

Agenda

Planning and regulatory committee

Date: **Wednesday 17 January 2018**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor J Hardwick
	Councillor BA Baker
	Councillor CR Butler
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor EL Holton
	Councillor TM James
	Councillor JLV Kenyon
	Councillor FM Norman
	Councillor AJW Powers
	Councillor A Seldon
	Councillor WC Skelton
	Councillor EJ Swinglehurst

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES (TO FOLLOW)</p> <p>To approve and sign the Minutes of the meeting held on 6 December 2018.</p>	
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	7 - 14
7.	<p>163159 - LAND AT THE VOLUNTEER INN, MARDEN, HEREFORDSHIRE, HR1 3ET</p> <p>Demolition and clearance of the existing public house ('the volunteer inn') and erection of new family public house with rooms (uco class a3/a4), customer car park and relocated vehicular and pedestrian access.</p>	15 - 42
8.	<p>163158 - BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET</p> <p>Demolition and clearance of existing operational buildings and erection of new headquarters/administrative office building (uco class b1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car parking and modifications to form two separate vehicular accesses (to the new offices and to the operational farmstead/packhouse).</p>	43 - 68
9.	<p>173680 - JOHN MASEFIELD HIGH SCHOOL, MABELS FURLONG, LEDBURY, HEREFORDSHIRE, HR8 2HF</p> <p>Proposed 2-storey classroom block (attached to existing building), to provide 10 no. Classrooms to replace existing mobile classroom accommodation.</p>	69 - 74

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2018
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision.

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 172940

- The appeal was received on 23 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Reserved Matters
- The appeal is brought by Mr David Williams
- The site is located at The Trees, Orcop, Herefordshire
- The development proposed is Application for approval of reserved matters following outline permission 161771 (Site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings)).
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 172318

- The appeal was received on 24 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Miss Norris
- The site is located at White Wells, Laskett Lane, Much Birch, Herefordshire
- The development proposed is Proposed two storey building for dance studio, gym, treatment room and office with client accommodation.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 171411

- The appeal was received on 24 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs J Jones
- The site is located at Land adjacent to Sunnybank Cottage, Little Birch, Herefordshire
- The development proposed is Proposed dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 172045

- The appeal was received on 24 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr Dennis Hutchinson
- The site is located at Land at Apple Mead, Kinnersley, Herefordshire, HR3 6QB
- The development proposed is Outline application for the erection of three new bungalows including access, layout, turning, manoeuvring and car parking
- The appeal is to be heard by Written Representations

Case Officer: Mr Adam Lewis on 01432 383789

Application 170289

- The appeal was received on 24 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr Peter Cooke
- The site is located at Field 5251 North East of A44 & A49 Roundabout, Leominster, Herefordshire
- The development proposed is Proposed conversion of an agricultural building into a one bedroom single storey dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Hazel Nash on 01432 261903

Application 162068

- The appeal was received on 27 November 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Sparey
- The site is located at Land opposite Yarpole Village Hall, Cock Gate, Leominster, Herefordshire, HR6 0BL
- The development proposed is Proposed 3 no. dwellings with garages and private drive.
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 172040

- The appeal was received on 1 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by The Owner and/or Occupier
- The site is located at Land at The Beeches, Brampton Abbots, Ross-on-Wye, Herefordshire, HR9 7JD
- The development proposed is Residential development of 4 new dwellings
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 172110

- The appeal was received on 1 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Peter Styles
- The site is located at Land adjacent Wheatsheaf Inn, Whitbourne, Herefordshire
- The development proposed is Proposed 4 bedroom detached house (live/work) with parking.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 162809

- The appeal was received on 1 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs S Powell-Bateson c/o Agent
- The site is located at Tom's Patch, Stanford Bishop, Bringsty, Worcester
- The development proposed is Proposed holiday park for 40 holiday caravans, associated infrastructure and managerial lodge.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application 170615

- The appeal was received on 7 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Gary Williams
- The site is located at Hill Side, Walford, Ross-On-Wye, Herefordshire, HR9 5QS
- The development proposed is Widening of existing driveway to create a battered bank on the left hand side. Creation of a wider drive in/drive out access and reduction of angle of the Whitings Lane facing slope.
- The appeal is to be heard by Written Representations

Case Officer: Miss Emily Reed on 01432 383894

Application 172417

- The appeal was received on 8 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Elizabeth Bond
- The site is located at Parkway House, Parkway, Ledbury, Herefordshire, HR8 2JG
- The development proposed is Proposed erection of two dwellings
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 163900

- The appeal was received on 8 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr & Mrs B Wynne
- The site is located at Former poultry unit on land at Upper Buskwood Farm, Hope-under-Dinmore, Herefordshire
- The development proposed is Prior notification for a proposed change of use of part of an agricultural building to flexible uses (use classes A1, A2 and B1). (Class R)
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 172894

- The appeal was received on 11 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr & Mrs M G & G J Morgan
- The site is located at Land South East of Bage Court, Dorstone, Hereford, Herefordshire, HR3 5SU
- The development proposed is Erection of an agricultural building for free range egg production with associated egg packing area and feed bin (amended scheme of 161909)
- The appeal is to be heard by Written Representations

Case Officer: Mr Roland Close on 01432 261803

Application 171040

- The appeal was received on 8 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Claire Snead
- The site is located at Wymm House, Sutton St Nicholas, Hereford, Herefordshire, HR1 3BU
- The development proposed is Proposed erection of one dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Miss Emily Reed on 01432 383894

Application 163901

- The appeal was received on 8 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal is brought by Mr & Mrs B Wynne
- The site is located at Former poultry unit on land at Upper Buskwood Farm, Hope-under-Dinmore, Herefordshire
- The development proposed is Prior notification for a proposed change of use of part of an agricultural building to a registered children's day nursery. (Class S)
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 172355

- The appeal was received on 8 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs E Whittington-Fleckner
- The site is located at Land adjacent to Glenwood, Ruckhall, Eaton Bishop, Herefordshire
- The development proposed is Proposed demolition of 2 concrete panel garage buildings and 2 wooden sheds and construction of new house.
- The appeal is to be heard by Written Representations

Case Officer: Mr Simon Withers on 01432 260612

Application 130945

- The appeal was received on 12 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Larkrise Co-housing and Herefordshire Housing Ltd
- The site is located at Land at Tump Lane, Much Birch, Hereford, Herefordshire, HR2 8HW
- The development proposed is Residential development comprising up to 20 dwellings, including up to 10 affordable dwellings with associated new access (via Tump Lane) and car parking arrangements for both existing and proposed and community facility.

Further information on the subject of this report is available from the relevant case officer

- The appeal is to be heard by Written Representations
Case Officer: Mr Andrew Prior on 01432 261932

Application 172705

- The appeal was received on 19 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal is brought by Mrs Ruth Punshon
- The site is located at Little Red House, Eaton Bishop, Hereford, Herefordshire, HR2 9QT
- The development proposed is Proposed exchange of existing asbestos cement roof sheets for roofing slates and works incidental to. Change in business operating hours.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 163370

- The appeal was received on 13 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Nigel Green
- The site is located at Stoney Court Poultry Ltd, Stone Street, Madley, Hereford, Herefordshire, HR2 9NH
- The development proposed is Redevelopment of Existing Poultry Unit Involving the Decommissioning of 4 No. Existing Poultry Buildings and the Erection of 8 No. Replacement Poultry Units Together with Associated Infrastructure of Feed Bins, Site Office, Hard Standings and Drainage Attenuation Pond.
- The appeal is to be heard by Hearing

Case Officer: Mr Roland Close on 01432 261803

Application 171716

- The appeal was received on 14 December 2018
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Geoffrey Jordan
- The site is located at Field Barn, Marstow, Ross-On-Wye, Herefordshire, HR9 6HD
- The development proposed is Removal of condition 4 following (DCSE2004/1226/F change of use of barn to holiday let.) Change use to residential.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 171840

- The appeal was received on 14 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mrs Y Thomas
- The site is located at Darnells Farm, Linton, Ross-On-Wye, Herefordshire
- The development proposed is Proposal for 4 no. glamping units and ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 172686

- The appeal was received on 19 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Guy Poulton
- The site is located at Land at The Nest, Eye Lane, Moreton Eye, Herefordshire

- The development proposed is Proposed erection of dwelling house on derelict tennis court.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Enforcement Notice 174047

- The appeal was received on 18 December 2018
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Elwyn Brooke
- The site is located at Lower Penalt Farm, Kings Caple, Hereford, Herefordshire, HR1 4UQ
 - The breach of planning control alleged in this notice is: Without planning permission the unauthorised material change of use of land from agricultural land to a mixed use of agricultural land and to site a caravan for a residential purpose.
- The requirements of the notice are:
 - Permanently cease the use of the land as a caravan site and remove the unauthorised caravan from the land at Lower Penalt Farm, Kings Caple, Hereford, HR1 4UQ.
- The appeal is to be heard by Written Representations

Case Officer: Mr Scott Low on 01432 261814

Enforcement Notice 174798

- The appeal was received on 18 December 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Ms S Dovey
- The site is located at Live And Let Live, Bringsty, Worcester, Herefordshire, WR6 5UW
- The breach of planning control alleged in this notice is: Without planning permission, the change of use of land used as a car parking area to a mixed use of car parking area and a use for the storage of building materials, a lorry trailer and various other miscellaneous items.
- The requirements of the notice are:
Remove all the building materials from the land surrounding the Live and Let Live PH and cease the use of all the land for storage purposes (edged in green).
- The appeal is to be heard by Written Representations

Case Officer: Mrs Jo Last on 01432 260243

Enforcement Notice 174716

- The appeal was received on 18 December 2017
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr K Buchanan
- The site is located at Mobile Home At Corngreaves, Stretton Sugwas, Hereford, Herefordshire, HR4 7AH
 - The breach of planning control alleged in this notice is: Without planning permission the siting of two static caravans.
 - The requirements of the notice are: Remove the two static caravans.
- The appeal is to be heard by Written Representations

Case Officer: Mr Clive Lloyd on 01432 383403

Application 172214

- The appeal was received on 19 December 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission

- The appeal is brought by Mr Tim Woodcock
 - The site is located at 11 Hartland Close, Belmont, Hereford, Herefordshire, HR2 7SL
 - The development proposed is Change of use of land to residential curtilage. Retention of timber deck, single flight of timber stairs, gravel path, steps and timber retaining wall. Post and wire boundary fence. Associated groundworks.
 - The appeal is to be heard by Written Representations
- Case Officer: Mrs Charlotte Atkins on 01432 260536**

APPEALS DETERMINED

Application 151983

- The appeal was received on 20 April 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by G T Williams
- The site is located at Rogers Farm, Bush Bank, Hereford, Herefordshire, HR4 8EP
- The development proposed was Proposed erection of two poultry buildings, new access and conversion of building to house biomass boiler.
- The main issues were:
The effect on the living conditions of neighbours, with particular regard to odour and noise, and the deposition of bio-aerosols.

Decision:

- The application was refused at Planning Committee (against Officer Recommendation) on 7 December 2016.
- The appeal was allowed on 4 December 2017.
- An application for the award of costs made by the Appellant against the Council was allowed.

Case Officer: Mr Edward Thomas on 01432 260479

Application 164008

- The appeal was received on 7 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr & Mrs Graham & Jo Atkins Hughes
- The site is located at Buttercups Palmers Flat, Dancing Green, Ross-On-Wye, Herefordshire, HR9 5TE
- The development proposed was Demolish and replace an existing summer house.
- The main issue is the effect of the replacement summer house on the character and appearance of the surrounding

Decision:

- The application was Refused under Delegated Powers on 5 March 2017
- The appeal was Dismissed on 8 December 2017

Case Officer: Mr C Brace on 01432 261947

Application 171105

- The appeal was received on 1 September 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Derek Cornes
- The site is located at Little Howle Farm, Howle Hill, Nr Ross-on-Wye, Herefordshire
- The development proposed was Proposed erection of two bedroom bungalow. Construction of new access and associated development.
- The main issue was: Whether the proposed development would be in a suitable location.

Decision:

- The application was Refused under Delegated Powers on 24 May 2017
- The appeal was Dismissed on 15 December 2017

Case Officer: Miss Emily Reed on 01432 383894

Application 162155

- The appeal was received on 30 June 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by BSL Strategic Ltd c/o Agent
- The site is located at Land at Church Stile Farm, Vinesend Lane, Cradley, Nr Malvern, Herefordshire, WR13 5LG
- The development proposed was Outline planning application for the development of up to 29 dwellings, village shop/community facility, village greens, orchard, biodiversity enhancements and other ancillary works.
- The main issues are the effect on the Malvern Hills Area of Outstanding Natural Beauty and on designated heritage assets.

