

# **DELEGATED DECISION REPORT**

## **APPLICATION NUMBER**

### **193050**

Lemore Manor, Eardisley, Hereford, HR3 6LR

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**CASE OFFICER: Mr A Banks**

**DATE OF SITE VISIT: 3/10/19**

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy  
Policies:**

**SS1 – Presumption in favour of sustainable development  
MT1 – Traffic management, highway safety and promoting  
active travel  
E1 – Employment provision  
LD1 – Landscape and townscape  
SD1 – Sustainable design and energy efficiency  
SD4 – Waste water treatment and river water quality**

**Eardisley Neighbourhood Development Plan**

**T2 – Transport requirements related to development  
J3 – Provision and retention of employment sites**

**National Planning Policy Framework**

**Relevant Site History: 132508/F – Proposed Orangery to be used as a function  
room – Approved 24/2/14**

**(The detailed design of this was later amended under  
application ref 151285)**

**NW092501/F Change of use to allow the erection of a  
marquee up to 12 times a year to be used for wedding  
receptions – Approved 10/2/10**

## CONSULTATIONS

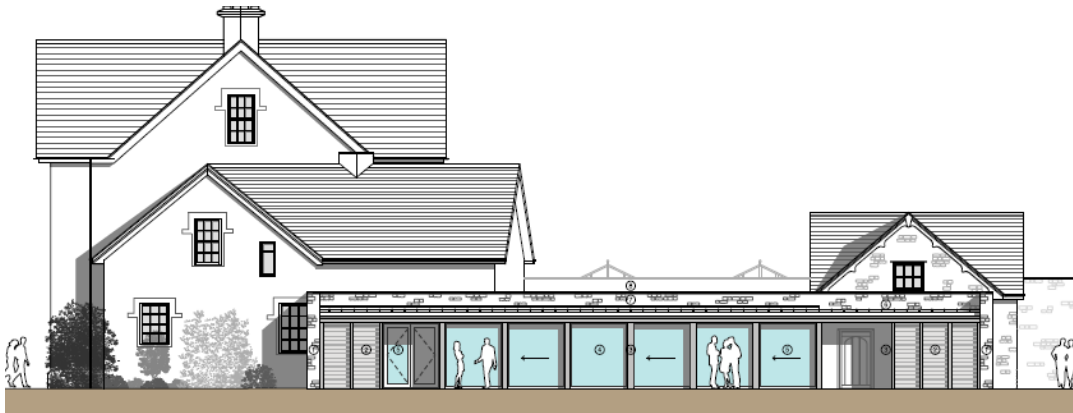
	Consulted	No Response	No objection	Qualified Comment	Object
Eardisley Parish Council	X				X
Transportation	X		X		
Ecologist	X			X	
Landscape	X		X		
PROW	X		X		
Natural England	X		X		
Welsh Water					
Site Notice	X				X x2
Local Member	X	X			

