

# PLANNING PERMISSION

**Applicant:**

Lidl Great Britain Ltd  
C/O Agent  
CF24 0EB

**Agent:**

Mr Peter Waldren  
CarneySweeney  
Brunel House  
2 Fitzalan Road  
Cardiff  
CF24 0EB

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Date of Application: 9 August 2024

Application No: 242050

Grid Ref:349684:238587

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**Proposed development:****SITE:**

Three Counties Hotel, Belmont, Hereford, HR2 7BP

**DESCRIPTION:**

Application for variation of condition 2 following grant of planning permission 231703 (Demolition of existing hotel and associated structures and erection of Class E foodstore with associated access, parking, servicing, drainage and landscaping)- To increase the store size in order to reflect the current and updated store format of Lidl GB Ltd.

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THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

- 1 Approved Plans
  - 2768 P4400 Site Location Plan
  - 2768 P4402 Existing Site Plan
  - 2768 P4403 GEA of Existing Building Areas
  - 2768 P4420V Proposed site Plan T1500
  - 2768 P4421M Proposed surface Treatment Plan
  - 2768 P4406O Proposed Tree Removal Plan T1500
  - 2768 P4422M Proposed Boundary Treatment Plan
  - 2768 P4427K Proposed Levels T1500
  - 2768 P4428 H Proposed Utility Overlay
  - 22-00767-SP01 Rev D HGV Swept Path Analysis
  - 2768 P4416 Existing buildings to be demolished
  - 2768 P4100 H Proposed GA Floor Plan T1500
  - 2768 P4101 F Proposed Roof Plan T1500
  - 2768 P4200 J Proposed elevations
  - CA HFD 2022-01 Rev E Hereford Tree survey and existing features
  - CA HFD 2022-02 Rev J Hereford overlay and Tree Protection
  - CA HFD 2022-03 Rev H Lidl Hereford Landscape Proposals
  - CA HFD 2022-04 Rev B Hereford Landscape Sections
  - CA HFD 2022-05 Rev C Hereford Cherry and Willow Tree Close up
  - CA HFD 2022-06 Lidl Hereford Car Park Tree Section
  - CA Lidl Hereford Planting Methodology and Aftercare rev 7 November 2024
  - CA Lidl Hereford Planting Schedule rev7 November 2024

- 22-00767/05/I Proposed Highway works – right turn ghost island and active travel improvements

except where otherwise stipulated by conditions attached to this permission

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

- 2 Prior to the construction of development above slab level full details of surface water drainage design plans shall be submitted including the submission of construction drawings and associated calculations and the development to be carried out in accordance with the approved details prior to the first use of the development hereby permitted.

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

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

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

- 4 Prior to the first use of the food store hereby approved, the proposed noise mitigation in the form of acoustic fencing with a minimum density 10kg/m<sup>2</sup>, as detailed in the noise assessment, shall be erected. The noise mitigation shall be maintained as approved and retained, for so long as the use hereby authorised remains on site.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6 and SD1, of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 5 The food store use hereby permitted shall not be open to customers until the parking and manoeuvring facilities shall be completed in accordance with drawing P4420 rev V. Thereafter, these parking facilities shall be retained and maintained for the duration of use and shall not be used for any other purpose.

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

- 6 The food store use hereby permitted shall not be open to customers until a proposal for the survey and treatment of rodents in the vicinity shall be supplied to the authority for approval in writing.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 7 Development shall not begin in relation to any of the specified highways works (as detailed on dwg 22-00767/05 rev I by Corun), until details / specifications of the works have been submitted to and approved in writing by the Local Planning Authority following the completion of the technical approval process by the Local Highway Authority.

If relocation of the Speed Camera is required consultation should be undertaken with West Mercia Police in conjunction with the Local Highway Authority.

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

- 8 The food store use hereby permitted shall not be open to customers until a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation (staff or customers) of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually for the first five years from first occupation of the development. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

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

- 9 The food store use hereby permitted shall not be open to customers until details of a scheme for the provision of covered and secure cycle parking facilities to serve the food store shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.