Decision:

- The application was Refused under Delegated Powers on 26 September 2016
- The appeal was Dismissed on 13 December 2017
- An Application for the award of Costs, made by the Council against the Appellant, was Dismissed

Case Officer: Mr Roland Close on 01432 261803

Application 171351

- The appeal was received on 21 July 2017
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Richard Brandram-Jones
- The site is located at Land adjacent to Mill Ditch Cottage, Kings Caple, Herefordshire, HR1 4UB
- The development proposed was Outline application for the erection of a three bedroom cottage,
- The main issues (were):
 - whether the proposed development would be in a suitable location, given that the appeal site is outside the settlement boundary;
 - the effect of the proposed development on the character and appearance of the countryside, having particular regard to its location within the Wye Valley Area of Outstanding Natural Beauty (AONB), and on the setting of non-designated heritage assets; and,
 - the effect of the proposed development on the living conditions of occupiers of Willow Cottage, with particular regard to light.

Decision:

- The application was Refused under Delegated Powers on 25 May 2017
- The appeal was Dismissed on 4 January 2018
- An Application for the award of Costs, made by the Council against the Appellant, was Dismissed

Case Officer: Mr C Brace on 01432 261947

If members wish to see the full text of decision letters copies can be provided.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2018
TITLE OF REPORT:	<p>163159 - DEMOLITION AND CLEARANCE OF THE EXISTING PUBLIC HOUSE ('THE VOLUNTEER INN') AND ERECTION OF NEW FAMILY PUBLIC HOUSE WITH ROOMS (UCO CLASS A3/A4), CUSTOMER CAR PARK AND RELOCATED VEHICULAR AND PEDESTRIAN ACCESS ON LAND AT THE VOLUNTEER INN, MARDEN, HEREFORDSHIRE, HR1 3ET</p> <p>For: Mr Gregory per Mr Aspbury, 20 Park Lane Business Centre, Park Lane, Nottingham, NG6 0DW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163159&search=163159
Reason Application submitted to Committee - Redirection	

Date Received: 3 October 2016

Ward: Sutton Walls

Grid Ref: 352152,247817

Expiry Date: 31 January 2018

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The Volunteer Inn is a public house occupying an irregularly shaped parcel of land to the east of the C1120 and north of Walkers Green on the northern side of the village of Marden. The public house lies to the west side of the site with its gable presented to the roadside. To the north of the site lie two properties known as Little Orchard and Ivy Cottage (Listed) that are in the ownership of the applicants. Further north is the S&A Produce enterprise and workers accommodation at Brook Farm. To the west and south lie the properties on Orchard Green and Walkers Green / Woodbine Close with Bradnor Cottage also being a grade II listed building. To the east lies a piece of land associated with the public house; used historically as a camping and caravan club site and beyond this the former village cricket ground.
- 1.2 The core of the Volunteer Inn is described as an 18th century building. Later additions are evident. The application is supported by a Design and Access Statement / Heritage Statement that explores its history in more detail. The Volunteer Inn had been closed for a period of time but has since reopened. It was listed as an Asset of Community Value in October 2013 with the period for protection ending in October 2018.
- 1.3 This application seeks planning permission for the demolition of the public house and the construction of a new public house with restaurant facilities (A3/A4) along with 8 en-suite bedrooms for overnight guests on the first floor. The plans also include a building that would be used as a Brewhouse along with new access to the north of the pub, parking for a total of 44 vehicles and beer garden. The site extends slightly further westward than the current building and beer garden to provide parking to the rear and side of the building.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 1.4 The proposed plan is inserted below for ease of reference. The red dotted line shows the outline of the existing public house.



- 1.5 The design and access statement describes the facilities as follows:

The building has been designed to accommodate drinkers, diners and overnight guests. There is an accommodation entrance and two bar entrances from the north and south. Further to this there is a service entrance to the yard which accommodates the covered cycle storage area for staff and the more unsightly aspects of running a pub, such as deliveries and waste removal. On the ground floor there are indoor and outdoor facilities, including an out door bar a servery from the kitchen to the beer garden and an external oven. The internal eating areas are split between the less formal bar area and more formal dining area, which can be closed off to create a private function room, as such it has its own servery and folding food to close it from the bar. Other facilities include modern toilet facilities and a purpose designed service area to facilitate the smooth running of the business. The first floor accommodates eight generously proportioned en-suite bedrooms and service areas providing house keeping facilities.

There is a cellar provided under the main bar area, this provides an area to store beer and wine in a suitable condition, with a beer chute to the North accessed from the main vehicle entrance. In addition to this there is a small shed like structure to create accommodation for a Brewhouse, allowing additional income stream for the pub, creating additional employment opportunities and a strong identity as a rural business within the community.

- 1.6 In response to comments made, the applicants have advised that the internal layout submitted with the application was provisional and indicative and not intended to be determinative of the eventual pub format. The applicants then submitted plans omitting the detailed internal layouts but remain as described above.
- 1.7 As can be seen above, the footprint of the building will be an L shape. The building is divided into several elements, giving the impression of a pub that has evolved over time and this concept is supported through the use of a mix of materials such as timber frame, stone, render

and brickwork. The roadside single storey section has a ridge height of 5.25m, with the central body of the building having a ridge height of 9.25m. The section that returns to the east with a height of 9.05m. The detached Brewhouse would have a rectangular footprint (8m x4.7m) and be constructed from timber and stone. The eaves would be 2.7m with a ridge height of 5.8m (inclusive of the roof detail). An extract from the proposed elevation plans southern elevation is inserted below for ease of reference along with an illustrative plan taken from the Design and Access Statement.



1.8 The application has been submitted alongside three other applications as listed in Section 3 below. The documentation submitted in support of these applications is duplicated, and comments received in response to the applications are often referencing some or all of these developments. Nonetheless, this application must be considered on its own merits.

2. Policies

2.1 Herefordshire Local Plan Core Strategy

Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment provision
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
SC1	-	Social and Community Facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment provision
E4	-	Tourism

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and heritage assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 Marden Neighbourhood Development Plan

The Marden NDP is formally made (6th October 2016) and is part of the Development Plan. Its policies have the equivalent status of the Core Strategy.

The relevant policies are considered to be:

- Policy M5 – Protection/extension of Local Community Facilities
- Policy M6 – New local employment opportunities
- Policy M7 – Supporting enhancing and protecting existing local employment
- Policy M10 – Landscape Character
- Policy M11 – Flood Risk and Surface Water Run-off

https://www.herefordshire.gov.uk/directory_record/3086/marden_neighbourhood_development_plan_made_6_october_2016

2.3 National Planning Policy Framework

Introduction

Chapter 1 - Building a strong competitive economy

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable transport

Chapter 7 – requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

2.4 National Planning Practice Guidance

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

The applications below are on land to the east that was formerly associated with the Volunteer Inn:

- 3.2 **112700/F** – Change of use of land from recreational field to use for 19 no. holiday touring units. Withdrawn
- 3.3 **112419** – CLEUD for existing use of land as camping/caravan site: Refused
- 3.4 **131807** – Site for 5 no. dwellings: Refused

The following applications were submitted with this application and are referred to in supporting documentation. These will be considered separately and on their own merits:

- 3.5 **163156/F** - The phased clearance of the existing seasonal agricultural workers accommodation site (comprising caravans and demountable buildings (granted planning

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

permission under Ref. DMCW/092985/F, dated 17 March 2010) to provide 69 Houses in Multiple Occupation (Sui generis) for the accommodation of agricultural workers, together with ancillary facilities, a new vehicular access, private internal access roads, on-site parking, off-road footway, amenity open space, landscaping and a sustainable urban drainage system – Application Undetermined.

- 3.6 **163157/O** - Site for residential development (family housing) for up to 75 dwellings (comprising open market and affordable housing together with a new vehicular and pedestrian access, on-plot car parking, supporting infrastructure and facilities, amenity open space, landscaping and a sustainable urban drainage system - Application Undetermined
- 3.7 **163158/F** - Demolition and clearance of existing operational buildings and erection of new headquarters/administrative office building (UCO Class B1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car parking and modifications to form two separate vehicular accesses (to the new offices and to the operational farmstead / packhouse) – On the agenda and recommended for approval subject to conditions.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection and recommends a condition and informatives (as included in the recommendation section below)

Internal Council Consultations

- 4.2 Public Rights of Way Manager: No objection
- 4.3 Environmental Health Manager (Noise and nuisance): No objection subject to the imposition of conditions restricting hours of construction and the submission, prior to commencement, of a demolition and construction environmental management plan.
- 4.4 Environmental Health Manager (Contaminated Land) has no adverse comment to make.
- 4.5 The Service Manager Built and Natural Environment (Ecology) comments as follows:
- The detailed bat report on “The Volunteer” supplied by DLA dated August 2016 has identified that the building is being used by roosting bats and that a Natural England European Protected Species Licence will be required before any work can commence on site. This licence will include full details of required mitigation and enhancement for bats. To ensure this I would suggest conditions be included with any grant of planning permission.
- 4.6 The Service Manager Built and Natural Environment (Landscape) has no objection subject to landscape proposals and management to be agreed by condition.
- 4.7 The Service Manager Built and Natural Environment (Historic Buildings Officer) makes the following comments:

Recommendation

- Under the NPPF guidance, the proposal would cause the most significant level of harm to a non-designated heritage asset. As no alternative re-use scheme has been presented, incorporating the original buildings, it is not possible to support the proposal.
- Given demolition of the existing buildings is intended, any application should include a Heritage Statement that gives a comprehensive account of the buildings significance, both

architecturally and associatively, and details the harm that this may cause in relation to the identified significance.

- The existing heritage assets have a level of significance for which retention should be considered a priority. There is an opportunity for change, through adaptation and sensitive extension, which would provide a better balance between serious harm and beneficial use.

Designation

The Volunteer Inn is a non-designated heritage asset, which was listed as an Asset of Community Value in 2013. Although non-designated, its importance and significance as a heritage asset lies in its associative links with the development of militia armies in Herefordshire, and its use as a regional meeting place for commercial activities.

Asset of Community Value

Under the Localism Act 2011, communities were given the right to nominate local assets as Assets of Community Value. These assets are chosen as they are of identified importance to the local community.

The definition of an Asset of Community Value is: *a building or other land in a local authority's area is land of community value if in the opinion of the local authority –*

- *An actual current use of the building or other land that is not an ancillary use furthers the wellbeing or social interests of the local community, and*
- *It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

Assets of Community Value are a material planning consideration and require permission to demolish.

British Standard BS7913 - Guide to the Conservation of Historic Buildings

Using BS7913 it is possible to evaluate the impact of change in relation to the buildings significance.

Significance

The *Heritage Value* of the Volunteer Inn would be judged as *Medium – of local value but of regional significance for group or other value* (i.e. for its historic associations as a militia sign-up post and county auction venue).

Impact

The *Impact of Change* is classed as *Major*, the highest level, as total loss of the buildings is proposed.

Magnitude of Impact

Given *major impact* is proposed for buildings of *medium significance*, the magnitude of impact would be adjudged as *Moderate to High*.

As such, significant weight needs to be given to the magnitude of impact when balanced against any benefits the proposed scheme lays claim to.

Existing Structures

Volunteer Inn – Exterior

The main, central, building is a two storey, three bay structure with a pitched slate roof and original door, porch, chimneys and window openings. The main door and central windows are offset to accommodate signage at 1st floor level. An original ground floor bay window was removed and is now a double width window opening. All original window openings have segmented brick arches, stone sills.

The two storey rear elevations have had inappropriate extensions added; window openings are a mixture of original and later insertions.

Attached to the east is a two storey building with concrete tile roof, original chimney, modified door and window openings and segmented brick arches. This building was erroneously described as a product of the late 20th century in the submitted Access & Design statement. It is, in fact, a Victorian construction, documented in historic photos of the Volunteer Inn.

To the west are two single storey structures; the first is brick built with window and door openings, slate roof and modern render. The second is a smaller brick structure with original window and door openings, modern render and concrete tile roof.

To the front of the range, spanning between the larger single storey building and a section of the main building is a modern, single-storey, flat-roofed extension currently being used as a toilet block.

Volunteer Inn – Interior

The interior of all four buildings has been significantly modified. Currently, the most westerly structure is used as a kitchen; next to that is a dining room; the main building houses the public bar on the ground floor and accommodation on the first floor; the most easterly building is used for accommodation. A flat roofed extension houses the beer *cellar*.

The interior of the bar, and other parts of the ground floor, has been fitted out with carved wood panelling, in an Indonesian/Balinese style. It is unlikely to have any significant age. Although, what lies behind the panelling may reveal more about the interiors stylistic origins or development.

The level of adaption that has taken place, in previous decades, provides a blank canvas to remodel the buildings in an appropriate manner.

Other Structures

The remains of a stone Cider Press are located at the entrance to the adjoining field, between the Volunteer Inn and Bradnor; likely to have been used in the manufacture of cider with apples from the surrounding orchards. This falls within the proposed car park area.

Historic Development & Significance

Ordnance Survey mapping for 1843 shows the same building configuration as exists now. Two early photographs, one from 1904, show the existing structures with original elevations, roofs and detailing. Therefore, it is demonstrable that the current series of buildings have existed for over 150 years.

The key significance of the buildings lies in their associations with the Herefordshire militia movement, historic commercial activities and recreational events.

Formerly known as the Three Horseshoes, the name changed to the 'Volunteer Inn', in 1813; signifying the public house acted as a location for local men to sign up to volunteer armies during the Napoleonic Wars.

