP Policy Y11 (Protecting Landscape Character)
- It is irrational that 4 large houses of this nature should lack side access to their rear gardens other than via a single door in the garage. Somewhat worryingly, units 2 and 3 have no access at all which is presumably a drafting error by the architect? Fundamentally, these are linked houses which actually contributes to their unsuitability given that any sense of openness will be destroyed due to the lack of space or daylight between them. We must also question the sufficiency of vehicle access to the garages of units 1 and 4 and, equally, the ability to exit these dwellings easily
- We cannot understand why there has been no attempt to make this a more mixed development by the inclusion of at least one 3-bedroom property as specified under NDP Policy Y2 and given the recognised demand for this type of accommodation. By doing so, it would allow the development to be better spaced out thus reducing the impression of being crammed onto a relatively small parcel of land. Policy Y2 further indicates a preference for

small scale developments of up to 3 houses only. Even the 4 alone would exceed this objective, but if combined with the 7 already approved, the total would be 11 which is an insupportable number for the location

- It is disappointing to note the lack of energy efficient measures to be incorporated within the design of the dwellings such as alternative air source heating or solar panels which is addressed in NDP Policy Y2 and Y9 (Supporting Sustainability).
- There is no mention of the maintenance of dark skies and the type of external lighting to be used which is particularly important in Monkhide as specified in Policy Y11 of the NDP.

Flooding / Foul Water

- The Flood Risk Assessment is from 2019 and was undertaken in respect of the 7 houses under planning application 192765 and not an additional 4 dwellings as now proposed. Specifically, this is a very different piece of land and set at a much lower level than the site of the 7
- There is no explanation of where the referenced package treatment plant will be situated and it does not appear to be marked on the site plan. This should surely be part of the application
- The development intends to make use of the drainage field approved under application 192765, but this was specifically sized to accommodate the 7 houses only and it is worth noting the comments of Land Drainage from 26/10/20 in this respect. While the latest application indicates that information regarding the suitability of the field for additional houses is provided, this appears to be lacking. We would further suggest that it is important to understand the ownership nature of the drainage field and how this will be dealt with post completion. The site drawing illustrates that only half the field will be within land that is part of this application while the other half sits on land that is part of application 192765 and we understand from public records that LTF properties is in the process of selling the 7-house site
- We are no less concerned by the likelihood that the methodology for foul water treatment will have to involve a complex and engineered solution given that the drainage field sits at a higher level than the development site itself, but this is not addressed anywhere in the application
- With regard to surface water, we find it difficult to reconcile the sensitive nature of the site with the proposal that ground testing and a resultant strategy will be undertaken and designed post an approval. This should surely be a fundamental part of the application rather than left to conditions. We also struggle to buy into the argument that the similarity of roof areas between the houses and existing agricultural buildings means there will be no difference in surface water volume when the site is developed. The profile, layout and proximity of the houses is vastly different with the risk situation being compounded by the loss of land that has natural porosity and an increase in the areas of hard standing. This is without taking into account the impact of the adjacent 7 dwellings
- The topography of the land is such that the 4 houses will sit at a lower level than the 7 which are positioned immediately to the North though it is difficult to get a sense of the respective height levels from the application. Flood waters encroach from the north and east such that there is a risk the new development may not be able to withstand the volume of surface water it would have to accommodate which is evidenced in numerous photos illustrating the amount of excess surface water at this lower level as part of application 192765. In addition, in periods of high rainfall, the access track can be partly underwater and this is likely to cause particular problems for the increased number of residents that will need to use it
- On the basis of the information provided relating to foul and surface water management, we are of the view that the application is contrary to NDP policies Y8 (Water Supply & Sewage) and Y9 (Reducing Flood Risk).

Transport / Infrastructure

- Highways objected to previous application 204153 which we must assume does not take into account the 7 houses approved under application 192765. The current access track still fails to meet Herefordshire Council's Highway Design Guide despite consistent calls for remedial action to be taken and the point at which the track joins the A417 is dangerous. No development should be permitted until this matter is finally resolved. It should also be noted that access to the site is not via Broadlands as stated in the Design & Access Statement which is a private dwelling and driveway
- It is disconcerting that the Planning Statement claims traffic safety will improve as a result of the development given that, following demolition of the piggery and potato shed, there will no longer be heavy farm vehicles using the access onto the A417. This is fundamentally incorrect and contradicts the remainder of the application which states that these buildings are currently redundant structures. The reality of the situation is that there is no traffic of the nature stated, and that traffic volumes will only worsen with 4 additional dwellings each with spaces for 3 cars
- Monkhide has inadequate facilities or infrastructure such that the sense of allowing yet further development must be questioned. Residents will undoubtedly be car reliant for almost every day to day need and there is not even connectivity to the nearby petrol station at Newtown. The PC would like to see the developer committed to providing at least some form of infrastructure improvement be it a pavement from the entrance point on the A417 to the Newtown crossroads or enhanced road safety measures to lessen traffic risk. This is consistent with NDP Policy Y7 (Traffic & Transport)
- Should planning permission be granted, it should be a condition that no traffic from the site, during construction or post completion, may use the access via the U66203 onto the A4103, but only via access onto and from the A417. We would also like to see a formal landscaping plan provided including the location of any oil or gas tanks to uphold the visual appeal of the location.