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

- 10 The food store use hereby permitted shall not be open to customers until a suitable provision for storage of waste and waste collection areas should be provided in accordance with details that shall have been submitted and approved by the Local Planning Authority that allows or the convenient storage of waste and unrestricted access at all times. Such waste collection areas shall be retained for so long as the use hereby authorised remains on site.

Reason: In the interest of amenity in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

- 11 With the exception of any site clearance and groundworks, no development shall commence until a fully detailed Sustainable Drainage Systems to manage all surface water shall be supplied for written approval by the Local Planning Authority. The proposed scheme must provide detailed certainty on how all pollutant contaminants from vehicular and other use of the site are fully removed and managed prior to any final discharge of surface water from the site in to the Newton Brook.

The approved scheme shall be implemented in full prior to the first use of and hereafter maintained unless otherwise approved in writing by the Local Planning Authority.

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

- 12 Prior to completion or first use by customers of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: Specifications for operations associated with plant establishment, watering plans and maintenance that are compliant with best practise.

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.

- 13 The food store use hereby permitted shall not be open to customers until any external lighting proposed to illuminate the development / site including detailed plans, illumination levels and luminaire specifications shall be supplied to the Local Planning Authority for written approval. The approved scheme shall be implemented and hereafter maintained and operated.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Core Strategy policies SD1.

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, SD1 SS6, LD1-3

- 14 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the details specification within the approved document "CA Lidl Hereford Planting Methodology and aftercare rev 7 November 2024 produced by Corscadden Associates within the next planting season (October to April) but no later than two years from the date of this Consent and thereafter retained.

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 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

- Arboricultural Method Statement Report rev 22Oct2022 produced by David Rice Forestry.

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.

16 With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the 2 electric vehicle charging points proposed within the food store car park have been submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions of the National Planning Policy Framework.

17 With the exception of any site clearance and groundworks, no development shall commence until written detailed scheme and annotated location plan for the proposed biodiversity net gain enhancement features referenced in paragraph 10.10 of the Ecology Survey Report (Just Mammals, October 2022) including provision of 'fixed' habitat features such as habitat boxes supporting a range of bird species and pollinator homes have been submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in full and hereafter maintained as approved.

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

Post occupancy monitoring and management / Compliance Conditions

18 The development shall be carried out in accordance with Construction management plan, Site plan showing contractor/visitor parking, area of jet wash and location of site compound/storage area.as approved pursuant to discharge of condition application 241924/ XA2 dated 9 October 2024. 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 SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 19 The development shall be carried out in accordance with the Construction Method Statement (CMS) as approved pursuant to discharge of condition application 241924/ XA2 dated 9 October 2024. The development shall be carried out in accordance with the approved CMS and shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 20 The development shall be carried out in accordance with CEMP (JM14421dated 23 August 2024) as approved pursuant to discharge of condition application 241924/ XA2 dated 9 October 2024. The development shall be carried out in accordance with the approved CEMP and shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

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

- 21 The development shall be carried out in accordance with Resource Audit (revised Rev A.11/10/24) together with Whole life carbon statement, construction method statement, a site set up plan and traffic management brief and supplementary information as approved pursuant to discharge of condition application 242060 XA2 dated 7 October 2024. The Resource Audit shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.

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 and the National Planning Policy Framework and Emerging Policy SP1: Resource Management of the Minerals and Waste Local Plan.

- 22 The development shall be carried out in accordance with the trial pit information and supporting information as approved pursuant to discharge of condition application 241924/ XA2 dated 9 October 2024.

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.

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

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

- 24 The 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 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

- 25 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re- enacting that Order, with or without modification), the foodstore hereby permitted shall be used mainly for the sale of food falling within Class E(a) of the aforementioned Order and for no other use and no more than 80% of the net sales area shall be used for the sale of convenience goods and no more than 20% of the net sales area shall be used for the sale of comparison goods.

Reason: In order to protect the vitality and viability of Hereford City centre in accordance with Herefordshire Local Plan – Core Strategy Policy E5, Paragraphs 86 to 91 of the National Planning Policy Framework.