The Inn was also used, for many years, to host county auctions, a common practice in the 19th century; one that highlights the Inn was an important regional destination. Similar activities took place at the Green Dragon in Hereford.

A skittle alley, dating from the late 19th century, was located on the west side of the buildings, but was demolished by the most recent owner. Local newspapers from the early 20th century advertised skittle competitions being held at the Volunteer Inn.

Applicable Policy

The application to demolish The Volunteer Inn is judged against the National Planning Policy Framework, Herefordshire Core Strategy and Marden Neighbourhood Plan.

National Planning Policy Framework

Chapter 12, paragraph 129:

- *Identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).*

The Volunteer Inn has been recognised as an Asset of Community Value, and the existing buildings have over 150 years' of positive contribution, both tangible and intangible, to the local community.

There are two Grade II listed buildings within approximately 50 metres of the proposed site.

Bradnor, a Grade II listed building adjacent to the site. It sits approximately 35 metres from the existing Volunteer Inn buildings. The proposal seeks to replace its semi-rural outlook of green field and mature trees, with a car park; this would be located approximately 10 metres from the cottage. The existing garden and car parking areas are separated from Bradnor in a way that does not adversely affect its setting. A rear elevation window directly overlooks the proposed car park area. In its current form, the proposal will adversely affect the setting of this heritage asset.

Ivy Cottage is a Grade II listed building located approximately 50 metres from the proposed site. Although this is within close proximity, the cottage is well screened by mature planting and there is a modern house between the two sites. As such, it is unlikely to be affected by the proposal.

Chapter 12, paragraph 131:

In determining planning applications, local planning authorities should take account of:

- *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

Contrary to this policy, there has been no submitted proposal to retain, re-model or add to the existing heritage assets, thus ensuring their conservation. It has been argued that the retention of the historic buildings would not meet the practical needs of the proposal; this suggests that the proposal is not a *viable use...consistent with* the buildings conservation.

As significant change has already taken place internally, there is great scope for adaption and extension of the existing assets to provide a feasible alternative on a sustainable scale.

Chapter 12, paragraph 135:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Demolition of a heritage asset is the most severe level of harm; this is weighed against the fact that although non-designated, it is an Asset of Community Value and has important associative significance. As such, it has a more than basic level of statutory significance. This highest level of harm, to a locally significant building, is not outweighed by the proposed benefits, given that the existing offering could provide, if properly designed and managed, a similar level of community benefit.

Herefordshire Core Strategy

Policy LD4 – Historic environment and heritage assets

Development proposals affecting heritage assets and the wider historic environment should: Protect, conserve, and where possible enhance heritage assets and their setting in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible.

The proposed development does not protect, conserve or enhance the heritage asset, or its setting, it replaces a heritage and community asset, intending to substantially increase the original form and function rather than emphasise it. The scale and business nature of the development is completely at odds with the commercial and social development historically associated with the site.

Core Strategy Objective 12:

To conserve, promote, utilise and enjoy our natural, built heritage and cultural assets for the fullest benefits of the whole community by safeguarding the country's current stock of valued heritage and significant environmental assets from loss and damage, reversing negative trends, ensuring best condition and encouraging expansion, as well as appropriately managing future assets.

The retention of the existing building and its adaption, to cope with a sustainable level of expansion, would satisfy this objective. The proposed scheme runs contrary to safeguarding valuable heritage assets and does not seek to reverse the negative trend of asset demolition.

Policy RA6 – Rural economy

Employment generating proposals which help diversify the rural economy will be supported, including proposals which: promote the sustainable use of the natural and historic environment which is valued, conserved and enhanced.

The proposed application seeks to remove an historic asset rather than, as part of a development strategy, conserve, enhance and sustainably promote it.

Marden Neighbourhood Plan

Objective 7

To ensure that the natural and built environment of the parish is protected and enhanced for future generations through sustainable development by protecting key environmental and heritage assets and taking account of constraints.

The proposal to demolish existing heritage assets is not considered sustainable development that would protect key heritage assets. In taking account of the constraints, namely to retain the assets, it should be possible to develop a proposal that ensures the protection and enhancement of a key part of the parish's built environment.

4.8 Economic Development Manager

A Full Planning Application for: the Demolition and Clearance of the existing Public House ('The Volunteer Inn') and the erection of a New Family Public House with Rooms (UCO Class A3/A4), together with a Customer Car Park and new Vehicular and Pedestrian Accesses.

Justification

The applicant states that the existing pub suffers from a poor internal layout and external presentation. On examining the existing plans it is apparent that the current layout of the building does not present an ideal internal or external layout; examples of this being the toilet block being housed in an extension to the front of the building that obscures the main building entrance and blocks line of sight from the site entrance from the road. It is also apparent that the current kitchen location is situated at the opposite end of the building to the lounge / restaurant.

It is understood that the applicant is looking to create a building that will accommodate a self-sustaining, viable business, and that to do so in a rural setting the applicant believes it is a requirement for most pubs to have a good quality catering offer (and a dedicated functions facility) to underpin the sale of beverages. Accommodation would add to the diversity of potential income sources.

Whilst this argument is generally accepted and it is appreciated that pubs require a diversity of offer the application does not give significant detail as to why an expanded food offer cannot be accommodated within the existing building footprint.

It is recognised that the proposal has the potential to create additional employment and economic benefit to the local economy however the application gives little mention of the nature or extent of this employment. There is little justification for the demolition from an employment creation perspective i.e. there is no comparison between the existing layout and the proposed layout.

The applicant states that *"public opinion suggests that although there were problems with the existing building the pub as a village amenity is missed. The problems described were the absence of a decent sized kitchen to provide adequate catering and the fact that the function room was so far removed from the bar area."* The application does not state the source or number of people expressing this opinion; consequently it is difficult to establish whether this view has any degree of substance and truly represents public opinion.

Furthermore the applicant states that their requirement is for *"the pub to be returned to a functioning part of village life..."* However, the application does not describe or evidence what the local community would wish to see accommodated within the pub to enable it to be returned to a functioning part of village life. Whilst the changes suggested in the application would appear to make a degree of business sense in terms of giving a diverse offer there is little evidence that these changes are supported by the local community or meet their requirements for a pub.

To expand on this point the current designs appear to have focused heavily on the food / restaurant offer and have little regard to the 'wrap around' offer that can heavily influence whether the local community and groups use the facilities. For example in the Proposed Plans

drawing an area is set aside for short mat bowls, this area is missing from Proposed Plans 5 which details the beer garden layout and Brewhouse elevations.

Additionally the application details a *“more formal dining area which can be closed off to create a private function room”*. This area is not served by its own bar and has a degree of disconnect to the proposed bar location, an issue that was identified as a problem with the current layout. It is accepted that rural pubs need to have a diverse offer to remain viable. In successful pubs this can include a quality food offer and accommodation. I would suggest that meeting the local community needs will make a strong contribution to the long term viability of a pub. Whilst accepting that this market alone is unlikely to give the venture sufficient viability, tapping into the very local market would give a sound customer base which could supplement and underpin efforts to bring in customers from a wider area.

The proposals give no indication as to what the local community would wish to see accommodated within a replacement pub or what would attract them to use the facility. Equally there is no evidence to suggest that the proposals will attract to the replacement pub the various clubs and societies that currently use other facilities within Marden. In short there is no evidence that the proposals have the support of the local community or meet their needs. In my view this makes it difficult for the proposals to fulfil the applicant’s requirement for *“the pub to be returned to a functioning part of village life”*.

In terms of the demolition and rebuild of the facility I can accept that the current site and internal layout could potentially inhibit an effective and viable design and I can understand that a new building will enable these issues to be addressed comprehensively. As a consequence I have no objection to the principle of the demolition and rebuild proposals subject to satisfactory evidence as to the job creation benefits this will bring. I do however object to the proposed design from the perspective of meeting the local community needs and the subsequent potential impact on the long term viability of the facility.

4.9 Transportation Manager has made the following comments:

Traffic Generation:-

Existing (utilise TRICS database if necessary):- TRICS not specifically available
Proposed (utilise TRICS database if necessary):- Increased use of existing.

Highway capacity:-

Adequacy of highway existing network in terms of capacity:- no problems currently

Adequacy of highway existing network in terms of design:- no problems currently

Accessibility by other modes of transport:-

Bus (nearest bus stop(s), adequacy of walk route to bus stop(s) service, frequency of service) – can a resident gain access to the city and/or market towns to commute to work via public transport? unclear where existing bus stop is being relocated

Train (nearest railway station, adequacy of walk route to railway service, frequency of service) midway between Leominster (8.7 miles) and Hereford (5.8 miles) stations

Walking:-informal footpath to road edge and access to Public house and car park off the Highway

Cycling:- in Highway

Access:-

Safety

Available Accident Data

One accident recorded as slight south of the proposed application (dated 2012)

Speed limit:- 30 MPH

85th percentile speed supported by a 7 day speed survey. Please note, applicant has supplied a 2 hr speed survey.

Applicant supplied information referred to in the applicants Transport Assessment:

Section 3.4.1

During the site visit on 11 May 2015 a speed survey was conducted at the gravelled car park access between 1030 and 1230 hours. Owing to very low vehicle flows along this route only 32 readings were taken of northbound vehicles, and 38 readings taken for southbound vehicles. The full results of this survey are included in Appendix J, while a summary is provided below:

Mean	85th %ile	Wet 85th %ile
• northbound 31.8mph	37.1mph	34.6mph
• southbound 29.5mph	34.1mph	31.6mph

The 2 hr speed survey carried out by the applicant is not considered to be as reliable as a, minimum, 7 day survey as normally reviewed in these applications. For this reason the information made public from a previous application ref 150431 will be used. This is also referred to in the Bancroft Produced Transport Assessment, a quote used below:

"Using data from 150431 9-day ATC, which was positioned a short distance to the south of the main Brook Farm access. Extracts from the submitted Transport Statement are included in. The results of the third-party ATC data can be summarised as follows:

Mean	85th %ile	Wet 85th %ile
• northbound 26.8mph	38.5mph	36.0mph
• southbound 26.8mph	35.5mph	33.0mph

Existing visibility splays in both directions:- Not applicable new access over existing.

Required visibility splays in both directions (quote both Herefordshire Highways Design Guide 2006 based on DMRB and Mfs & Mfs2):- All set back 2.4m.

	Northbound	Southbound
Mfs	62 metres	49 metres
Mfs2	70 metres	61 metres
DMRB	87 metres	76 metres

	North	South
Proposed visibility splays in both directions:-	47 metres	46 metres

*Neither proposed visibilities are within the guidelines set out in manual for streets. In the absence of a 7 day speed survey in the area I have relied upon the previous survey data.

The proposed visibility also incorporates sight lines over walls and vegetation that must be kept below 0.6m. It is not clear from the plans that wall heights and vegetation, property boundaries to the front of the Public house are below this.

Design

Is the design of the access acceptable (width, radii etc)

Visibility aside the design of the access is acceptable, though service yard walls are closed to the visibility splays. Perhaps a slight relocation of the proposed footprint of the development by approximately 1-2 metres would be appropriate.

Pedestrian footpaths are a welcome addition to formalise the front and rear of the proposed development, in conjunction with other applications taking pedestrians away from the existing junction of Orchard Green Road (C1120) and Walkers Green. Pedestrian safety needs to be looked at its crossing of Walkers Green. Whilst these comments are only relevant to the this one application the overall 4 schemes proposed has a knock on to one another if any are refused.

If the family housing application (Ref: 163157) is rejected can the footpath in this scheme be delivered?

Vehicle Parking Provision:-

Existing:- space for 15 vehicles no designated disabled provision.

Proposed:- Designated spaces for 44 vehicles with 4 no disabled bays.

Any parking / waiting restrictions including residents parking schemes, loading / unloading, impact on the existing on street parking provision? No waiting restrictions on site but loading /unloading provisions have been made with in the Marden

Cycle Parking Provision:-

Proposed:- 4 staff

Existing:- 0

Section 106 Obligations

Section 106 financial contributions (include spreadsheet of calculation) and identification of specific projects:- Section 106 contributions will be applicable

8 en-suite bedrooms will be on offer along with a new beer garden and outside table areas. The internal plans show a considerable deviation away from bar space to the provision of food.

Existing structure floor area = 400sqm

From Applicants HIGHWAY IMPACT STATEMENT (JULY 2016):

2.1.2 In addition to the above roads the site is bound by a dwelling known as 'Little Orchard' (owned by S&A) to the north, and to the east by a small camp / caravan site with an area of approximately 0.34 hectares and around 12 pitches, takes access via the Public House car park. The site is currently occupied by The Volunteer Inn Public House (with a gross floor area of approximately 400sqm) and a car park suitable for approximately 15 vehicles.

Proposed floor area = 772 + 50 sqm with new micro brewery.