Conclusion / Recommendation

It is currently difficult to square this development with the NPPF's measures of sustainability. It is not of the right type or in the right place due to the issue of flooding and there is scant evidence of the provision of improved infrastructure in an area that has no mains sewage, drainage or gas combined with access that is presently inadequate (Economic). No range of homes is offered, access to services is lacking, other than by car, and the design is unattractive (Social). There is nothing proposed that helps us move to a low carbon economy and the development neither protects or enhances the historic environment (Environmental). The Parish Council is of the unanimous view that there are critical areas that must be addressed before this application is capable of being supported. As such, we are compelled to object to it in its present form

The Parish Council was re-consulted in July 2025. No additional comments have been received.

5.2 Site Notices / Press

The application was originally consulted on in November 2022. Given the passage of time, a further round of consultation was undertaken in July 2025.

12 representations received in objection to the application.
The comments can be summarised as follows;

- Increase in traffic
- Light and noise pollution
- Ground contamination
- Foul drainage
- Doesn't address housing shortage, affordable homes or local housing need
- Unnecessary overdevelopment
- Materials proposed won't enhance local vernacular
- Flooding issues
- Poor road surface
- Highways concerns
- Harms the character and appearance of the area which includes Victorian Barns, and the landscape character
- Poor design and materials
- Should include renewable energy and rainwater harvesting
- Wildlife habitats
- Unsustainable location
- No access to rear of dwellings
- No green energy
- SUDS report out of date
- Does not comply with NDP policies

All representations can be viewed in full on the Council's website using the following weblink:-

https://www.herefordshire.gov.uk/info/223128/planning_services/planning_application_search/details?id=223128

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

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Yarkhill Neighbourhood Area, which was made on the 25th September 2018 and forms a part of a part of the Development Plan for Herefordshire.
- 6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 34 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 need updating, and these were subsequently updated in December 2023. 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 applications.
- 6.4 Paragraph 12 of the NPPF does recognise 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. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans), permission should not usually be granted.
- 6.5 Paragraph 11 of the NPPF, which is consistent with Policy SS1 of the CS, applies a presumption in favour of sustainable development.

Further information on the subject of this report is available from Ms Tracey Meachen on

- 6.6 The application involves the provision of housing and there is a need to note Footnote 8 of the NPPF.
- 6.7 The recent revisions to the NPPF has resulted in a published five-year Housing Land Supply figure for Herefordshire of 3.06 years. Herefordshire Council is currently unable to identify a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As a result, Paragraph 11(d) of the NPPF is engaged for decision-making purposes. Planning permission should therefore be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the current NPPF as a whole (11dii); or if specific assets or areas of importance within the current NPPF indicate development presents a 'strong reason' for refusal (11di).
- 6.8 Supreme Court judgements and subsequent appeal decisions have confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision.
- 6.9 Policy SS1 of the CS reflects the principle policy of the NPPF as it confirms a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It is therefore confirmed that proposals which accord with the policies of the CS (and, where relevant, other Development Plan Documents) will be approved, unless material considerations indicate otherwise.
- 6.10 Strategic policy SS2 of the CS confirms that Hereford is the main focus for new housing development in the county, then the five market towns of Herefordshire. In rural areas, new housing will be acceptable where 'it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community'. Similarly, the current NPPF advises that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural settlements, particularly directing development to 'sustainable locations'.
- 6.11 Policy RA1 explains that a minimum of 5,300 new dwellings will be distributed across seven Housing Market Areas (HMAs) albeit across the current plan period of the CS which recognises that different parts of the County have differing housing needs and requirements. The policy explains that the indicative target is to be used as a basis for production of NDPs. The growth target figure is set for the HMA as a whole, rather than for constituent Neighbourhood Areas, where local evidence and environmental factors will determine the appropriate scale of development. The CS leaves flexibility for NDPs to identify the most suitable housing sites, through their policies; and allocations.
- 6.12 Policy RA2 of the HCS states that NDPs will be the principal mechanism by which new rural housing will be allocated. Where these are absent or not advanced in the process to be afforded weight in the planning balance, the main focus for development will be within or adjacent to the main built up parts of the settlement.
- 6.13 The Council is currently not able to demonstrate a five year supply of housing land. Following revisions to the NPPF in December 2024 which changed how housing need should be calculated, the supply figure for Herefordshire has reduced to 3.06 years. The tilted balance is therefore engaged. However, it is considered that the development policies within the Core Strategy follow the requirements of sustainability within the NPPF and can therefore still be considered relevant.
- 6.14 Regarding Neighbourhood Development Plans, Paragraph 14 of the NPPF states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

