

Herefordshire Council

STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

By

Mr Ed Thomas, on behalf of Mrs Maria Parker against the decision of the County of Herefordshire District Council - Refusal of Planning Permission for Proposed conversion of redundant barn to a 2-bed dwelling. at Parklands, Bullocks Mill, Lyonshall, HR5 3LN.

Grid Reference:	332597, 256464
Planning Inspectorate Reference:	W/22/3304980
Local Planning Authority Reference:	210088
Date of Comments:	14 April 2023

1. Introduction and Appeal Context

- 1.1 The current appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) following the decision of Herefordshire Council to refuse full planning permission for the conversion of a rural building to a dwelling on land at Parklands, Lyonshall, Herefordshire.
- 1.2 The Officer Report and Decision Notice supplied with the LPA's questionnaire has provided a detailed appraisal of the proposal which found it to be contrary to the provisions of the development plan. There were three main issues identified, which can be broadly summarised as follows:
 - 1) Whether the building in question is genuinely capable of being converted to a residential use with regards to the requirements of Core Strategy policy RA5, and consequently whether the scheme would represent a circumstance where new residential development in the countryside can be supported with regards to the spatial strategy set out by policy RA3.
 - 2) Whether the proposal would avoid having any detrimental impact upon the integrity of the River Wye / River Lugg Special Area of Conservation (SAC)
 - 3) Whether the proposal has adequately assessed and made provision for the possible impacts of the development upon protected species.
- 1.3 These issues are embodied within the three reasons for refusal included on the Decision Notice. The LPA offers this statement as commentary on each respective issue, supplementing the appraisal already supplied within the Officer Report and responding to points raised within the Appellants Statement of Case.

2. Commentary on Reasons for Refusal

Reason 1 – The building proposed for conversion

- 2.1. The first reason for refusal is as follows:

'The proposal site is divorced from the nearest identified settlement in a rural countryside location where the principle of new residential development is only supported by the Spatial strategy of the development plan in special circumstances. The proposal has been advanced on the basis that it would involve the sustainable reuse of a redundant building, however the nature of the existing building is considered such that it is incapable of accommodating the proposed residential use without the need for major/complete reconstruction which would go beyond what could be reasonably described as a conversion or supported under the provisions of Herefordshire Core Strategy policy RA5. The failure to fulfil the requirements of RA5 is consequently such that the scheme does not represent a circumstance that would allow for new housing in the countryside to be supported and the proposal is thus contrary to Herefordshire Core Strategy policy RA3 in this regard. The absence of any special justification for the provision of new housing here is such that the scheme would promote unsustainable patterns of development in the countryside which leaves residents divorced from the nearest settlements and services in a manner that is contrary to the spatial objectives of the Herefordshire Local Plan Core Strategy, The Lyonshall Neighbourhood Development Plan and the principles established in the National Planning Policy Framework with regards to promoting sustainable patterns of development.'

- 2.2. The appeal site is located in the open countryside and is a significant distance from the nearest settlement identified as being an appropriate location for new residential development under the spatial strategy established by policies RA2 and LH1. Future occupants of any new dwelling on the site would therefore be divorced from local services and facilities, increasing dependence on private car use in a manner that is contrary to the principles of sustainable development set out by the NPPF. Core Strategy policy RA3 deals with the provision of new homes in the countryside and directs that in these areas new homes will be limited to proposals which satisfy one or more of a number of criteria. One such criterion is where the proposal would involve the sustainable reuse of a redundant rural building in accordance with policy RA5.
- 2.3. Policy LH2 of the Lyonshall NDP sets out general support for the re-use of redundant agricultural buildings for housing where they meet the criteria set out in Policy LB2. Unlike policy RA5 however, it does not set out any detailed requirements or criteria against which to assess such proposals. LB2 relates to diversification of the rural economy and states that this will be encouraged where the restoration of redundant buildings is to a standard that enhances the quality of living for the inhabitant.
- 2.4. It is highlighted that the Council continues to be able to demonstrate a housing land supply which exceeds five years. The current position (based on the 2022 annual monitoring report) is 6.19 years and this ability to demonstrate a robust five year supply of housing land has been confirmed by the Inspectorate as part of a recent appeal APP/W1850/W/22/3296263. As a result, the development plan is considered to be up-to-date and the relevant policies should be afforded full weight. For completeness, the Inspector is advised that the Council is currently in the process of preparing a new local plan however this is at the earlier stages and not yet at a point where it may be afforded any weight for decision making.
- 2.5. The Appellant accepts that the site is located in the countryside and hence CS policy RA3 applies. The matter in dispute is essentially whether the proposal fulfils one of the criterion set out by policy RA3 that would allow for a new dwelling to be supported in this rural location. Specifically, there is disagreement as to whether the building in question is capable of being converted to a dwelling without the need for major or complete reconstruction. If the building cannot support a residential use without such works being needed, then the proposal is contrary to RA5 and by consequence fails to fulfil the criterion set out at RA3 4) which would allow the scheme to be supported.
- 2.6. The original application was supported by two structural surveys which concluded that the building was 'structurally sound and capable of conversion to a dwelling house'. The site was also visited by a Council Building Control Surveyor, who offered a differing opinion based on a visual inspection and questioned what contribution much of the existing building fabric would realistically make towards a conversion scheme. Officers conducted a detailed appraisal of the available evidence, supplemented by their own observations in site, within the Delegated Report and would refer the Inspector to this to articulate the LPA's reservations as to why they do not consider the subject building to be capable of conversion without major or complete reconstruction. It is acknowledged that the Appellant has provided a further Engineer rebuttal to this appraisal which provides additional commentary on some of the individual components of the building, but Officers do not consider this to alter their previous conclusions.
- 2.7. At this point, Officers would take the opportunity to direct the Inspector's attention to a recently dismissed appeal in the county where the convertibility of buildings with regards to policy RA5 also formed a central issue. A copy of that decision is attached