From Applicants HIGHWAY IMPACT STATEMENT (JULY 2016):

"3.0 PROPOSED DEVELOPMENT

3.1 The proposed development would comprise clearance of the site, and the construction of a new-build pub / restaurant, with accommodation on the first floor (as shown on plans included at Appendix A). The new development would be known as 'The Marden'. The gross floor area of the new building at the site would increase to approximately 772sqm, broken down as follows:

- Cellar – 58sqm
- Ground Floor – 415sqm (with up to 109 covers at maximum occupancy)
- First Floor – 299sqm (with 8 double / twin bedrooms)

In addition to the above, it is understood that a small 'brewhouse' (with a floor area of less than 50sqm) would be constructed at the site, preparing local beer /ale for consumption within 'The Marden'. As this ancillary use would not require additional staff and as its deliveries would essentially offset those of commercial products, this has not been considered further for the purpose of this Highway Impact Statement."

The proposed development is an increase in floor area of approximately 422sqm , split as per the above meterages and would attract a fee of £3239 to paying for pedestrian crossing improvements from the development.

COMMENTS:-

Proposal is unacceptable but can be made acceptable by way of the following amendments to the deposited application:-

Proving that the visibility required as per the May 2015 speed survey can be met as per Mfs 49m not 47 as indicated on the application without vertical obstruction within the visibility splay.

Existing Bus stop is safely retained.

5. Representations

5.1 Marden Parish Council submitted a response that relates to the four applications (listed above). The comments relating to this particular application are inserted below. The full response can be read online at:

<https://myaccount.herefordshire.gov.uk/documents?id=26a3f998-c1e6-11e6-8212-0050569f00ad>

5.1.1 Initial comments received December 2016 as follows:

The Design and Access statement submitted alongside the application states as follows:

'The Volunteer Inn is the only public house within the village of Marden. It was added to the list of Assets of Community Value, under the Localism Act 2011, on the 25/10/2013, this protection period is due to end on the 24/10/2018. The pub is closed at present. Public opinion suggests that although there were problems with the existing building the pub as a village amenity is missed. The problems described were the absence of a decent sized kitchen to provide adequate catering and the fact that the function room was so far removed from the bar area. The nearest pub is the Golden Cross Inn, 1.5 miles away in Sutton St. Nicholas. The nearest pub with overnight accommodation is England's Gate, 3.1 miles away in Bodenham.'

Whilst the Parish Council supports the retention of a pub in the village, there are reservations in relation to the proposal submitted as the proposal is for a restaurant not a village pub. In fact, the nearest pub is the Amberley Arms which is 1.2 miles away and in Marden parish.

The proposed layout of the public house goes, in part, beyond the existing settlement boundary, whereas the current building is within the village settlement boundary. The Parish Council would prefer the existing building to be retained and redesigned/extended to accommodate the new proposals. Whilst the applicant cites the reason for demolition as being poor layout this can be addressed by the redesign of the internal spaces.

Policy M5 of the Marden Neighbourhood Development Plan states that new or expanded community facilities should be located in or adjacent to the settlement boundary or in an otherwise convenient or suitable location.

Policy M3 of the Marden Neighbourhood Development Plan states that all development proposals are expected to ensure the suitability of the overall design and appearance of the proposal (including size, scale, density, layout and access considerations) in relation to surrounding buildings, spaces and other key features in the streetscene.

Policy RA6 of the Herefordshire Core Strategy states that planning applications will be permitted where they:

- ensure that the development is of a scale which would be commensurate with its location and setting;
- do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
- do not generate traffic movements that cannot safely be accommodated within the local road network; and
- do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.

The proposed siting of the beer garden and brew house close to existing and proposed properties will cause adverse impacts by way of noise and smell, contrary to the Herefordshire Core Strategy Policy RA6 and Marden Neighbourhood Development Plan Policy M3.

The proposal is overdevelopment of the site. The provisions within the application go over and above that is expected in a small village pub. The facilities provided in the proposed pub are too large for a local community such as Marden to support and do not include space for rural pub pursuits such as darts or card games. In addition, the parking is insufficient for the size of the pub and will result in cars parking on the C1120 to the detriment of the safe flow of traffic in the area.

The proposed size, layout and facilities offered at the proposed public house represent overdevelopment of the site, which is contrary to Policy M3 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire Core Strategy. In addition, the proposed design appears to be a generic design for a restaurant which does not take account of the characteristics of Marden village and is therefore contrary to Policy M3 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire Core Strategy.

The presumption in favour of granting planning permission would normally take effect. But this is qualified in the NPPF where there are “any adverse impacts” which would “significantly and demonstrably outweigh the benefits”, crucially when assessed against the NPPF as a whole.

This objection demonstrates that there are adverse impacts that significantly outweigh the benefits of all four proposals.

The current planning applications should therefore be refused for the following reasons:

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Policy SS1 enforces the presumption in favour of sustainable development. This policy states that when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour. It will work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire. The 4 sites to which this objection relates are wholly or partially outside the settlement boundary and therefore located in open countryside. The proposed developments are not seen to be located in a sustainable location and therefore are contrary to the NPPF and the Herefordshire Core strategy Policy SS1.

....

The proposal is overdevelopment of the site. The provisions within the application go over and above that expected in a small village pub. The facilities provided in the proposed pub are too large for a local community such as Marden to support. In addition, the parking is insufficient for the size of the pub and will result in cars parking on the C1120 to the detriment of the safe flow of traffic in the area.

The proposed size, layout and facilities offered at the proposed public house represent overdevelopment of the site, which is contrary to Policy M3 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire Core Strategy.

There is no accommodation within the proposal designated for an on-site manager. Unless a manager lives on the premises, there is little chance of integration with the community. In addition, an on-site manager will be required if the other proposed accommodation is unavailable. However, the Parish Council does not consider that overnight accommodation is suitable, as the development should be for a village pub not a hotel. The only accommodation should be for a manager or staff.

The proposed beer garden and brew house are sited closest to current dwellings, as well as close to the proposed housing, and therefore there will be noise and smell nuisances, affecting the residential amenity of occupiers contrary to Policy M1 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire

5.1.2 Comments following re-consultation (October 2017):

The PC considers the assertion that 'this proposal is a project promoted by Mr John Davies ... as a philanthropic gesture for the benefit of the local community' (Letter, p.7) to be unjustifiable, given that Mr Davies has not undertaken any consultation with either the PC or the community.

The PC has considered 2 statements in the Letter, p.7 as follows: 'In the circumstances, it is, surprising, disappointing and frustrating that some third parties have been so critical and unappreciative of the redevelopment proposals and have sought to raise trivial and frivolous objections'; and the later statement 'Mr Davies wishes the new establishment to be attractive and accessible to a wider cross-section of the local community than heretofore, whilst not seeking to discourage previous patrons of the existing public house'. It is notable that these statements conflict with each other and highlight the lack of acceptance of parishioners' and other people's views, when they are not in accordance with Mr Davies' 'philanthropic gesture'. Regrettably, removing the tables and chairs from the amended plans does not instil confidence that the wishes of the community will be respected and given due consideration.

The proposal is an overdevelopment of the site. The provisions within the application go over and above that expected in a small village pub. The facilities provided in the proposed pub are for a restaurant not a village pub and they are too large for a local community such as

Marden to support, therefore contrary to Policy M5 of the Marden Neighbourhood Development Plan. In addition, as a high level of visitors from outside the parish are likely to be required to make such a restaurant viable, the parking is insufficient for the size of the pub and will result in cars parking on the C1120 to the detriment of the safe flow of traffic in the area.

The proposed size, layout and facilities offered at the proposed public house represent overdevelopment of the site, which is contrary to Policy M3 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire Core Strategy. The increased footprint for the proposed pub has breached the designated settlement boundary in the Marden Neighbourhood Development Plan.

There is no accommodation within the proposal designated for an on-site manager. Unless a manager lives on the premises, there is little chance of integration with the community. In addition, an on-site manager will be required if the other proposed accommodation is available. However, the Parish Council does not consider that overnight accommodation is suitable, as the development should be for a village pub not a hotel. The only accommodation should be for a manager or staff.

The proposed beer garden and brew house are sited closest to current dwellings, as well as close to the proposed housing, and therefore there will be noise and smell nuisances, affecting the residential amenity of occupiers, contrary to Policy M1 of the Marden Neighbourhood Development Plan and Policy RA6 of the Herefordshire Core Strategy.

The PC considers that any discussion of Heads of Terms (S106 agreement) should include the PC, as Marden has a made NDP.

5.2 47 Letters of representation have been received in response to this application including comments from CAMRA and CPRE.

- No good reason to demolish. An extension or alteration to the pub would be better.
- Whilst not listed it is an historic building and much loved part of the community
- It's registered as an Asset of Community Value (ACV)
- There has been a lack of community consultation – no thought about the villagers in this application
- Locally valued pub should not be demolished to make way for a larger impersonal eating establishment. Plenty of room for extensions
- Good to see the building restored but not replaced with a mini motel.
- Plans seem disproportionately focussed on the restaurant with only a tiny bar and no space for meetings, functions, skittles, darts, pool and other pub games allocated.
- Already lost community facilities (cricket and skittle alley) that were associated with the pub.
- If provided a balance needs to be struck between eating areas and areas to relax / socialise / meet
- Flexible spaces in required. Number of covers seems excessive.
- No provision for Managers accommodation
- Lack of detail on operation of public house.
- Loss of the pub as a heritage asset
- Been here since 1813 – refurbished and altered over the years. Part of the history of the village in an area with every little heritage. Pub is a fine example of a quintessential English Village Public House
- 145 covers is a very large restaurant / only small bar. Could reduce number of covers and allocate its space differently
- Not many places in Hereford with that number of covers
- This is not the only pub in the village, there is also the Amberley arms
- Part of the site lies outside of the settlement boundary

- The proposal has little benefits to the community in its current form
- The pub could be viable as in refurbished premises / could be a successful village pub
- Scale and function of the proposed public house is not appropriate and would be contrary to policy M1.
- Used to be home to various clubs / once played an active part
- Not sure a new pub would end in the building playing an active part on the community.
- Building is of community value and is attractive and could be refurbished rather than being knocked down and replaced with an ugly new one.
- No provision to encourage local societies and groups with meeting rooms / pub games.
- Is an asset of community value and should be opened for food and social area where consultation can then take place
- On site management accommodation is essential
- Will be a hostelry for business people visiting S&A. Will become an S&A Social club;
- Could do with a place to eat and socialise in the village which it used to be in the past
- Desirable to move the access / egress point removing current traffic hazard
- The increase in traffic onto narrow road and near a junction
- Why such an increase in car parking?
- The car park proposed is insufficient for the size of building proposed / customers anticipated;
- More traffic on already inadequate road system.

The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163159&search=163159

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

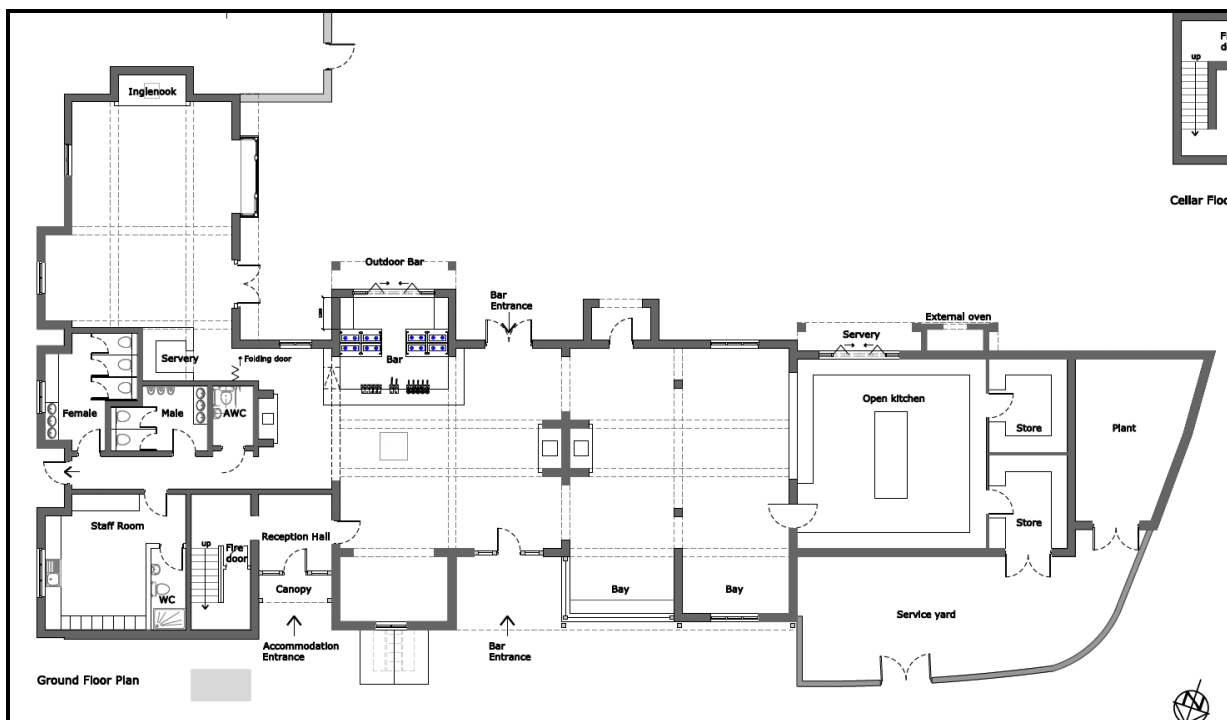
6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

6.3 The existing public house is considered to be a social and community facility for the village of Marden. Its nomination and acceptance as an Asset of Community Value would reinforce this. Policy SC1 of the Core Strategy, along with policy M5 of the Neighbourhood Development Plan seek to protect, retain or enhance the existing social and community infrastructure. Policies state that these should be retained unless it can be demonstrated that an appropriate alternative facility is available, or can be provided to meet the needs of the community affected or it can be shown that facility is no longer required, viable or fit for purpose; and where appropriate, it has been vacant and marketed for community use without success. Viable alternative facilities must be equivalent to those they replace in terms of size, quality and accessibility.