- 6.15 Whilst being mindful that the NDP post-dates the adoption of the CS, the Cradley NDP is now over five years old (made September 2018). Paragraph 14 is not engaged given conflict with a). As such, any conflict with the policies contained within the NDP does not automatically amount to harm that significantly and demonstrably outweighs the benefits of a proposal which would engage Paragraph 14. The aforementioned balance at Paragraph 11d will therefore still apply in earnest.
- 6.16 Supreme Court judgements and subsequent appeal decisions have nevertheless confirmed that policies relevant for the supply of housing can still be afforded weight in the decision-making process, and it is a matter of planning judgement for the decision-maker to attribute the degree of weight to be afforded depending on the context of the decision and Paragraph 232 of the NPPF is therefore applicable. The spatial strategy set out in both the CS and NDP is considered to be largely consistent with the NPPF. As such, one should attribute significant weight to the relevant policies for determination, particularly as both the CS and NDP helps in some ways define what may amount to a 'sustainable location', 'effective use of land' and 'securing well-designed places', key policies within Paragraph 11d of the NPPF, which can be considered individually, or in combination, together with affordable housing.
- 6.17 Monkhide is identified as a settlement for housing growth under Policy RA2 within the Ledbury HMA in associated Table 4.15 of the Core Strategy, as a settlement where proportionate housing is appropriate, with the policy supporting development within or adjacent to these identified settlements. However, the CS does leave it open to NDPs to define any settlement boundaries, as per Paragraph 4.8.23 of the CS. The boundary was established within the Yarkhill NDP as shown in **Figure 5** overleaf.

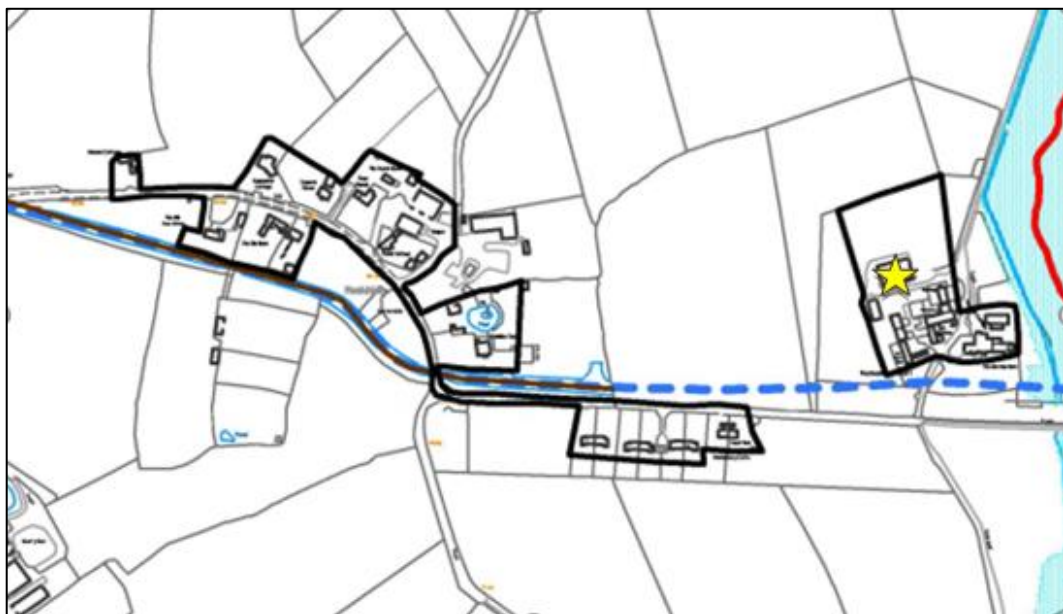


Figure 5: Yarkhill NDP Policy Map for Monkhide
Proposed site indicated by a yellow star

6.18 Policy Y2 supports proposals for new housing development within the identified Settlement Boundaries for Monkhide provided that it meets the criteria as explored below:

1. *New development is designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;*

Complies. The existing materials are brick, blockwork and timber cladding. Similar materials are proposed with the brick and timber cladding to be conditioned to ensure they correspond to the local materials of the site.

2. *Properties and extensions are restricted to two storeys in height and reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping;*

Complies. The proposed dwellings are of two storey height and laid out in a similar fashion to the existing barns which faced a central area of existing open space. The layout would therefore be similar to the existing layout while matching the design of the adjacent barn conversion complex to the north which provided 7 dwellings. Although modern in appearance, the form, density and arrangement of buildings would reflect the already existing barn conversion site.

3. *Development is designed to be sensitive to any nearby built heritage assets such as Listed Buildings and Scheduled Monuments;*

Complies. The site is not located close to any listed buildings, ancient monuments or Conservation Areas.

4. *New developments retain and incorporate natural features such as trees and hedgerows, and where appropriate ameliorate any loss of habitat for wildlife;*

Complies. The land immediately surrounding the two disused barns is made up of mostly pastoral land and a parking area associated with the converted barns nearby. Most trees and shrubs will be retained, but a small group will be lost to make way for unit 1. Some replacement planting could be attainable within the site.