at Appendix 1 (APP/W1850/W/22/3301268¹) and herein is referred to as the 'Longford' appeal. Much like in the current appeal proposal, the Longford appeal was supported by structural surveys from two qualified engineers who advised that the buildings in question were considered to be suitable for conversion to residential use without major or complete reconstruction. Unlike in the current case, the view that the buildings were suitable for conversion was also supported by the Council's Building Control Surveyor. The Council nonetheless took the view that the subject buildings were not capable of conversion and that view was ultimately shared by the Inspector, who dismissed the appeal for that reason, despite what would outwardly appear to be compelling and qualified evidence to the contrary from the Appellant's Engineers.

- 2.8. Although recognising that each case is to be determined on its merits, the LPA draws attention to the Longford appeal as the Inspector's reasoning is similar to that of the LPA in this case. Despite the retention of some elements of the existing shed being theoretically feasible and the other works needed not being overly complicated as individual tasks, the extent of works required to support a residential use when considered as a collective whole are substantial and would equate to major reconstruction. To this end, Officers consider that if a new dwelling were to be delivered on the site as per the plans supplied, then only a minority proportion of the resultant building is likely to be derived from the retention or reuse of materials making up the existing shed. The vast majority of the buildings fabric would comprise new materials introduced as part of the 'conversion'. The totality of the works involved in this regard is such that Officers are not convinced that the proposal represents a genuine conversion, but rather consider that it would be tantamount to the creation of a new dwelling in the countryside.
- 2.9. In this vein, it is highlighted that the various plans and reports supplied with the application do not provide any detailed methodology to clarify precisely how the conversion would be delivered and which elements of the building would be retained. The structural reports are for instance unclear in this regard, noting at various points that some elements (such as the external walls or floor structure) could be retained – but also highlighting that they could be replaced. Given the observed condition of many of these elements, Officers consider it likely that replacement would be favoured by most contractors (particularly as the reuse of poor quality existing materials is unlikely to be conducive with the Appellants stated aspiration to achieve a near Passivhaus standard). Ultimately Officers acknowledge that this is speculation, but nonetheless the discussive nature of the structural reports and the lack of detailed method statement means that the decision maker is unable to categorically conclude which elements of the building would be retained and which would be replaced. This poses further difficulty in determining whether the building can genuinely be converted without major reconstruction. If the Inspector is minded to allow the appeal, the LPA would suggest that a condition be attached to secure a conversion works method statement prior to the development being undertaken. This would provide reassurance that the scheme is delivered as a genuine conversion and could be monitored / enforced by the LPA to ensure the development is carried out in the manner described. Some suggested wording for this is provided at Annex A.
- 2.10. In summary of this reason, the LPA maintains its position that the building is not capable of a bona fide conversion with regard to the requirements of policy RA5. The failure to fulfil this requirement consequently means that the proposal also fails to comply with RA3 and thus the scheme does not represent any of the circumstances in which new residential development in the countryside could be supported under the spatial strategy of the development plan.