- 26 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, C, E, of Part 7 of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 27 The Site Management Plan set out in Lidl's letter dated 24 October 2023 shall be implemented in full upon first opening of the store for trading purposes and shall continue to be implemented for the lifetime of the development.

As set out in the Site Management Plan, the management regime shall comprise:

- a) Installation of Gatekeeper trolley system;
- b) Weekly briefing of relevant staff on the sensitivity of the site and local area to flooding and the importance of spotting and remedying any blockage of Newton Brook and the associated culvert to the local system;
- c) Twice annual inspection of the piped culvert linking the new and historic channel of Newton Brook and piped outfall to Newton Brook to ensure water is freely flowing. If water is not free flowing, and in any event biennially, undertake CCTV survey of the piped culvert linking the new and historic channel of Newton Brook. If a blockage or obstruction is found, undertake repair / maintenance to remove the blockage as required;
- d) Daily visual inspection of Newton Brook west of the site both upstream and downstream of the site.

If a blockage or obstruction is found, take efforts to remove Lidl shopping trolleys if safe to do so and report to Herefordshire Council if appropriate or necessary.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

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.

- 28 All foul water shall discharge through connection to the existing local 'Hereford-Eign' mains sewer system managed by Welsh Water.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006)

- 29 The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall be restricted to no earlier than 07:00 Monday to Saturday and no later than 22:00. Hours of delivery on Sundays and Bank Holidays shall be restricted to between 10:00 and 16:00.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 30 The food store hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays (including Bank Holidays) and 10:00 to 16:00 on Sundays.

Reason: In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 31 The retail unit (Class E) hereby approved shall trade as single retail unit and shall not be subdivided into separate smaller retail units.

Reason: In order to minimise the impact of the proposed development on the vitality and viability of Hereford City Centre, in accordance with policy E5 of the Herefordshire Local Plan – Core Strategy

- 32 No goods shall be displayed for sale in the car park or landscaped (hard and soft) areas as shown on the approved plan.

Reason: To manage the retail sales element of the development and protect the visual amenities of the site in accordance with policy

- 33 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

- 34 Any new access gates or barriers shall be set back 7 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

### **Additional Information:**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Herefordshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

**Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.**

#### Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. **The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and**

**(i)the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or**

**(ii)the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.**

4. The permission which has been granted is for development which is exempt being:

- 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;

- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

Informatives:

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

- 2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. 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 requirement.
- 3 The applicant is advised to take appropriate professional advice in relation to whether advertisement consent is required for any new outdoor signage.
- 4 The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments' It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 5 It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 6 In connection with Condition 8 the applicant is advised that in the case where a Travel Plan currently exists the Condition will require a full review of the Plan and a revised submission to the Council.
- 7 In connection with Condition 8 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

- 8 It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
- 9 Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
- 10 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.
- 11 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways and to any requirement of the Disability Discrimination Act.
- 12 The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.
- 13 The brightness of the floodlit surface, or illuminated sign face, shall not exceed the values stipulated in the Institution of Lighting Engineers Technical Report No. 5: 1991 "The Brightness of Illuminated Advertisements.
- 14 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.
- 15 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

Planning Services  
PO Box 4  
Hereford  
HR4 0XH



**SIMON WITHERS**  
**DEVELOPMENT MANAGER**

Date: 13 December 2024

YOUR ATTENTION IS DRAWN TO THE FOLLOWING NOTES

## Notes

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

The applicant is advised that additional Council Tax payments may be sought in the event that the Valuation Office, who routinely monitor decision notices, consider any part of the development hereby permitted to be self-contained. This assessment is particularly likely to be the case in respect of flats, basement conversions, granny annexes, studio rooms and log cabins and/or where the additional accommodation contains its own kitchen, bathroom and bedroom. Further information can be found on the Council's website at <https://www.herefordshire.gov.uk/search?q=annexes>

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, or 12 weeks if the scheme is for that of "household" development using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

## Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.