5. *New development should incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes, and landscaping should include locally appropriate species in planting schemes.*

Complies. These have been included within the Preliminary Ecological Appraisal Survey which has been submitted with the application.

6. *Renewable energy installations if proposed are integrated into the design;*

Does not comply. Although none have been included within the submitted scheme, this is not a valid reason for refusal.

7. *Sites have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours;*

Complies. The access was considered suitable on an appeal decision, subject to a condition which will ensure improvements are made to the access. A similar stance will be taken for this application.

8. *Sufficient provision should be made for adequate off street parking;*

Complies. Adequate parking is proposed.

9. *Development is small in scale (preferably up to 3 dwellings), on small infill sites, and where possible on brownfield sites where the new housing development will not be adversely impacted by existing agricultural or commercial activities;*

Complies. The site is for four dwellings, and smaller than the appeal site which was approved for 7 dwellings. It is still regarded as small scale development and no more than 3 is expressed as a preference rather than a limit.

10. *Schemes provide smaller and family accommodation (2 - 3 bedrooms) to meet the needs of young families. Affordable housing is encouraged where viable and possible.*

Discussed below:

- 6.19 The dwellings proposed are for 4 bed dwellings, so do not exactly comply with this criteria. The Herefordshire Local Housing Market Assessment (LHMA) 2013 is quoted within the NDP. It identified that, in rural parts of Ledbury LHMA, between 2011-2031 there is a need for 339 market houses and 226 affordable houses. The study highlights that within the Ledbury HMA the overall estimated housing need by size 2012-2017 is as follows:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	46.8%	22.3%	22.7%	8.2%

The Herefordshire Local Housing Market Assessment (LHMA) 2021 now suggests the following is required:

Urban Area	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Market	5%	30%	50%	15%

- 6.20 There is therefore a greater need for 4 bedrooled dwellings now than the time the NDP was produced, but still a greater need for 2 and 3 bed dwellings. However, the development for 4 bed dwellings, while conflicting with this part of the policy, and this tension must be considered, it is not considered to be a reason for refusal that could be advanced in isolation. Therefore, unless material considerations show otherwise, the application would be considered acceptable. The previous application approved on appeal consisted of a mix of 3 and 4 bed dwellings.

Impact on the Character of the Surrounding Area and Residential Amenity

- 6.21 CS policy RA2 requires that all developments in identified settlements should be of a high quality and appropriate to their context whilst making a positive contribution to the surrounding environment and its landscape setting.
- 6.22 This is further reinforced by policy LD1 which requires that schemes are positively influenced by the character of the townscape in terms of their site selection, design and scale.
- 6.23 SD1 also requires that schemes are designed to maintain local distinctiveness by respecting scale, height, proportions and massing of surrounding development whilst making a positive contribution to the character of the area. Also, development must safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.
- 6.24 NDP Policy Y2 expects new development to be:

- designed sensitively to respond to the setting of the site, and reflects the rural character of neighbouring buildings, using traditional materials such as Herefordshire sandstone, timber frames, local red brick and slate roof materials where possible;
- restricted to two storeys in height and to reflect the character of the village and its surroundings in terms of size, scale, density, layout and landscaping; and
- designed to be sensitive to any nearby built heritage assets.

- 6.25 The proposed site is adjacent to Monksbury Court which has recently been converted from farm buildings to residential dwellings. Monkhide is described by the Landscape Officer as a 'very small settlement that fits with the typical pattern in the area of frequent roadside dwellings, set amongst winding lanes', describing the area as follows 'landscape character type is Principle timbered farmlands, with the Riverside Meadows of the River Lodon immediately to the east and Principle settled farmlands to the south. There are several orchard fields around Monkhide which are a key landscape feature.
- 6.26 On the adjacent site to the north, the Planning Inspector found that the design of the buildings would ensure that it did not present itself as a nondescript suburban addition to the landscape and that the established and reinforced boundary vegetation helps to contain the site. The careful design and use of materials would ensure that the development harmonises with its surroundings'.
- 6.27 There have been objections to the proposals from the public and Parish Council to suggest that the proposals do not match the surroundings in terms of design which are large Victorian Barns, and that the scale of the development is too large being dwellings of four bedrooms. The Parish Council stressed the development 'fails to respect the nearby heritage buildings, or the rural location and the houses themselves are poorly designed and positioned'.
- 6.28 The character of the area has slowly changed from agricultural when the barns were in use, to maintaining agricultural characteristics, but with a more residential character presiding. The previous application utilised similar building materials to reflect the character of the area, and this application has attempted to apply the same principle. Barn 1 to be demolished is a steel framed structure constructed with concrete block walls. Barn 2 is a single storey brick barn. The proposed brick and timber cladding replicates the better material palette of the surrounding built form, and a condition will be requested to ensure that the council retains control over the brick type and finish. Plain tiles are proposed instead of asbestos roof sheeting currently in situ, and the removal of the blockwork barn and asbestos roofing.
- 6.29 The design of the dwellings now proposed are similar in design to the residential site to the north which is already approved, and which also included grey windows and doors, the proposal will be considered to complement the approved residential scheme while still respecting the original agricultural layout. The Landscape Officer agrees, stating that 'the site proposed for this current development will be contained by the 7 residential buildings to the north and the original farm, now fully residential, to the south. In landscape terms it is therefore suitable for residential development'.
- 6.30 Despite the concerns which have been expressed, the scale of development is visually acceptable, and the dwellings have been arranged to ensure there will be no overlooking between neighbouring properties. As the patio doors to the rear of unit 1 will face towards the garage and utility areas of the dwelling to the north identified as plot 1 of planning consent 192765, these have been considered in terms of amenity impact. However, impacts on existing and future residential amenity is considered acceptable, and the application appears to comply with policies RA1, LD1 and SD1 within the CS, NDP policy Y2 and policies within the NPPF.