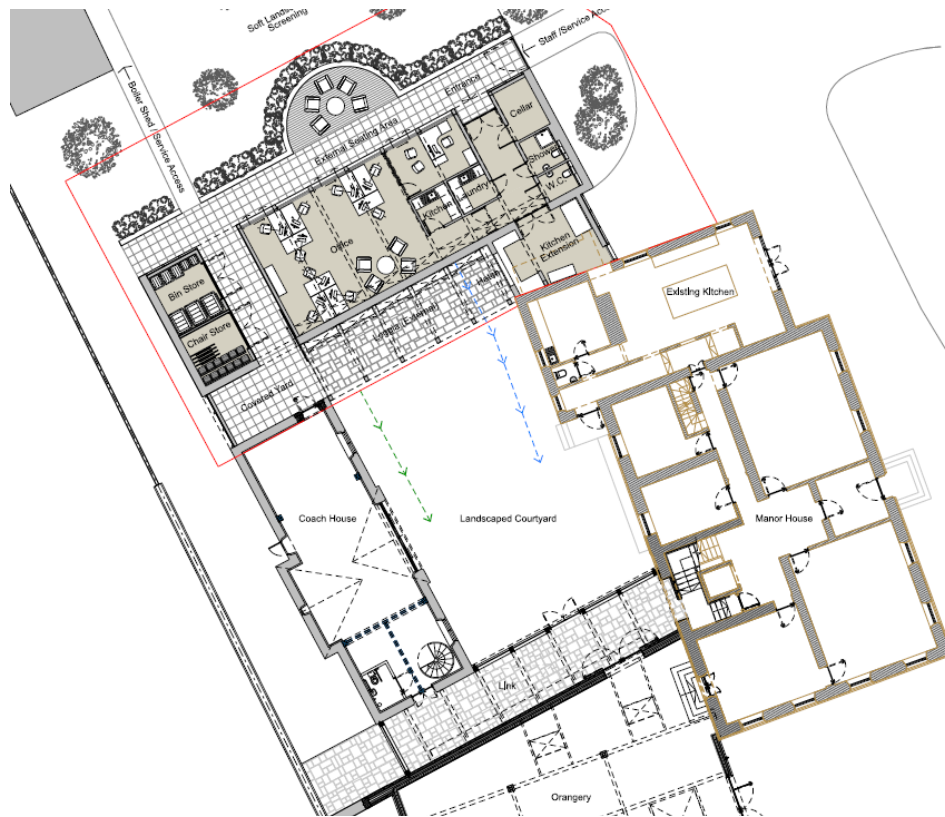
## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

Lemore Manor is a stone built country house said to have 17th century origins. It is located a mile north of Eardisley village. It has a coach house to its rear, and a modern orangery linking these buildings. It is set in private landscaped grounds. The manor is not a listed building, but is considered to be a non-designated heritage asset for its significance in its architectural, aesthetic and historical value.

The proposal is for the addition of an extension to the northern side of the building and is principally intended to provide additional office accommodation for the business, although it does also include a modest addition to the kitchen and some additional associated space. Plans and elevations are shown below:





### Consultation Summary:

Natural England – **No objection**

Transportation Manager – **No objection**

The location already benefits from an appropriate access which is made to the A4111. This route has sufficient capacity to accommodate the modest traffic growth likely as a result of these proposals. The proposed extension will have a minimal impact on the vehicle space within the development site and as a result of these minimal impact there are no highways objections to the proposals.

Ecologist – **Recommends conditions**

The site lies within the Middle Wye sub catchment of the River Wye SAC (SSSI) and this application triggers the requirement for a Habitat Regulations Assessment Process. The appropriate assessment completed by the LPA must be subject to consultation with Natural England PRIOR to any grant of planning consent. Subject to this consultation a condition to secure mitigation measures is required on any consent granted.

The applicant has indicated foul water will be managed through connection to existing private treatment system with outfall to soakaway drainage field within the extensive enclosed courtyard area of the Manor-development. Surface water can be managed through relevant onsite infiltration systems.

### Habitat Regulations (River Wye SAC-SSSI) – Foul and Surface Water Management

All foul water shall discharge through connection to existing private foul water treatment system; and all surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority.

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

From information supplied and images available there are no immediate ecology related concerns with this proposal. The applicant and their contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. In this instance this LPA has no reasonable cause to require further information as part of the planning application or include a specific ecology protection condition. However a relevant information note is requested:.

### Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, 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. Any external lighting shouldn’t illuminate any ‘natural’ boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

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. To secure these enhancements a relevant Condition is suggested:

### Nature Conservation – Biodiversity and Habitat Enhancement

Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary or on land under the applicant’s control of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy

LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

**Landscape Officer – No objection**

The site is currently in a used condition (graded, gravelled surfaced and occupied by storage and maintenance paraphernalia).

There are large mature trees located within close proximity to the site. It would be prudent that during construction encroachment does not occur near the trees (Root protection zone and canopy). It is advisable to refer to BS5837:2012 Trees in relation to design demolition and construction – recommendations for guidance and ensure that adequate barriers/ notification are erected to prevent harm to the trees.

The applicant has advised in their planning statement, that perimeter planting will be utilised around the new building to 'anchor' it [the building to the landscape] whilst 'softening' the facades.

It is considered that given the highly maintained and cared for gardens of the establishment, this statement will be fulfilled by the applicant in maintaining the landscape character of Lomore Manor.