¹ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3301268>

Reason 2 – Habitats Regulations

2.11. The second reason for refusal is as follows:

The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC) and the nature of the proposal triggers the requirement for a Habitat Regulations Assessment to be undertaken. Under the Regulations there is a requirement to establish with certainty, and beyond all reasonable scientific doubt, that there will not be any adverse effect on the integrity of the River Wye SAC. The River Lugg sub-catchment however suffers from the effects of point source and diffuse water pollution and phosphate levels in the river have already exceeded conservation objectives. The proposal in this case would add to this through the generation of additional foul water / phosphates and the application has not provided a management solution which demonstrates there would be no pathways for the development to have an adverse impact on the integrity of the River Lugg / River Wye SAC. As a result, the LPA is unable to undertake a positive Appropriate Assessment as required by The Conservation of Species and Habitats Regulations 2017 (subject to Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) and the adverse impact upon the integrity of the Lugg / Wye is such that the proposal is contrary to Policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out at Paragraphs 179-182 of the National Planning Policy Framework

- 2.12. The full context to this RfR is set out within the Officer Report. The key point to note for decision making however is that the current failing conservation status of the River Lugg, which is a tributary of the River Wye SAC, means that planning permission can only be granted if 'nutrient neutrality' can be demonstrated. This position arises following the 'Dutch Case' on the interpretation and application of the Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter 'the Habitats Regulations').
- 2.13. The Council notes the points set out in the Appellant's Statement of Case 4.3.15 to 4.3.26. It should be noted that the 7 criteria under discussion in these sections were set out for Herefordshire Council by Natural England as the Statutory Nature Conservation Organisation or the Nature Conservation Body under the Habitats Regulations. Regulation 63 (3) of the Habitats Regulations are clear that 'The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.' In the case of determining this planning application the Competent Authority was Herefordshire Council.
- 2.14. Herefordshire Council have been working with Natural England around Nutrient Neutrality both within the scope of determining planning applications and more widely around potential strategic approaches to nutrients in the county for some years. Natural England has provided a range of both formal and informal advice on the subject which the Council has used in formulating its approach to determining planning applications for new development. Caselaw is clear that the Council can reasonably expect to rely on the views of Natural England as the statutory Nature Conservation Body.
- 2.15. The seven criteria which are discussed in detail in the Appellant's Statement of Case (points 3.2.15 to 4.3.26) were not set by Herefordshire Council. They form part of the standard approach set out by Natural England in their guidance to local authorities

where Nutrient Neutrality is in place. Most recently they have been reconfirmed formally in guidance from NE to Herefordshire Council relating to Nutrient Neutrality in the Lugg catchment and the Clun catchment dated 16th March 2022² (Appendix 2) and can be found in Annex F of that letter on 'Thresholds for Insignificant Effects.' The Council uses these criteria since they form part of the advice provided to the LPA by Natural England.

- 2.16. It is important to note that the criteria are initially used in the process of 'screening out' proposals from requiring an Appropriate Assessment. Proposals which evidentially meet all 7 of the criteria can be said to be 'insignificant' in their effect and therefore do not require an Appropriate Assessment or further consideration under the Habitats Regulations Assessment process. On this basis, the criteria are necessarily precautionary. They apply the precautionary principle at every stage of the decision making process involved in order to ensure that impacts being 'screened out' are truly 'insignificant.'
- 2.17. The level of precaution applied to criteria 'g' is set out in footnote 22 of the NE letter of 16th March 2022 as follows:

'The 200m is based on the 50m distance where no measurable phosphorus signal was detected (NECR171) for each septic tank. So for two drainage field areas not to overlap they need to be at least 100m apart. A safety factor of two is then applied to ensure that in the long term there will be the certainty that the effective drainage field phosphorus retention areas don't overlap. This then also takes account of the greatest distance that Robertson et al (2019) found a plume to extend which was 100m to ensure there would be no overlap. It also ensures that the maximum density of these systems is no more than one for every 4ha (or 25 per km2), as identified in NECR170.'