- 6.31 Materials to be used within the development can be controlled through a suitably worded condition as detailed below.

Highways

- 6.32 Policy MT1 of the Core Strategy expects new development to provide safe access from the local road network without undue local environmental impacts, promoting active travel and development without adversely affecting the safe and effective flow of traffic on the highway network.
- 6.33 Policy Y2 of the NDP requires sites to have suitable access. The impacts of additional traffic from development proposals on existing rural roadworks should be carefully considered and suitable measures should be proposed to encourage appropriate traffic speeds and civilised driver behaviours. Sufficient provision should also be made for adequate off street parking.
- 6.34 Policy Y7 seeks, wherever possible, to support and improve existing public transport links to local towns and facilities, and to improve local routes and networks for walking and cycling.
- 6.35 NPPF Paragraph 115 (b) requires safe and suitable access to the site can be achieved for all users, and Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.36 The Area Engineer for Highways has noted that the access to be utilised has 'previously been approved on appeal P192765/F as suitable for 7 additional dwellings subject to improvements to the access track being requested via a condition. It is considered that an additional 4 dwellings will also require such improvements to make the access track safe and suitable for residential use'.
- 6.37 The Area Engineer therefore has no objections subject to the recommended conditions to ensure adequate visibility splays are put in place and maintained, and to ensure that there are improvements made to the existing access from the A417 to the development proposed.
- 6.38 The application will therefore comply with CS Policy MT1, NDP Policies Y2 and Y7 and the requirements of the NPPF.

Ecology

Protected Species:

- 6.39 NPPF paragraph 180(d) seeks to minimise impacts on, and provide net gains for, biodiversity. Policy LD2 of the Core Strategy states that development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of the district. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.40 Policy Y2 of the NDP requires new development to incorporate measures which support and enhance local wildlife such as swift bricks and bat boxes.
- 6.41 Policy Y11 expects proposals to give careful consideration to lighting designs in order to minimise light pollution and protect the area's dark skies for the benefit of wildlife and residents' local wellbeing.

6.42 The application has been supported by an Ecology Assessment including bat surveys. As bats were identified as using the buildings, the Ecology Assessment pointed out that a Protected Species License would be required from Natural England. It was therefore up to Natural England to decide whether any further surveys are required. The Council's Ecologist therefore considered that a protected species licence would be granted by Natural England. The ecology report by Turnstone Ecology recommended the protected species licence requirements, mitigation and compensation measures. Therefore, so long as implementation can be secured by condition, the Council's Ecologist would have no objections. Other conditions were also recommended including the control of external lighting to ensure dark skies and nocturnal habitats are maintained.

6.43 The application therefore complies with the above policies.

Habitat Regulations Assessment and Drainage:

6.44 Policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures or provide similar to enhance the local flood risk regime.

6.45 Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

6.46 NDP Policy Y8 supports CS policies SD3 and SD4 and development will therefore only be permitted where the capacity of the public sewerage system or waste water treatment works (WwTW) allows, or a suitable private waste water treatment system is installed. In addition, development should not cause an unacceptable risk to the availability or quality of water resources of neighbouring properties, and no development should be allowed to overload the public sewerage system.

6.47 Policy Y9 expects new residential development to be in Flood Zone 1 low risk, and are required to provide effective surface water drainage measures to protect existing and future residential areas from flooding.

6.48 The Flood Risk Assessment and Surface Water Management Plan initially recommended a Sewage Treatment Plant and Drainage Field to discharge Foul Water from the site. This was upgraded to a Haba Bio Easy Flow Package Treatment Plant which reduces phosphate to 0.8 mg/litre Phosphate and which will ensure a betterment to the originally submitted scheme.