6.4 These policies do not deal explicitly with the matter of a replacement facility and as such consideration must be given to the value and type of facility and whether its replacement or alternative facility would continue to meet the needs of the community affected. When the Parish Council made the nomination for the public house to be an Asset of Community Value in September 2013 they described this as follows:

- The volunteer is a village pub in walking distance of a large number of households. It provides a casual social environment for people to meet and also hosts numerous organised events for village groups. It also owns and hosts the cricket pitch and club.
- It is the only pub in Marden village and there is no similar facility within the village
- Day to day social meeting place for villagers, organised social events and village groups. Provides the cricket pitch for the Marden Cricket Club. When closed for refurbishment villagers expressed concerns for its future.
- It is the only pub within the Marden Village, use is growing with development of a food offer. Marden groups and clubs are making use of it for events. Cricket Club supported.

6.5 The Public House had been closed for a number of years, re-opened in 2017 by the current landowner. Whilst some letters suggest that the proposed building will not offer opportunities for pub games, such views are quite subjective and would likely be client and demand led. A description of how this may be used is provided above and the ground floor plan is inserted below for ease of reference.



6.6 The plans show a large bar area in the main body of the building, with kitchen facility. A small area with servery extends to the front of the building and provides for a small area that has potential for use for meetings or functions. Both areas offer access to the outside seating areas and beer gardens that replace the current car park to the front of the site and are larger than the current offer.

- 6.7 In this instance, officers would conclude that the replacement facility offers the scope to provide an equivalent alternative to the existing in terms of size, quality and accessibility and would therefore conclude that the proposal would ensure compliance with the requirement of policy SC1 of the Core Strategy and M5 of the Marden Neighbourhood Development Plan.
- 6.8 In addition to the public house / restaurant the proposals include the provision of 8 en-suite bedrooms for overnight guests. Core Strategy policy E4 encourages the promotion of Herefordshire as a destination and encourages new accommodation to help diversify the tourist provision whilst policy RA6 seeks to support the vitality and viability of facilities such as public houses. A condition would ensure that the accommodation remained as tourist accommodation only. Concern has been raised about the lack of 'live in' accommodation. This was raised with the applicant who has advised that it is their commercial judgement that manager accommodation is not essential to the business model and can be reviewed at the time of appointment of management. They also note that Marden offers a choice of housing and that the applicant owns residential properties in the immediate vicinity. A full time managerial attendance is not required and a non resident night porter / receptionist could attend to the immediate needs of overnight guests.
- 6.9 Whilst concerns are noted, there are no policy requirements for onsite management facilities and this would be a commercially led decision.
- 6.10 The new accommodation and facilities offer opportunities for employment, something that is encouraged by the Core Strategy and is clearly identified as an objective within the Neighbourhood Development Plan (Objective 6). The Marden NDP policy M6 (New local employment opportunities) states:

The development of new local employment opportunities will be considered providing that they:

- (a) Do not have a detrimental impact on surrounding residential amenity;*
- (b) Do not lead to the loss of open space or green infrastructure;*
- (c) Are located close to existing highways and do not have an unacceptable impact on traffic;*
- (d) Ensure that any likely significant effect on the River Wye Special Area of Conservation (SAC) is avoided or adequately mitigated.*

Policy M7 (Supporting enhancing and protecting existing local employment) goes on the state that Development that would lead to the expansion or improvement of existing business premises will be permitted when it:

- (c) Is suitable in terms of size, layout, access, parking, design and landscaping;*
- (d) Does not harm the amenity of nearby occupiers;*
- (e) Does not harm the character, appearance or environment of the site and its surroundings;*
- (f) Has adequate access, or potential access, by a choice of transport modes;*
- (g) Retains and enhances any built and natural features/areas that contribute to the amenity or biodiversity of the area;*
- (h) Includes mechanisms to improve environmental performance to that of current best practice standards; and*
- (i) Ensures that any likely significant effect on the River Wye*

- 6.11 It is concluded that the proposed facility will offer significant economic benefits to the local community, providing additional employment (not only during construction phases) but ongoing jobs and potential support for other facilities such as the local shops and businesses. All of the policies cited above do, however, require consideration of the impacts of the

proposed development on the built and natural environment alongside consideration for the technical aspects of development. These are further considered below.

Heritage Assets

- 6.12 The application site does not lie within a Conservation Area but there are a number of listed buildings (designated heritage assets in the parlance of the NPPF) whose settings might be affected by the development. A Heritage Statement has been submitted with the application that describes the history of the building and makes an assessment of its significance.
- 6.13 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:
- “to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.14 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.15 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.16 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.17 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse is made to the NPPF.
- 6.18 The impact of the proposed development on the setting of the two nearby listed buildings has been considered and officers would conclude that, with the appropriate mitigation in the form of boundary treatments and landscaping, there would be no adverse impact upon their setting.
- 6.19 Turning to the building itself, the Historic Buildings Officer has considered the proposal and concluded that the building could be considered a non - designated Heritage Asset.

- 6.20 Paragraph 135 of the NPPF explains that the effect of the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 135 is not a restrictive policy as it deals with non designated heritage assets. Accordingly any harm is factored into the pre-weighted balance where adverse impacts must significantly and demonstrably outweigh benefits.
- 6.21 Therefore if one accepts that this is a non designated heritage asset then its loss must be construed as harm, however this must be weighed in the planning balance in the context that the weight to go to heritage harm would not be as if it were a designated heritage asset.
- 6.22 Paragraph 136 goes on to advise that permission for the loss or part of the heritage asset without taking reasonable steps to ensure new development will proceed after the loss has occurred. Again, a condition is recommended that ensures that a contract for building is entered into before the demolition.

Design and Amenity

- 6.23 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. These requirements are mirrored within policies M6 and M7 of the NDP.
- 6.24 The design approach has evolved following an assessment of the existing structure and work required, along with the layout and condition of the building. The proposed building is re-orientated slightly to provide a better pedestrian access, relocation of the vehicle access and an improved internal layout to provide what is described as a modern country pub. A full explanation of this is included in the Design and Access Statement.
- 6.25 The proposed building is larger than the existing, but has been designed so that the most prominent area to the front of the building would now be landscaped with a beer garden; which is welcomed. The scale, siting and orientation are also considered to be appropriate for the location and setting and would represent a building of scale and proportion that would, in the opinion of your officers, sit comfortably in the local context.
- 6.26 The building itself would not adversely impact upon the amenities of local residents, being of sufficient distance from neighbours. The use of the site as a public house / restaurant is also well established on the site and as such acceptable. The siting of the car parking to the rear of the building is also considered to be acceptable, but mitigation in the form of landscaping would be sought to provide an additional buffer with the dwellings that front Walkers Green.
- 6.27 The Brewhouse is in close proximity to the dwelling on Walkers Green and as such, as an additional function, it is suggested that a condition be imposed that relates to the hours of working within this building.
- 6.28 Having regard to the above, the proposal is, subject to conditions, considered to be an acceptable form of development that would accord with the requirements of the policy SD1 as well as M6 and M7 of the NDP.

Transportation

- 6.29 CS policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that developments are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. Policy M6 of the neighbourhood development plan also requires developments be located close to existing highways and not have an unacceptable impact on traffic.
- 6.30 Local residents and the Parish Council have raised concern about the intensification of use of the site and the capacity on the highway and whether parking is sufficient. Cycle parking for staff and customers has been provided along with a new footway to the road frontage. The siting of the access is also considered to be an improvement to the existing arrangement that has some conflicts with Walker Green junction. The Transportation Manager has considered the information provided with the application, and has confirmed that he has no concerns in respect of the capacity of the network, safe access and egress nor with parking and deliveries. Conditions are recommended to ensure delivery of the required parking and access including the visibility splays as provided within the updated transport information.

Ecology

- 6.31 Policy LD2 of the Herefordshire Local Plan - Core Strategy is consistent with the NPPF in that it requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy M7 of the NDP reinforces this requirement. The advice in the NPPF reinforces this. The Councils Ecologist has confirmed that the information is acceptable and has recommended conditions be imposed.

Drainage

- 6.32 Policies SD3 and SD4 of the Core Strategy alongside policy M11 of the NDP seek to ensure that matters of flood risk and drainage are considered. Representations raise concerns about network capacity for the foul drainage. Welsh Water, as the undertaker for foul drainage, have been consulted and subject to a condition (as below) they raise no objection. Officers conclude that the proposals comply with the requirements of policy SD3 and SD4 of the Core Strategy and policy M11 of the Marden NDP accordingly.

Conclusions

- 6.33 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site is well located to the main settlement of Marden, which in turn is well served by public transport offering a genuine opportunity for alternative means of travel to its employees and customers. Policies are generally supportive and encouraging of new and existing business and tourist proposals where the scale and size are acceptable. Officers consider that this proposal is one that is appropriate to its location and that will provide significant economic benefits to the locality.
- 6.34 Officers are of the opinion that the local road network can absorb the additional traffic generated from the development and that with the appropriate conditions and mitigation would ensure compliance with the requirements of policy MT1 of the Core Strategy and with the guidance contained within the National Planning Policy Framework that states that

development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe.

- 6.35 The impact of the proposal upon designated and non designated heritage assets is a key issue. Officers have had regard to the concerns raised by the Conservation Officer as regards the demolition of the existing building. The officer assigns significance to the existing building due to its longevity as a community facility and change to its name in the early C19th to the Volunteer Inn; which is likely to signify the building's use at the time as a recruitment station for the Napoleonic Wars.
- 6.36 It is noted that the Marden NDP does not list locally important buildings and nor does the Council have any such schedule. In any case, Paragraph 135 of the NPPF confirms that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 6.37 Whilst officers have had regard to the Conservation Officer's comments, the 'balanced judgement' required means that regard must also be had to the benefits accruing from the development proposal. Whilst it is acknowledged that the scale of harm in this instance is absolute i.e. demolition, the significance of the heritage asset itself is not considered to be high. The Conservation Officer himself acknowledges the unsympathetic changes that have accrued over the years both to the building's interior and exterior. Moreover, officers consider it important to not conflate the issues surrounding alleged heritage harm with the Asset of Community Value designation. They are not readily interchangeable.
- 6.38 Thus, on the specific issue of the balance required by NPPF 135, officers are of the view that the benefits of the proposal are sufficient to outweigh the "heritage harm". Specifically, these benefits include the economic benefits that can be attributed to the during the construction industry during development, alongside longer term economic benefits such as job creation and employment opportunities.
- 6.39 The lack of community consultation that has taken place is noted and it is disappointing that this has not been undertaken to help inform proposals. Nonetheless, this is not a policy requirement and the format, business model and operation of the proposed building is something for the developer / owner rather than being a role for the Local Planning Authority. Officers have however concluded that the proposal is at least an equivalent facility on the same site and would therefore comply with the requirements of policy SC1 of the Herefordshire Local Plan, Core Strategy and policy M5 of the Marden Neighbourhood Development Plan.
- 6.40 Biodiversity, landscape character as key environmental roles have been taken into account. There are also significant opportunities for enhancement to the natural environment as part of this proposed development that can be taken into account in the decision making process. Officers have concluded that they are satisfied that the submitted information demonstrated that, with careful consideration at design stages, a development of this size and scale can be accommodated on the site in accordance with the requirements of policies SC1, E4, RA6 SD1, LD1, LD2 and LD4 of the Core Strategy as well as the relevant Neighbourhood Development Plan Policies and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits.

- 6.41 Therefore, having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. The proposal would also, when considered in the round, comply with the policies and objectives of the Core Strategy and Neighbourhood Development Plan.

RECOMMENDATION

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

- 1. A01 Commencement of Development**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials and joinery**
- 4. G10 Landscaping scheme**
- 5. G11 Landscaping scheme - implementation**
- 6. The recommendations (mitigation and enhancements) as identified in section 5 of the ecological report by DLA Ltd (dated August 2016); and in addition as stated in, the approved Natural England EPS Development Licence (Bats) shall be fully implemented unless otherwise agreed in writing by the planning authority.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

- 7. Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 8. Prior to any materials or plant being brought on to site or any construction work commencing a detailed Construction Ecological Management Plan with appropriate risk assessments, mitigation and avoidance measures should be submitted for approval by the planning authority. This plan shall be implemented as approved unless otherwise agreed in writing by the planning authority.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan –

Core Strategy and the National Planning Policy Framework. NERC Act 2006.

9. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

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

10. **I16 Restriction of hours during construction**
11. **F01 Restriction on hours of working and deliveries (Brewhouse)**
12. **F06 Restriction on Use**
13. **F30 Use as holiday accommodation**
14. **H06 Vehicular access construction**
15. **I41 Scheme of refuse storage (commercial)**
16. **I33 External lighting**
17. **CE7 Efficient use of water**
18. **D13 – signing of contract before demolition**
19. **Prior to the demolition of the building a detailed photographic record (including notes and surveys) shall be undertaken and then submitted to and approved in writing by the local planning authority.**

Reason: To enable a record to be made of this building of historical and/or architectural interest and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework

20. **H17 Off Site works (footways)**
21. **H27 Parking for site operatives**
22. **H29 Cycle Parking Provision**
23. **H16 Parking / Unloading provision (prior to occupation)**
24. **H03 Visibility Splays**

INFORMATIVES:

1. **Positive and Proactive**

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. **H10 No drainage to discharge to highway**
6. **HN07 Section 278 agreement**
7. **HN04 Private apparatus in highway**
8. **HN01 Mud on highways**

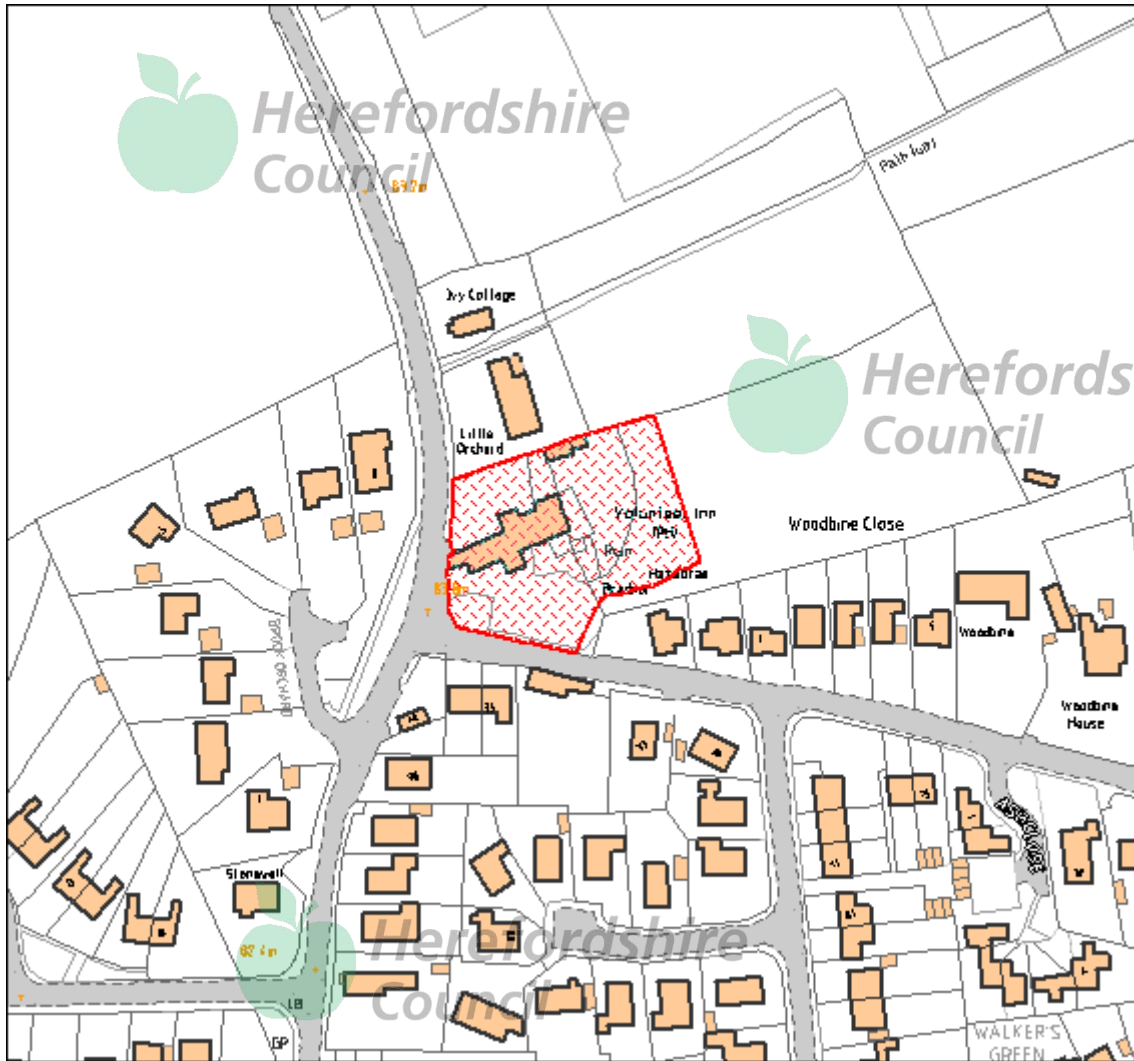
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163159

SITE ADDRESS : LAND AT THE VOLUNTEER INN, MARDEN, HEREFORDSHIRE, HR1 3ET

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2018
TITLE OF REPORT:	<p>163158 - DEMOLITION AND CLEARANCE OF EXISTING OPERATIONAL BUILDINGS AND ERECTION OF NEW HEADQUARTERS/ADMINISTRATIVE OFFICE BUILDING (UCO CLASS B1), INCLUDING ANCILLARY STAFF CANTEEN/MESS FACILITIES, DEDICATED STAFF AND VISITOR CAR PARKING AND MODIFICATIONS TO FORM TWO SEPARATE VEHICULAR ACCESSES (TO THE NEW OFFICES AND TO THE OPERATIONAL FARMSTEAD/PACKHOUSE AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET</p> <p>For: Mr Gregory per Mr Antony Aspbury, 20 Park Lane Business Centre, Park Lane, Nottingham, NG6 0DW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158
Reason Application submitted to Committee – Redirection	

Date Received: 3 October 2016

Ward: Sutton Walls

Grid Ref: 352040,248110

Expiry Date: 31 January 2018

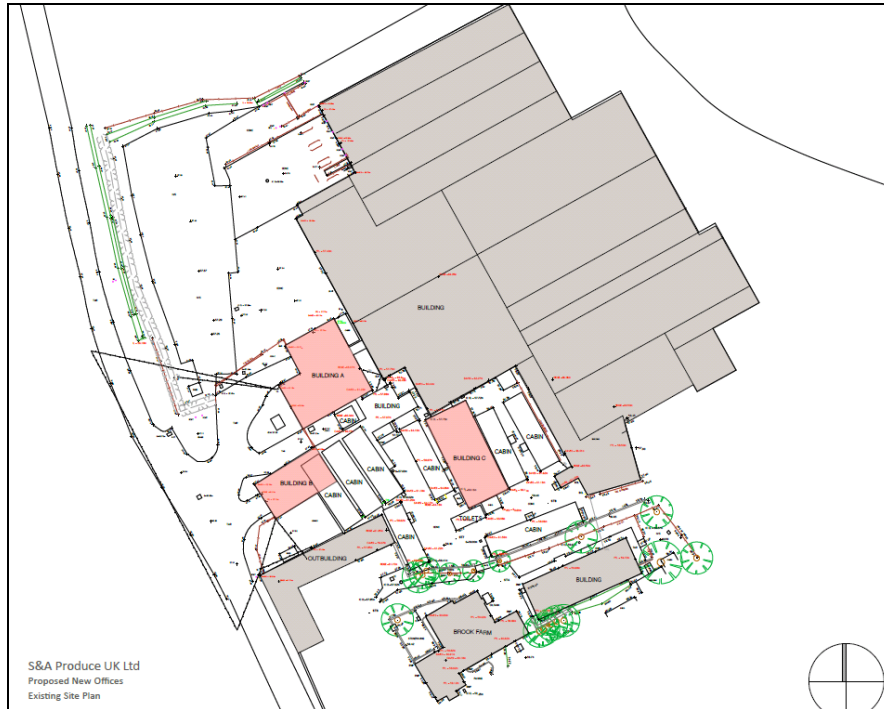
Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 The Brook Farm complex, known principally for the growing, storage, packaging and distribution of soft fruit, lies approximately 1km to the north of the village of Marden. The site extends to approximately 64 hectares, the majority of which is used for the agricultural processes. Buildings within the site include Brook Farm House (Grade II listed) and its adjacent stone barns. In addition there are the packing sheds associated with the agricultural business and the seasonal agricultural workers accommodation. Existing offices have evolved overtime as the business has become established and are housed within portacabin type accommodation. The application site is 1.24 hectares and includes the parking and access to the west of the buildings.
- 1.2 This application seeks planning permission for the replacement of the collection of Portacabins (Some that are double stacked), used as offices, with a permanent structure. Buildings A, B and C, as indicated by the shaded building on the existing site plan (extract inserted below) will be taken down. These have a combined area of 460m² and the Portacabins have a combined area of approximately 626m². The circulation space for these areas is mostly external.

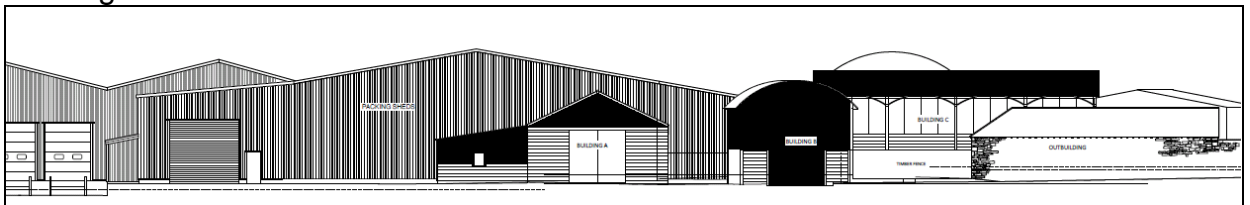
Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Existing Site Plan



- 1.3 The new offices are described within the submission as being intended to allow for future expansion of the company and also to provide purpose built catering facilities for use by staff and visitors. The style of the new offices is contemporary with a glazed upper floor and timber clad lower walls with full height windows to the main elevations. A generous over hanging roof shades the glass walls at first floor level.
- 1.4 It is proposed that the existing packing shed will be over clad with powder coated metal panels, colour dark grey, to both upgrade the appearance and give a contemporary back drop to the new office building. The rear of the new offices will also be clad with similar metal panels. A covered way runs along the rear of the new offices and connects to the workers' entrance and the packing shed. The covered area continues to the exterior of the cafe to provide a sheltered external terrace area.

Existing West Elevation



Proposed West Elevation



- 1.5 The gross area of the proposed accommodation is 1667m² including 223 m² of cafe and kitchen and a link of 21m² connecting to the existing barn. In addition, the proposals will separate lorry and car entrances to the site. A second commercial vehicular access is therefore

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

proposed which relates to the internal access route to the rear of the packing shed buildings with security cabin. An extract from the proposed plan is inserted below for ease of reference.

Proposed Plan



- 1.6 The proposed buildings consist of an open plan office on the first floor flanked by directors' offices. The ground floor accommodation consists of:- entrance area, reception, meeting and training rooms, archive room and various ancillary rooms and spaces. The main entrance opens into a double height foyer area with curved staircase with roof glazing over. The cafe, with additional office space above is located in an adjoining block which relates to the seasonal workers' accommodation and links to the games room and bar located in the existing L shaped stone barn that lies closet to the highway to the south of the site. This link will also serve as the secured pedestrian entrance to the site for seasonal workers.
- 1.7 The application has been supported by relevant reports including those in relation to ecology, drainage and transportation as well as those expanding upon the business and economic case and these supporting documents can be seen on the website at: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158
- 1.8 The application has been submitted with alongside three other applications as listed in Section 3 below. Some of the documentation submitted in support of these applications is duplicated, and comments received in response to the applications are often referencing some or all of these developments. Nonetheless, this application must be considered on its own merits.

2. Policies

Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment provision
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment provision
LD1	-	Landscape and Townscape

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 Marden Neighbourhood Development Plan

The Marden NDP is formally made (6th October 2016) and is part of the Development Plan. Its policies have the equivalent status of the Core Strategy.

The relevant policies are considered to be:

- Policy M6 – New local employment opportunities
- Policy M7 – Supporting enhancing and protecting existing local employment
- Policy M10 – Landscape Character
- Policy M11 – Flood Risk and Surface Water Run-off

https://www.herefordshire.gov.uk/directory_record/3086/marden_neighbourhood_development_plan_made_6_october_2016

2.3 National Planning Policy Framework

Introduction

Chapter 1 - Building a strong competitive economy

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable transport

Chapter 7 – Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

2.4 National Planning Practice Guidance

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **174417** - Application for variation of condition 2 (to allow for tunnels to be covered 12 months of the year) of planning permission DCCW2009/0161/F, as varied by planning permissions S123499/F and 150178 – Application Undetermined (consultation period expires 8th Jan)
- 3.2 **163156/F** - The phased clearance of the existing seasonal agricultural workers accommodation site (comprising caravans and demountable buildings [granted planning permission under Ref. DMCW/092985/F, dated 17 March 2010) to provide 69 Houses in Multiple Occupation (Sui generis) for the accommodation of agricultural workers, together with ancillary facilities, a new vehicular access, private internal access roads, on-site parking, off-road footway, amenity open space, landscaping and a sustainable urban drainage system – Application Undetermined.
- 3.3 **163157/O** - Site for residential development (family housing) for up to 75 dwellings (comprising open market and affordable housing together with a new vehicular and pedestrian access, on-plot car parking, supporting infrastructure and facilities, amenity open space, landscaping and a sustainable urban drainage system - Application Undetermined
- 3.4 **163159/O** - Demolition and clearance of the existing public house ('The Volunteer Inn') and erection of new family public house with rooms (UCO Class A3/A4), customer car park and

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

relocated vehicular and pedestrian access - Application on this agenda and recommended for approval subject to conditions.