- 2.18. The Council determined at the time for making a planning decision that the 7 criteria could not be considered to be met, particularly criteria 'g' relating to the 200m separation distance to other discharges to ground required in order to be certain that in-combination effects do not occur. A 'likely significant effect' of the development on the River Wye SAC could not, therefore, be ruled out in line with the nationally set methodology and the application could not be 'screened out' of the Habitats Regulations Assessment process. In line with Regulation 63, the Council would have needed to complete an appropriate assessment before giving any permission for the development to proceed.
- 2.19. However, the Council's appraisal of the proposal identified other issues which meant that permission was being refused in any case. As such, the Council was not required to carry out a full 'Appropriate Assessment' or formally consult with Natural England because it was not giving permission for the development to proceed. Nonetheless, Reason 2 was included on the decision notice for completeness as adverse impacts on integrity of the designated site could not be ruled out at that stage. A more definitive view on the matter would have been considered further through an Appropriate Assessment and consultation with Natural England if the LPA were otherwise minded to grant permission.
- 2.20. Where a development cannot meet the 7 criteria as set out in the standard methodology by Natural England for being defined as an 'insignificant' impact, and therefore being 'screened out', the Council would expect a phosphate budget calculation to be carried out by the developer using the standard Natural England

² [NE785 Revised Edition Natural England Water Quality and Nutrient Neutrality Advice \(16 March 2022\).pdf](#)

methodology. A Phosphate Budget per year in kilograms would be calculated in the calculator tool in order for the impact of the development to be understood. Mitigation could then be applied to the budget in order to address the impact of the scheme. The budget calculator tool and associated guidance can be found on the Council's website³.

- 2.21. The standard Natural England methodology for screening applications under Nutrient Neutrality and calculating Phosphate Budgets from those developments is now being used in over 20 catchments nationally. Herefordshire Council regularly takes part in forums and working groups around various elements of Nutrient Neutrality through the Planning Advisory Service and other avenues. Council officers receive training in using the various tools, direct guidance from Natural England and updates on developing case law. It is clear from those discussions that local planning authorities are only in a position to deviate from Natural England's methodology where it can make a scientifically certain and appropriately precautionary case for doing so, and that Natural England's advice remains that in the methodology each variable should be treated precautionary and then, additionally, the overall outcome should be buffered. This approach was upheld in the case of *Wyatt, R. (On the Application of) v Fareham Borough Council* (EWHC 1434).⁴
- 2.22. For the purposes of this Appeal however, the responsibility of being the 'Competent Authority' has now passed to the Planning Inspectorate. It is therefore for the Inspector to complete the Habitats Regulations Assessment process and to consider whether the development would have a 'likely significant effect' on the River Wye SAC and further, through an 'Appropriate Assessment,' to consider whether the development would result in an 'adverse effect on the integrity' of the SAC either alone or in combination with other plans or projects (having regard to the evidence supplied by the Appellant). If minded to allow the appeal, the Inspector would also have a duty to consult with Natural England and have regard to their view prior to determining the appeal.
- 2.23. As a secondary argument, the Appellant suggests that the neutrality could be secured through the Council's strategic wetlands mitigation scheme. The Council would direct the Inspector to our website relating to the Council's Phosphate Credit Scheme⁵ which is now operational for residential developments. In very broad terms, this scheme involves developers purchasing 'phosphate credits' from the Council through a Section 106 agreement which would then be used to fund wetland mitigation projects that reduce the levels of phosphate entering the catchment. By purchasing a level of credits that is proportionate to the nutrient export of the development proposed, the effects of the proposal can be mitigated for and consequently a positive HRA completed. The trading of credits is based on the Council's adopted Phosphate Credit Pricing and Allocation Policy. Officers would advise the Inspector that the proposal is not eligible for phosphate credits under the current policy and as such has not received an allocation, as can be confirmed via the link 'Applications validation date order queue' on the webpage at Footnote 6⁶. Accordingly, it is not considered that this represents a viable form of mitigation that could be relied upon by the Inspector as part of their assessment.

³ [Nutrient management - guidance for developers – Herefordshire Council](#)

⁴ [Wyatt, R. \(On the Application of\) v Fareham Borough Council \[2021\] EWHC 1434 \(Admin\) | England and Wales High Court \(Administrative Court\) | Judgment | Law | CaseMine](#)

⁵ [Nutrient management - guidance for developers – Herefordshire Council](#)

⁶ <https://www.herefordshire.gov.uk/nutrient-management/nutrient-management-guidance-developers/3>

Reason for Refusal 3:

2.24. The third reason for refusal is as follows:

The application is not supported by an 'up-to-date' ecology survey of the building and its surrounding environment. As such, it has not provided an accurate assessment of the potential usage of the site by protected species and therefore the Local Planning Authority is unable to fulfil its statutory duties to ensure that harm to protected species is avoided. The scheme therefore fails to accord with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), the NERC Act (2006) and is contrary to policies LD2 and RA5 of the Herefordshire Local Plan Core Strategy, policy LE2 of the Lyonhsall Neighbourhood Development Plan and the principles established at Chapter 15 of the National Planning Policy Framework

2.25. The Council's Ecologist supplied comments on 27th August 2021 raising issues with the ecological survey submitted in support of the proposal. The supplied report was dated March 2020, however it was clear that the bat surveys had been carried out in August 2019 (2 years prior to determination). The ecology surveys were therefore considered to be out of date and could not be relied upon to fulfil the LPA's duties with regards to protected species.