6.49 The HRA recognised the following:

FOUR new residential dwellings with new private foul water system foul water discharges
Std occupancy for Herefordshire 2.3
Std water efficient condition to 110lpd (secured by condition))
No mains sewer available
Private Foul water System – Haba Bio Easy Flow (0.8 mg/litre Phosphate)
Discharge to a general binding rule compliant watercourse under the applicant's control.
Annual Rainfall: 850-900mm (applicant data)
Soil Drainage: Slightly Impeded (applicant data)
Existing land use: Mixed agricultural 0.40Ha (application info)

6.50 The Phosphate Budget Calculations show the PTP system proposed would lead to a shortfall of 0.96kg TP/year for the four dwellings. Adequate mitigation has been agreed to be achieved through the purchase of credits which would demonstrate legal certainty of nutrient neutrality for

the lifetime of the development proposed. A copy of the draft legal agreement (S106) is appended to this report – appendix 2.

- 6.51 Both the Council's Ecologist and Land Drainage had no objections to the proposal. A Habitat Regulation Assessment was completed and sent to Natural England who also had no objections so long as the proposed mitigation measures can be secured by either a planning condition or an S106 agreement. As the land is within the applicant's control, a condition will be attached to the Decision Notice to ensure the PTP is provided and adequately maintained for the lifetime of the development. A completed section 106 agreement will confirm the purchase of credits as mitigation/ It is therefore concluded that the proposal is compliant with policies SD3 and SD4 of the Core Strategy, policy Y8 of the NDP, and the requirements of the NDP.
- 6.52 It has been pointed out that this currently proposed change to foul water management may trigger the requirement for a variation of previously approved plans (192765) and this should be duly considered once the final new scheme has been designed. However, it is not a matter to cause planning permission to be withheld here as there are mechanisms available to the applicant to amend the previously approved drainage scheme.

Drainage

- 6.53 A Flood Risk Assessment and Surface Water Management Plan was included as part of the application which identified the site as being in Flood Zone 1 with no surface water flood risk. However, part of the access road is located within flood zone 2. As such, the applicants were recommended within the Management Plan to check flood alerts during heavy rain so that informed decisions could be taken early if required, and this will be repeated as a Planning Informative on the Decision Notice.
- 6.54 Land Drainage pointed out that the Flood Risk Assessment and Surface Water Management Plan was carried out prior to any infiltration test results being undertaken. They therefore asked for another surface water drainage strategy and layout to be provided along with the associated infiltration test results and calculations.
- 6.55 The updated information confirmed that each property would have its own individual geocellular soakaway, the use of which was supported by the infiltration test results. Land Drainage therefore had no objections so long as the detailed surface water and drainage design drawings and construction layout are provided, which can be secured by condition.
- 6.56 The detailed comments of the Parish Council and other residents in respect of drainage concerns have been noted and reviewed. The submission has been carefully considered by the drainage consultant who raises no objection subject to conditions. It is therefore considered that the application can comply with CS policies SD3 and SD4, policy Y8 of the NDP, and the requirements of the NPPF.

Other

- 6.57 There have been concerns from the British Horse Society that Multi-Purpose Vehicles would use access points through the farm buildings via Yarkhill Footpath 2 and Bridleway Yarkhill 3 towards Monkhide, which would impact the safety of the bridleway, spoiling the enjoyment of the bridleway due to a busy road.
- 6.58 Paragraph 115 of the NPPF requires: in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that - (b) safe and suitable access to the site can be achieved for all users.

- 6.59 The public Bridle Way follows Village Road and also has a public footpath which runs to the east of the application site. The access road goes northwards to the A417 and does not impact the bridleway. A small section of the access road joins with the PROW (public footpath).
- 6.60 There is nothing to prevent traffic from turning towards Monkhide rather than to the A417 as the existing access points will remain unchanged. However, the dispersal of traffic would be throughout the day, and road users would utilise a mix of the two routes. The amount of traffic running along Village Road would not be significant as traffic would most likely prefer the faster route onto the A417 which has a better road surface and traffic speed. It is therefore not considered that the amount of traffic using the narrower road through Monkhide would escalate as a result of the 4 dwellings, and not to the extent that the enjoyment from using the bridleway would be unacceptably spoilt. The application is seen to comply with the requirements of the Development Plan and NPPF in this respect.

Conclusion

- 6.61 CS Policy SS1 and Paragraph 11 of the NPPF apply a presumption in favour of sustainable development. The NPPF is clear that the achievement of sustainable development is dependent on achieving three overarching objectives, which are interdependent and must be pursued in mutually supportive ways. These are economic; social; and environmental.
- 6.62 The proposed development represents a small scale and appropriately designed residential scheme situated within the defined settlement boundary of Monkhide, as designated under the Yarkhill Neighbourhood Development Plan. The site is considered to lie in a sustainable location in accordance and the development accords with the general principles of Policies SS1, SS2 and RA2 of the Core Strategy.
- 6.63 The proposal would provide four additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing, and whilst there is some tension with policy in relation to the mix of housing, this is on a small site that is recognised can make an important contribution to meeting the housing requirement for the housing Market Area as a whole.
- 6.64 Furthermore, the proposal is acceptable in terms of scale, layout and design, and would not result in unacceptable harm to residential amenity, landscape character, ecological assets, or highway safety. It would therefore be considered to accord with relevant policy and as there are no other material considerations relevant to this application, it is recommended for approval subject to a the completion of the Section 106 agreement relating to the purchase of Phosphate Credits.
- 6.65 On this basis, it is considered that planning permission should be granted as set out in the recommendation below.