- 3.5 150178 - Removal of condition 1 of Planning Permission DCCW2009/0161/F. To remove time limit on poly-tunnels – Approved July 2015
- 3.6 143472 – Proposed extension to packhouse – Approved Jan 2015
- 3.7 130274 - Improvements to on-site access road, surface water balancing ponds and associated landscaping – Approved with Conditions
- 3.8 123499 - Variation of condition 2 of planning permission DCCW2009/0161/F requiring polythene to be removed from polytunnels by 31st October each year and not replaced until or after the 1st March in the following year – Approved with conditions March 2013
- 3.9 111237 - Proposed variation of planning condition 3 attached to planning permission DMCW/092985/F dated 17th March 2010 for the change of use of land from agricultural to a site for the accommodation of seasonal agricultural workers in caravans and demountable portal buildings etc. Variation of the specified numbers of caravans and demountable buildings – Approved August 2011
- 3.10 CW092985F – Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in caravans/mobile homes stationed continuously on the site. Retention of demountable portable buildings used in connection with and strictly ancillary accommodation used respectively as a dormitory block, staff operations centre, health and fitness centre, staff shop, kitchen units, social units (services) shower and toilet units (retrospective) – Approved with conditions
- 3.11 DCCW2009/0161/F - Application (part retrospective) to erect fixed (non rotating) Spanish polytunnels over arable (soft fruit) crops grown on table tops – Approved May 2009
- 3.12 DCCW2009/0160/F - Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in mobile homes and demountable portable buildings stationed continuously on the site and not removed at the end of the agricultural season (retrospective) – Refused May 2009
- 3.13 DCCW2007/2806/F - Continued use of land as a caravan site and retention of accommodation block for seasonal agricultural workers – Refused Nov 2007 (appeal Withdrawn)
- 3.14 DCCW2006/2534/F - Retention of polytunnels in connection with raised-bed strawberry production – Refused and dismissed on appeal (April 2007)
- 3.15 DCCW2006/2749/F - New administration centre staff amenities and enhancements to site traffic handling demolition of existing offices workshop and outbuildings – Withdrawn
- 3.16 DCCW2004/3295/F - New maintenance facility and associated hardstandings – Approved with Conditions
- 3.17 DCCW2004/2770/F – Proposed Packing Store – Approved May 2005 (not built)
- 3.18 DCCW2003/3749/F – Permanent toilet facilities to replace portacabin facilities – Approved with conditions
- 3.19 DCCW2003/1927/F - Staff operations centre – approved August 2003

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 3.20 DCCW2003/0290/F – Accommodation block for Seasonal Agricultural workers – Approved with conditions – April 2003
- 3.21 DCCW2003/0130/F – Siting of caravans for seasonal workers – Approved with Conditions
- 3.22 CW2000/2826/F – Use of land for the siting of caravans - Approved with conditions (and Section 106)
- 3.23 CW1999/2613/F - Use of land for the siting of caravans – Refused - 21 June 2000
- 3.24 SC990121FZ – Proposed new access road
- 3.25 SH971145PF – Covered Rear Yard and dispatch area, Demolition of existing building and erection of new farm office and associated utilities
- 3.26 EN950014ZZ (Enforcement Notice Appeal) – July 1997

The breach of planning control alleged is that “without planning permission, change of use of the land and buildings From use as agricultural to a mixed use of the land and buildings thereon for the commercial storage of potatoes and as a potato processing and distribution plant.

In summary, I have considerable sympathy for local residents, who feel they have been caused nuisance in recent years by lorries associated with the site. However, the evidence is to my mind convincing that the change of use of the site, which the council alleges, took place more than 10 year before the enforcement notice was issued. That being so, the appeal on ground D must succeed.

As the appeal succeed on ground d, the notice will be quashed. The appeals on grounds a and g and the application deems to have been made under Section 177(5) do not therefore need to be considered.

- 3.27 SH951239EZ – Storage of Potatoes and Grain and grading and packing of potatoes (CLEUD) – Refused Dec 1995
- 3.28 SH940736 – Part dismantling existing G P Building and conversion of balance to farm office and weighbridge – Refused
- 3.29 SH940684PF – Extensions and modifications to existing potato storage and grading buildings – Refused Jan 1995
- 3.30 SH920621PF - Proposed extension to existing potato store – Approved with Conditions
- 3.31 SH9111156 – Proposed permanent farm office accommodation - Approved
- 3.32 SH891354PF– Agricultural Storage Buildings
- 3.33 SH890589PF – Erection of an agricultural storage building
- 3.34 SH894710 – Agricultural Storage Building – Approved August 1989
- 3.35 SH870589PF – Erection of an agricultural Storage Building – Approved July 1987
- 3.36 SH870210PF – Erection of an Agricultural Storage Building – Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

We write further to our previous letter dated 07/11/2016 in which we advised that investigations were being undertaken to determine whether the development can be provided with a potable water supply without detriment to our existing customer in the area.

Our assessment has concluded that the water usage of the proposed development is unlikely to increase the demand from the buildings currently occupying the site. We are therefore satisfied the proposed development can be served with an adequate water supply without causing detriment to existing customers.

Notwithstanding the above we request that if you are minded to grant planning consent that the following conditions and advisory notes are included within any subsequent planning consent to control a foul water drainage proposal (see recommendation section below)

Internal Council Consultations

4.2 Public Rights of Way Manager

Public footpath MR22A runs through the site. It has been shown on plans, and would not appear to be obstructed by the development. PROW would therefore have no objection to the proposal. If any surfacing work is planned, the PROW department must be consulted. If construction work is likely to endanger path users, a temporary closure order must be applied for.

4.3 Environmental Health Manager (Noise and nuisance): No objection subject to the imposition of conditions restricting hours of construction and the submission, prior to commencement, of a demolition and construction environmental management plan.

From a noise and nuisance perspective our department has no objections to this development.

4.4 Environmental Health Manager (Contaminated Land): No objection subject to conditions

Our records indicate an infilled pond within the development site. This may be considered a potentially contaminative use. As such I would recommend a precautionary condition be appended to any approval to consider risk from this and any other potential sources on site. This is required to demonstrate that the site is both safe and suitable for use as required by the NPPF.

4.5 The Service Manager Built and Natural Environment (Ecology) comments as follows:

It is noted that there are other contiguous and linked multiple applications with this one (163156,157,158). All these utilise the same ecological reports by DLA Ltd dated March 2016. This identifies very few ecological constraints and recognises that a Construction Environmental Management Plan (CEMP) and detailed mitigation and Enhancement Plan is required for all demolition and construction works and application sites. The CEMP is also required in order to screen and mitigate the potential risks and effects of the construction phase on the nearby River Lugg SAC/SSSI as required under Habitats Regulations. To ensure this I would suggest the inclusion of relevant conditions should permission(s) be granted (see recommendation section).

In addition to Habitat Regulations Assessment Screening for the construction phase the other direct potential 'likely significant effects' stem from any direct run of outfall from foul water

management systems and additional and potentially polluted surface water. If for any reason any of the applications can not connect to the mains sewer network then full details of the proposed foul water management system with capacities and details of how the final outflow will be managed via a soakaway/spreader system must be supplied for approval.

As per current SuDS protocols the development should ensure that there is no increase in surface water run-off volume or flows above existing levels. This should be ensured through comments and conditions from colleagues who manage flood and water flows.

Provided all these elements are covered as above I am happy to conclude through a simple Habitats Regulation Assessment screening that the proposed works and developments will have NO likely significant effects on the River Lugg/River Wye SAC-SSSI.

4.6 Transportation Manager has made the following comments

Highway capacity:-

Adequacy of highway existing network in terms of capacity:- existing Network is coping, though there are instances with HGV traffic from the S&A operation have caused incidents at pinch points north of site

Adequacy of highway existing network in terms of design:-

We have a concern over increased production on the site and intensification of the operation as per the company's growth aspirations and vehicle movements observed in the locality. This will lead to considerably more HGV and associated commercial traffic to and from the site as well as office journeys with all the proposed facilities. Any Increased capacity, change of products / usage of the packing plant would significantly put a strain on the network and has to be considered. Pinch points going north of the site would benefit from agreed routes that do not allow HGV vehicles to come from or leave in a northerly direction. Intensification may lead to issues within Marden village itself.

Accessibility by other modes of transport:-

Bus (nearest bus stop(s), adequacy of walk route to bus stop(s) service, frequency of service) – can a resident gain access to the city and/or market towns to commute to work via public transport? unclear where existing bus stop is being relocated

Train (nearest railway station, adequacy of walk route to railway service, frequency of service) midway between Leominster (8.7 miles) and Hereford (5.8 miles) stations

Walking:-informal footpath to road edge and access to Public house and car park off the Highway

Cycling:- in Highway

Access:-

Safety

Available Accident Data

One accident recorded as slight, south of the proposed application (dated 2012)

Speed limit:- 30 MPH office car park access / 60 Mph National Commercial access to packing plant.

85th percentile speed supported by a 7 day speed survey. Please note, applicant has supplied a 2 hr speed survey.

Applicant supplied information referred to in the applicants "Site access and parking appraisal (July 2016)" relating to the existing access just within the 30mph signed limit.

2.8 During the site visit Tuesday 24 May 2016, a speed survey was conducted at the proposed main site access, approximately 60 metres north of the existing site access, and therefore approximately 10 metres within the section of the C1120 subject to the national speed limit

2.10 Approaching vehicle speeds were recorded approximately 60 metres to the north of the proposed site access and approximately 50 metres to the south of the proposed site access. The full results of this survey are included at Appendix B, while a summary is provided below:

Mean	85th %ile	Wet 85th %ile	
• northbound	34.4mph	41.1mph	38.6mph
• southbound	34.6mph	39.3mph	36.8mph

*Based on predominantly dry weather conditions during the survey, wet weather speeds have been calculated as per TA22/81

For the purposes of the Office access being a tweak of the existing access and no recorded accidents at the location, despite its proximity to the national speed limit, we would be happy with the applicants proposed visibility splays of 98 and 91 metres, based on the figures supplied by the applicant above.

This would be on condition of site lines maintained and no obstructions within the highway boundary and land owned by the applicant.

For the purposes of the Commercial vehicle access to the site the applicants survey referred to under 2.10 in the "Site access and parking appraisal " does not sit comfortably with my own observations of vehicles on site and with this I can only base the visibility required on the signed National Speed limit of 60mph with a visibility distance of 154 metres in both directions, as detailed in the required visibility tables on next page. This cannot currently be achieved.

Existing visibility splays in both directions:- not given for existing shared entrance.
 Required visibility splays in both directions (quote both Herefordshire Highways Design Guide 2006 based on DMRB and Mfs & Mfs2):- All set back 2.4m.

Office Access ONLY

	Northbound	Southbound
Mfs	62 metres	56 metres
Mfs2	77 metres	72 metres
DMRB	97 metres	89 metres

Proposed visibility splays in both directions from office Access:-

North	South
98 metres	91 metres

The office access proposed visibility is acceptable.

Commercial vehicle Access ONLY (within 60mph limit).

Northbound / Southbound	
Mfs	124 metres
Mfs2	154 metres

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

DMRB

201 metres

Proposed visibility splays in both directions from Commercial vehicle Access:-

North

South

98 metres

91 metres

With the information (speed surveys) supplied to me and the using the default prescribed distances required applicable to the National speed limit, I cannot support the access as it stands. Visibility splays of 154 metres cannot be achieved on the current application.

Design

Is the design of the access acceptable (width, radii etc)

The Office access location is acceptable other than the alignment coming from the north turning left into the proposed access, a fully radiused turning would be required doing away with the staggered arrangement currently on site and proposed to remain.

Commercial vehicle access (within 60mph) Alignment is agreeable if the 156 metre visibility can be achieved, as detailed above, not 98 metres as proposed. The road is at its narrowest to the north of the access with considerable pinch points that historically have caused issues on the network. heavy goods vehicles coming from the north to the site and Heavy goods vehicles leaving the site and heading north should not be permitted, particularly in line with the applicants continual growth and expansion plans.

Vehicle Parking Provision:-

Existing:- 32 cars and additional HGV parking to the rear of the sheds.