2.26. In support of this reason, the LPA would highlight the CIEEM Advice Note *On the Lifespan of Ecological Reports and Surveys* dated April 2019⁷. This sets out that surveys under 12 months old are likely to be acceptable and between 12 and 18 months may be acceptable depending on the situation. For surveys over 18 months old 'A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report.' On the basis of this guidance, it was considered entirely reasonable and within standard practice to include refusal reason 3 on the decision notice.

2.27. A new ecology survey has been submitted with the appeal documentation: A Preliminary Bat Roost Assessment by Ecology Services Dated July 2022. The Council's Ecologist has reviewed this report and informed this response. The July 2022 report sets out the findings of the previous bat surveys along with an updated survey in May 2022. The building is described as 'extremely limited in bat roosting opportunities and no evidence of usage by bats was found during the survey period', no significant changes were noted since the 2019 surveys and no evidence of bats emerging from the building was recorded during the 2022 emergence survey. The level of survey is considered appropriate given the low potential identified during the site inspection surveys.

2.28. There is potential for nesting wild birds to be present on the site and impacts upon active nests will need to be avoided during the works. It is not considered by Ecology Services that impacts upon any other protected species will occur.

2.29. The report recommends that an ecological clerk of works is appointed to oversee the works and to provide a toolbox talk to contractors prior to commencement. Two bat boxes, two house sparrow boxes, two bee boxes and a hedgehog box are recommended for the site by Ecology Services. Additionally new lighting on the site should be minimised and controlled in order to limit impacts on foraging and

⁷ [Advic. e-Note.pdf \(cieem.net\)](#)

commuting bats which may be present in the local area. These measures could be secured by condition.

- 2.30. Based on the updated report and recommendations therein, the Ecologist offers no objection and the LPA considers that adequate provision would be made for protected species if the development were to proceed. The legislative and policy conflicts identified as part of RfR3 have hence fallen away and the LPA can confirm that it does not seek to defend this reason for refusal. If the Inspector is minded to allow the appeal, conditions are suggested to secure the measures set out within the supplied report.

Summary and Conclusions

- 3.1 Having regard to the appraisal set out within the Officer Report and the additional commentary that has been supplied within the preceding statement, the LPA would summarise the case as follows:

- **Reason 1** – Officer's consider this reason to be well founded and consider that it has not been demonstrated that the building in question can genuinely be converted to a residential use without substantial works that would amount to major reconstruction. The failure to fulfil this requirement of policy RA5 and consequently RA3 means that the site is not a suitable location for new housing having regard to the spatial strategy of the development plan.
- **Reason 2** – In determining the original application, the LPA were the competent authority for the purposes of HRA and were not convinced that the proposal represented nutrient neutrality. However, because it was refusing permission for other reasons it did not complete an 'appropriate assessment' or formally consult Natural England. The Inspector is now the competent authority and it is for them to complete the HRA if they are minded to allow the appeal, having regard to the available evidence and the views of Natural England.
- **Reason 3** – The updated ecological report supplied by the Appellant addresses the issues identified within this reason for refusal and the LPA is satisfied that adequate provision has been made with regards to protected species. As such, the LPA does not seek to defend this reason for refusal.

- 3.2 For Reason 1 alone, the LPA considers its decision to refuse planning permission was fully justified and hence respectfully requests that this appeal be dismissed. Should the Inspector however not agree with this reason and otherwise be minded to allow the appeal, then the LPA would remind them of the need to ensure the development would avoid detriment to the SAC before permission can be granted.

- 3.3 If the appeal is to be allowed, the LPA would recommend a number of conditions be attached as set out at Annex A.