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement to secure the payment of phosphate credits, 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:

1. Time limit for commencement (full permission)

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Development in accordance with the approved plans

Further information on the subject of this report is available from Ms Tracey Meachen on

**Location Plans
2219 P01 Block Plans
2219 P 10 Elevations
2219 P 04A Proposed Ground Floor Plan
2219 P 05A Proposed First Floor Plan
2219 P 06A Proposed North and South Elevations
2219 P 07A Proposed East and West Elevations**

Reason: To ensure adherence to the approved plans in the interests of proper Planning having regard to policies SD1, LD1, LD2, MT1 of the Herefordshire Local Plan, Core Strategy, Policies contained within the Yarkhill Neighbourhood Development Plan and guidance contained within the National Planning Policy Framework.

Pre-commencement Conditions

- 3. No development shall take place until details of improvements to the access from the A417 to the development hereby permitted have been submitted to and approved in writing by the local planning authority.**

The approved details shall be completed prior to first occupation of any dwelling approved under this permission and thereafter maintained to an acceptable standard.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

- 4. No development shall take place until the following have been submitted to and approved in writing by the local planning authority:**

- detailed surface water and foul water drainage design drawings and construction layout

Work shall be carried out in accordance with the approved details and shall be installed prior to the first occupation of the dwellings hereby approved and maintained in accordance with the approved details thereafter.

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

- 5. Construction Management**

Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) A method for ensuring mud is not deposited onto the Public Highway**
- b) Construction traffic access location and specification**
- c) Parking for site operatives**
- d) Construction Traffic Management Plan**
- e) Siting of construction compound / site offices / storage**
- f) Tree / hedgerow protection measures**
- g) Hours of working during construction**

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

Reason: The details relate to the duration of the construction period and are required prior to commencement of development in the interests of highway safety, amenity and landscape protection and to conform to the requirements of Policies SD1, LD1, LD3 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

Other stage conditions

7. With the exception of any site clearance and groundwork, no development shall take place, a landscape scheme shall be submitted and approved in writing by the local planning authority.

The scheme shall include a scaled plan identifying:

1. Trees and hedgerow to be retained, setting out measure for their protection during construction, including the location of temporary fencing, in accordance with BS5837:2012.
2. Trees and hedgerow to be removed.
3. All proposed planting and seeding, accompanied by a written specification setting out: species, size, quantity, density and cultivation details. This should include native trees.
4. All proposed hardstanding and boundary treatments.
5. Detailed construction drawings of the southern boundary retaining wall in conjunction with proposed tree pits and any other planting.

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, Policy Y11 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of any site clearance and groundwork, no 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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

9. Prior to first occupation of any part of the development works hereby approved, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a range of biodiversity net gain features as identified

in the ecology report by Aware Ecology dated September but as a minimum a total of FOUR bat boxes or roosting features and EIGHT bird nesting boxes (mixed types) should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approvedT

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3 and Policy Y2 of the Yarkhill Neighbourhood Development Plan.

10. Prior to first occupation, the details of the management company responsible for the maintenance of the foul water infrastructure shall be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.

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

11. Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the any dwelling hereby permitted and maintained thereafter.

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

12. Prior to the first occupation of the new residential dwellings hereby permitted, written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Compliance Conditions

13. No development shall take place until visibility splays, and any associated set back splays at 45 degree angles have been 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 154 metres northbound and 160 metres southbound along the nearside edge of the adjoining carriageway.

Development shall be carried out in accordance with the approved details and 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, Policy Y7 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

14. The ecological protection and working methods scheme, including provision for protected species as detailed in the ecology report by Aware Ecology dated September 2022, shall be implemented in full and hereafter maintained as approved.

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, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the council's declared Climate Change & Ecological Emergency.

15. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

All hard landscaping shall be completed prior to the first occupation of the dwelling to which it relates.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy Y2 of the Yarkhill Neighbourhood Development Plan and the National Planning Policy Framework.

16. All foul water shall discharge through connection to a private foul water treatment system as detailed in the Flood Risk Assessment and Surface Water Management Plan Revision 2 prepared by Greenaway Planning Ltd (dated February 2022) and all surface water shall be managed through plot specific soakaway infiltration systems.

Reason: In order to ensure Nutrient Neutrality and 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), Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4 and Policy Y8 of the Yarkhill Neighbourhood Development Plan.

17. None of the dwellings approved by this permission shall be occupied prior to the 1st of June 2026.

Reason: To ensure that the Tarrington integrated wetland scheme can be relied upon with certainty to provide effective mitigation for the potential effects of the development upon the River Wye SAC as part of the Councils Phosphate Credits scheme, thereby safeguarding water quality and the integrity of the River Wye SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

18. 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; Policy Y11 of the Yarkhill Neighbourhood Development Plan; and the council's declared Climate Change and Ecological Emergency.