**Public Rights of Way Officer – No objection**

Representations:

**Eardisley Parish Council – Objection**

- The proposed new structure appears very large and appears disproportionate to the existing property, taking into account other additions already in situ.
- The proposed materials are not considered to be in keeping with the Manor..
- Having consulted local residents, it is believed there is potential for noise nuisance as a result of proposed changes to the Manor's waste disposal operation, which would move closer to residential dwellings as a consequence of the proposed new build.
- The Parish Council has been made aware of residents' concerns that planning conditions relating to noise and frequency of functions/events have not been observed since previous permissions were granted. For example, the orangery is reported to be used as a venue for bands at weddings and other functions; particularly during summer months when its doors are kept open, this creates a considerable impact on neighbouring properties during quiet hours.
- The new structure appears to be indicative of a further expansion of the business. While the Parish Council supports development of the local economy in general, in this case it is feared the negative impact on nearby residents from a further addition to the property would not be desirable.

Two letters of objection from local residents have been received. In summary the points raised are as follows:

- Question the need for what is considered a disproportionate extension.
- The proposal is not consistent with the size of the rest of the property and its character and will significantly change the looks of the house
- The parameters of previous planning permissions granted to the Manor haven't always been strictly adhered to.
- Any additional lightning emanating from the new development will add to an already heavily lit site,
- A business that is operating in such close proximity to neighbouring properties must be structured to accommodate the lives and livelihoods of adjoining properties. This application does not do this.
- Concern about the proximity of the proposed bin store to a neighbouring property.

Cllr Jones has been appraised of the application and recommendation by email, including the objections received from local residents and the parish council. To date, no response has been received.

#### Pre-application discussion:

With the case officer

#### Constraints:

Public right of way nearby  
Unregistered Park & Garden  
TPO nearby  
Within SSSI Impact Zone

#### Appraisal:

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Eardisley Neighbourhood Development Plan (the NDP). The National Planning Policy Framework 2019 is also a significant material consideration

It is understood that the use of the premises has given rise to complaints in the past, both through the planning process and via the Council's Environmental Health team in terms of noise nuisance. Given that this is proposal is specifically for an extension to provide additional office accommodation, I do not consider that it is likely to exacerbate any pre-existing issue with regard to possible noise nuisance that may exist. It does not strike me that the proposal will intensify the use of the premises, nor does it introduce floor space to be used specifically as a function area that might introduce increased noise in closer proximity to

neighbouring property. In my view I do not consider that there is likely to be any conflict with the requirements of policy SD1 of the Core Strategy which seeks to safeguard residential amenity.

Similarly, given that the proposal does not intensify the use of the premises as a function space, I do not consider that it will give rise to a demonstrable increase in vehicle movements and therefore I am satisfied that the scheme would accord with the requirements of policy MT1 which seeks to ensure that schemes can be accommodated by the existing road network and that matters such as adequate parking and access are satisfied.

Whilst Lomore Manor has been extensively altered and extended; principally through the addition of the orangery in 2014, the original manor house remains as the dominant feature, as can be seen from the elevation below:



The extension proposed is to the rear elevation of the property. This is not the public façade and it is largely screened from view by the pre-existing built form. The extension takes a rather more contemporary approach in terms of its design, but I do not consider this to be wholly at odds with the architecture of the original manor house and accordingly I find that the proposal is compliant with Policy SD1 of the Core Strategy.

In conclusion, I am of the view that the proposal is compliant with the development plan and consequently the application is recommended for approval.

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**

*(please note any variations to standard conditions)*

1. C01
2. C06
3. All foul water shall discharge through connection to existing private foul water treatment system; and all surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority.

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

4. Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary or on land under the applicant's control of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.

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## Informatives

1. IP1
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), with enhanced protection for special "protected species" such as Great Crested Newts, all Bat species, 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. Any external lighting shouldn't illuminate any 'natural' boundary feature or increase night time sky illumination (DEFRA/NPPF Dark Skies Guidance 2019/2013).

Signed:

AB.

..... Dated: 4/2/2020



**TEAM LEADER'S COMMENTS:**

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed:



..... Dated: 5<sup>th</sup> Feb 2020 .....