Appendices

Appendix 1 – Appeal Decision APP/W1850/W/22/3301268 Longford

Appendix 2 – Natural England Advice Note NE785 16th March 2022

Annex A – Suggested Planning Conditions

1.	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.</p>
2.	<p>The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <ul style="list-style-type: none"> • Location Plan, Block Plan 1563.P10, Proposed Floor Plans and Sections 1563.P06C and Proposed Elevations 1563.P07E • Foul Drainage Layout – H+H Drainage dated 2nd April 2020 • Structural Report 18/393/AWM.kb and Structural Survey BC00367 • Preliminary Bat Roost Assessment by Ecology Services Dated July 2022 <p>Reason: To ensure adherence to the approved plans and particulars in the interests of securing a satisfactory form of development which accords with policies RA5, SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policy LH3 and LB2 of the Lyonshall Neighbourhood Plan and the National Planning Policy Framework.</p>
3.	<p>No development shall commence until the developer has submitted a Conversion Method Statement to the Local Planning Authority for written approval. The submitted details shall include a written statement of the works proposed alongside detailed construction drawings for the conversion scheme, identifying precisely which elements of the existing structure would be retained or reused and which elements would be new installations. The scheme shall thereafter be constructed in accordance with the approved details, unless any variation is approved in writing by the Local Planning Authority.</p> <p>Reason: In the absence of sufficiently detailed information, to clarify which elements of the existing building would be retained as part of the scheme in order to ensure that the proposal would represent a genuine conversion and not involve the substantial re-construction of the building in accordance with policy RA5 of the Herefordshire Local Plan Core Strategy.</p>
4.	<p>Prior to commencement of any site clearance, preparation or development, a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works, shall be provided to the local planning authority for written approval. The EWMS should consider all relevant species, but in particular bats and nesting wild birds. The approved EWMS shall be implemented in full throughout the construction phase, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure that all species and habitats are protected and conserved 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 SS6, LD1, LD2 and LD3.</p>
5.	<p>With the exception of any site clearance and groundwork, no further development shall take place until details or samples of the following have been submitted to and</p>

	<p>approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> • Materials and finished to be used externally on walls and roofs • Materials, specifications and finishes for all doors, windows and rooflights • Materials, specification and finishes for rainwater goods <p>Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of policies RA5 and SD1 of the Herefordshire Local Plan – Core Strategy, policy LH3 and LB2 of the Lyonshall Neighbourhood Plan and the National Planning Policy Framework.</p>
6.	<p>With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:</p> <ul style="list-style-type: none"> a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012. b) Trees and hedgerow to be removed. c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details. d) All proposed hardstanding and boundary treatment. <p>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 LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.</p>
7.	<p>All planting, seeding or turf laying in the landscaping scheme approved pursuant to Condition 6 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. The hard landscaping shall be carried out concurrently with the development and completed prior to first occupation.</p> <p>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 LH3 and LE1 of the Lyonshall Neighbourhood Development Plan and the National Planning Policy Framework.</p>
8.	<p>Prior to the first occupation of the dwelling hereby approved, the area of parking for two cars shown on block plan 1563.P10 shall be laid out, properly surfaced and drained in accordance with a specification which has first been 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.</p> <p>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.</p>
9.	<p>The dwelling hereby approved shall not be occupied until the foul water</p>

	<p>management system shown on the approved Foul Drainage Layout – H+H Drainage dated 2nd April has been installed and is operational. Thereafter the approved drainage system shall be maintained in perpetuity.</p> <p>Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
10.	<p>The dwelling hereby approved shall not be occupied until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.</p> <p>Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.</p>
11.	<p>Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, AA, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.</p> <p>Reason: In order to reflect the provisions set out by policy RA5 of the Herefordshire Local Plan and to ensure that future alterations can be adequately controlled in the interests of ensuring that the character of the original conversion scheme is maintained in accordance with policies RA5, SD1 and LD1 of the Core Strategy policy LH3 of the Lyonshall Neighbourhood Plan and the National Planning Policy Framework.</p>
12.	<p>Within 3 months of completion of the approved works, evidence of the suitably placed installation within the site boundary of at least 2 bird nesting boxes for a site appropriate range of bird species, 2 number Bat roosting features; one Hedgehog home; 2 Insect hotels should be supplied to the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure Biodiversity Net Gain and species and habitats enhancement 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.</p>
13.	<p>At no time shall any external lighting except low power, 'warm' LED lighting in directional downlighter luminaires, on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.</p> <p>Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations</p>

	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.
14.	<p>Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained in perpetuity.</p> <p>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.</p>
15.	<p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework</p>

END