19. 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, E and H of Part 1 and of Schedule 2, shall be carried out.

Reason - To ensure the character of the countryside is maintained and to comply with Policy SD1 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 Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status Protected Species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year.

Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any

required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. Consent will be required from the Internal Drainage Board for any proposed outfall into the un-named watercourse to the east of the site.
4. Consent will be required from the Internal Drainage Board if any obstructions are proposed within 9 metres of the un-named watercourse to the east of the site.

Decision:

Notes:

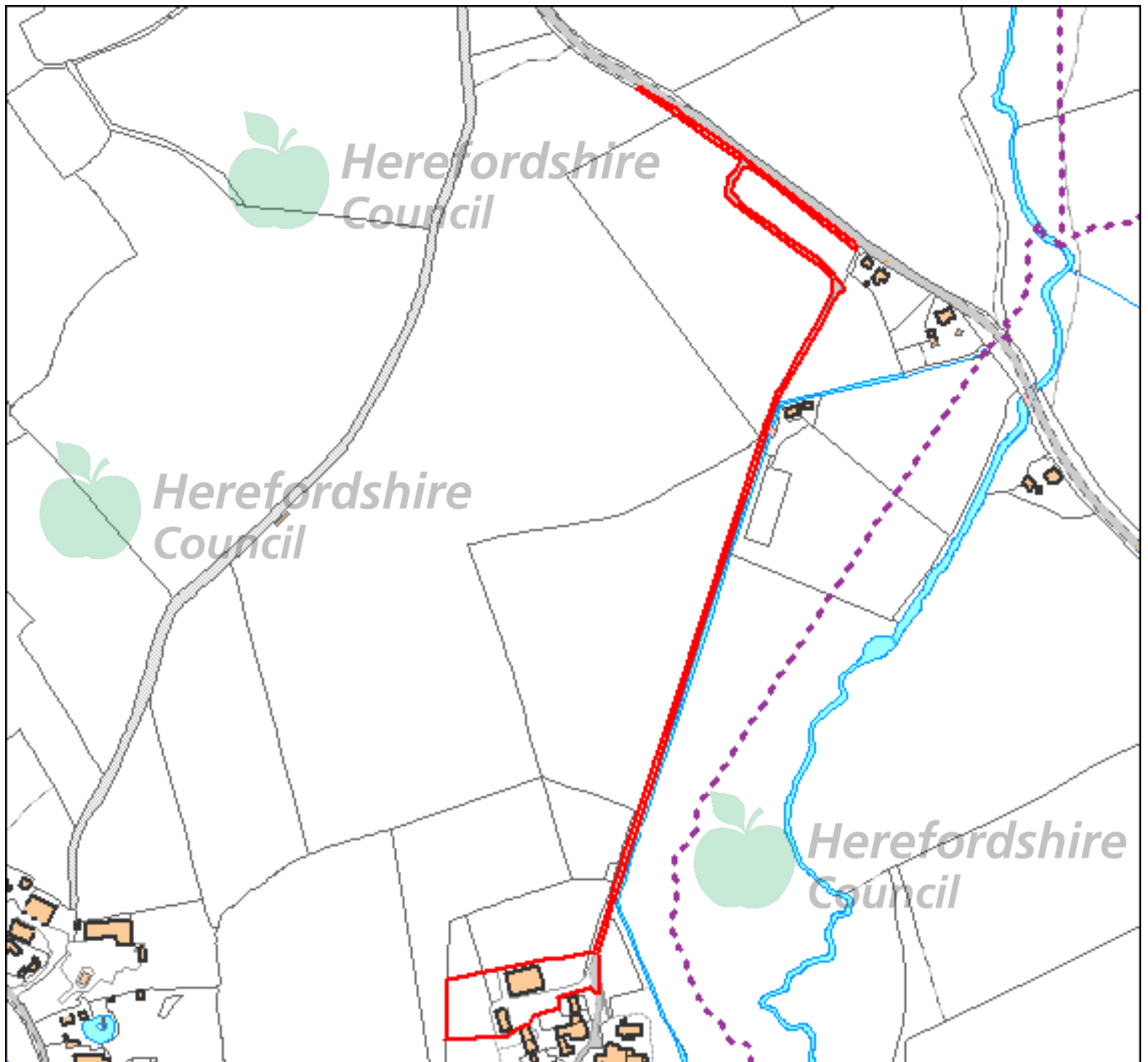
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Appendices

- Appendix 1 – Land drainage Comments
- Appendix 2 – Draft S106 agreement

Background Papers

None identified.



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APPLICATION NO: 223128

SITE ADDRESS : BARNS AT MONKSURY COURT, MONKHIDE VILLAGE ROAD, MONKHIDE, HR8 2TU

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Further information on the subject of this report is available from Ms Tracey Meachen on

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