Required (Herefordshire Highways Design Guide for New Developments 2006):-

Proposed:- 46 car parking spaces to the front and 7 for operational staff at the rear. Design and access states:

"Disabled car parking spaces are provided in close proximity to the main entrance" but doesn't confirm location on plans or number of plans. This needs confirmation.

Any parking / waiting restrictions including residents parking schemes, loading / unloading, impact on the existing on street parking provision?

Substantial increase in vehicles using the carpark planned as well as substantial increase in HGV traffic based upon S&A growth plans within the Companies forward planning aspirations.

Cycle Parking Provision:-

Existing:- according to the Applicants design and access statement "There is existing provision on site for the secure storage of bicycles.

Section 106 Obligations

Section 106 financial contributions (include spreadsheet of calculation) and identification of specific projects:- increase in floor space of production area would require a formal 106 commitment.

106 contributions have been calculated as £51,798 based on an increase of floor area as supplied in the "PROPOSED OFFICES AT BROOK FARM, MARDEN, HEREFORDSHIRE SITE ACCESS AND PARKING APPRAISAL (JULY 2016)" below:

Section 2.3 Three existing operational buildings currently in use as offices are included within

the redevelopment site, and these have a total floor area of 460sqm. Additionally, various Portacabins and other temporary buildings are located throughout Brook Farm, and currently have a combined total area of 626sqm. Parking currently occurs in the vicinity of these temporary buildings in an informal manner.

Highways comment: Therefore the current floor space is 1046sqm

Section 3.2:

Following clearance of the office site, a new building with a total floor area of 1667sqm would be erected as shown on the latest site plans are included at Appendix A. This would comprise:

- a total of 1147sqm of offices, meeting rooms, reception areas and circulation space (split between two floors);
- a 223sqm staff café / canteen (including associated kitchen); and,
- a total of 297sqm of ancillary storage and welfare facilities (including an archive room, WCs and cloakrooms).

Whilst the applicant states in the afore mentioned "access and parking appraisal..." that the:

Trip Generation

Section 4.1

The proposed office building will consolidate the current office space at the site, provide improved facilities, and will not result in any change to the number of staff employed. Therefore, there should be no change to the number of trips generated by the proposed office development. The actual increase in the floor area dedicated to office uses will be only 61sqm, which is less than the estimated circulation space within the new building (1147sqm minus 1086sqm).

proposed sqm	-	existing sqm
1667 sqm	-	1086 sqm = 581sqm

The 106 payment would be £51,798 based on the information given and to allow for works to incorporate the planned expansion of the operation.

A traffic calming scheme of traffic heading north and coming from north of the application and through the village would benefit the village and the applicant, with possible white lining, road width widening (on frontage of applicants site), additional signage, gateway to village junction improvements and HGV restrictions.

Existing vehicles in the middle of the road.(Photographs Taken on site visit)

COMMENTS:-

Recommend refusal on the following grounds (quoting relevant paras. From NPPF and Core Strategy):-

On highways safety ground. The visibility from the commercial access cannot be achieved within its current constraints.

Highways have concern over continued expansion of the operation at this location with the network unable to support a substantial increase in HGV and other vehicle trips associated with this application and the Companies Growth plans as well as routes in and out with localised flooding of the River Lugg.

4.7 Economic Development Manager Comment

Background

The application site is located approximately one kilometre north of the village of Marden, which in turn is some one mile east of the A49 and six miles north of Hereford.

The application relates to the demolition and clearance of existing operational buildings and erection of new a headquarters office building (class b1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car park and modification to form two separate vehicular accesses (to the new offices and to the existing operational farmstead/pack house).

Development

The proposal seeks to replace the collection of Portacabins, currently used for a B1 office use, with a permanent structure again of a B1 office use. The proposed buildings consist of an open plan office on the first floor flanked by directors' offices whilst the ground floor accommodation consists of entrance area, reception, meeting and training rooms, archive room and various ancillary rooms and spaces.

The existing buildings have a current combined area of 460m² and the Portacabins have a combined area of approximately 626m², giving a total area of 1086m², however this excludes circulation space which is mostly external in the current design.

The gross area of the proposed office accommodation is 1423m², with an additional 223 m² of cafe and kitchen and a link of 21m² connecting to adjoining buildings.

It is my view that the proposal seeks to replace a current B1 use located in temporary buildings with a modern, purpose built B1 office development that will offer S&A Davies the ability to accommodate growth in existing office based staff.

Economic Benefit

S&A Davies is one of the largest employers within the county, the information accompanying the submission states that the company employs 608 full time equivalent posts at its operations in Marden and Brierley. Direct employment by S&A Davies generated £14.62m of GVA in Herefordshire in 2015, whilst turnover increased by 29% from 2014 to 2015.

The employees of S&A Davies spent £2.42m within the Herefordshire economy in 2015, this figure excludes any spending on accommodation or transport. Of this figure £0.5m was spent within Marden or Brierley villages.

The applicant makes the case for including indirect and induced benefits to the economy in terms of jobs, GVA and local spend. It is difficult to substantiate these figures without being aware of the methods of calculation.

The applicant makes a significant contribution to the Herefordshire economy and is looking to make a sizeable investment in their business accommodation. The applicant states that this investment will facilitate an additional 6 office based jobs over the next few years. However it is also suggested that the company has the potential to employ 739 gross direct, indirect and induced FTE jobs by 2020, this will generate £35.5m of GVA in Herefordshire. It is difficult to identify whether this figure is an increase on current employment as the supporting Economic Value report states differing figures for the current equivalent job numbers. Nonetheless the applicant clearly is a significant employer within Herefordshire whose employees generate a significant amount of local and county wide spend.

Planning Policy

The proposal has been considered against both the Marden Neighbourhood Development Plan and the Herefordshire Core Strategy.

Objective 6 of the Neighbourhood Development Plan states:-

“To welcome employment opportunities including working from home while ensuring current, new or expanded businesses within the parish are sympathetic to the environment or residential amenity.”

Whilst Policy E1 of the Herefordshire Core Strategy states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:

- the proposal is appropriate in terms of its connectivity, scale, design and size;
- the proposal makes better use of previously developed land or buildings;
- the proposal is an appropriate extension to strengthen or diversify an existing business operation;
- the proposal provides for opportunities for new office development in appropriate locations.

Additionally Policy M8 – Supporting, enhancing and protecting existing local employment – also applies. It states that existing sources of local employment will be protected from change from business to residential use. Development that would lead to expansion or improvement of existing business premises will be considered when it:

- is suitable in terms of size, layout, access, parking, design, and landscaping;
- does not harm the amenity of nearby occupiers;
- does not harm the character, appearance or environment of the site and its surroundings;
- has adequate access, or potential access, by a choice of transport modes;
- retains and enhances any built and natural features/areas that contribute to the amenity or
- biodiversity of the area;
- includes mechanisms to improve environmental performance to that of the current best practice standards; and
- ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC)
- is avoided or adequately mitigated;

It is my view that elements of all three above policies require some subjective analysis of the proposals when considering whether there is an alignment between the proposal and the policy.

Consequently I believe that the proposals are of an improved design and layout to the existing buildings in that the new building will present a modern and purpose built office facility that takes regard to the main entrance, road frontage, and other buildings on site.

The new building is two storeys in height which is lower than existing buildings on site that will be retained, is set back from the road and does not significantly interact with any neighbouring residential premises. The proposals will present an improved layout and design of building and landscaping improving the appearance and environment of the site.

It is my opinion that the proposals are in conformity with the design and employment elements of the above policies.

Applicant Justification

The applicant states that the most important and relevant Imperative to the application is to: “Underpin the strength of the UK business”. Specifically this is stated to be done through the “sourcing of a suitably skilled and experienced workforce to drive the growth of the business, by means of, again amongst other things, the provision of a new headquarters/ administrative office accommodation (incorporating modern IT and communications equipment) and a staff canteen, providing an attractive, modern working environment.”

Additionally the applicant states their current office accommodation has evolved and accumulated incrementally over time whilst consisting mainly of the accretion of a number of portable modular buildings, linked by improvised covered ways. These buildings are a legacy of the business’ agricultural origins and they are:

- inefficient and inconvenient to use;
- too small and inflexible – being ill-adapted to a modern business activities, particularly information and communications technology;
- insecure;
- energy-inefficient – being too cold in winter and too hot in summer; and,
- convey a poor corporate image for what is now a multi-million pound international business.

Taking these above points there is little merit in resisting the principle of an application which seeks to improve the working conditions of the company workforce. Additionally I can appreciate the requirement of the company to improve the quality of their workforce through the offering of a modern, attractive working environment and presentation of such an image.

Conclusion

From an economic development perspective this application improves the design, layout, operations and working environment of S&A Davies’ office workers and office environment. There is no change of use as the predominant use remains B1. There is a modest increase in the building size but this, in part, is to accommodate company job growth.

The applicable economic planning policy is broadly supportive of the proposal which I have interpreted as being the improvement of existing accommodation rather than the provision of a new employment allocation.

Whilst the job creation figures are relatively modest, so is the net increase in floorspace and a case has been made for the contributions the company makes to the Herefordshire GVA and financial spend within the local economy.

It is for these reasons that I believe the application should be supported.

5. Representations

5.1 Marden Parish Council

Marden Parish Council submitted a response that relates to the four applications (listed above). The comments relating to this particular application are inserted below. The full response can be read online at:

<https://myaccount.herefordshire.gov.uk/documents?id=26a3f998-c1e6-11e6-8212-0050569f00ad>

Comments received December 2016

Marden Parish Council understands the wish for the business to present a more modern street presence to visitors and staff, however, the proposed office accommodation is over 50% larger than the existing office accommodation. However, the Parish Council would support a much smaller proposal to enable the business to modernise its office facilities.

The provision of office accommodation of this size is more akin to a business park/industrial estate than a rural agricultural enterprise. With regard to document archive and storage facilities, there is no requirement/need for this to be accommodated on-site. In fact good practice is for archive material to be stored off-site for better security. The Parish Council questions the need for the whole office facilities to be located at the site and not in a more sustainable location. The design of the proposed office accommodation is not appropriate for a rural location.

The provision of an office block of the size proposed in a rural location is contrary to Policy M7 of the Marden Neighbourhood Development Plan which seeks to ensure development is of a size and quality that is suitable to the location, Policy E1 of the Herefordshire Core Strategy which seeks to locate employment development in sustainable locations and Policy RA6 which supports the small-scale extension of existing businesses.

The proposed relocation of the vehicular entrances will have a detrimental effect on traffic safety. In reality, the C1120 is one of the narrowest roads in Marden and the narrowest part of the road is located close to the proposed site. The lane beyond this development is very narrow and has several pinch points. It is critical to the safe flow of traffic that the 30mph speed limit sign is moved north as part of the application.

5.5.1 Comments received October 2017

The PC notes the applicant's comment that Herefordshire Council is 'supportive of the application' (Letter, p.6) but with no justification. However, the applicant has still not justified the increase in building size to the satisfaction of the PC, particularly as the Technical Note 2 newly provided by Bancroft Consulting states that 'no additional traffic would be generated by the proposals' (p. 11). The applicant states in its Design and Access Statement (Transport and Conclusion paragraphs) that the new building will allow for future expansion, thereby negating Bancroft's assertion that no additional traffic will be generated.

The provision of office accommodation of this size is more akin to a business park/industrial estate. With regard to document archive and storage facilities, there is no requirement/need for this to be accommodated on-site. The Parish Council questions the need for the whole office facilities to be located at the site and not in a more sustainable location. The design of the proposed office accommodation is not appropriate for a rural location. The provision of an office block of the size proposed in a rural location is contrary to Policy M7 of the Marden Neighbourhood Development Plan which seeks to ensure development is of a size and quality that is suitable to the location, and Policy E1 of the Herefordshire Core Strategy which seeks to locate employment development in sustainable locations and Policy RA6 which supports the small-scale extension of existing businesses.

The proposed relocation of the vehicular entrances will have a detrimental effect on traffic safety. In reality, the C1120 is one of the narrowest roads in Marden and the narrowest part of the road is located close to the proposed site. The lane beyond this development is very narrow and has several pinch points. It is critical to the safe flow of traffic that the 30mph speed limit sign is moved north as part of the application.

The PC considers that any discussion of Heads of Terms (S106 agreement) should include the PC, as Marden has a made NDP.

5.2 17 Letters of representation have been received (including CPRE) the content of which can be summarised as follows:

- No justification given that would enable S&A to expand and focus their activity in Marden.
- No recognition that three out of the four routes in into and out of Marden are along single carriage roads that are liable to flood, two over narrow, listed bridges and one through village itself (past school)
- Expansion seems to be driven by the pack house activities not the locally grown fruit aspects.
- S&A are of considerable value to the local economy, however any expansion should be part of a strategic business plan that either sees total relocation of the pack house activities to an appropriate site off the A49 or Kent (taking into account travelling)
- It is inappropriate to expand the pack house in its current location.
- Ideal opportunity to relocate to somewhere else in Herefordshire
- Two storey premises will lead to intensification
- Concern about siting of the access at a point past the 30mph. Unconvinced about the safety of traffic on the C1120. Restricted road widths at turning points.
- Existing problems with HGV vehicles (not just S&A) having to pass each other, mount the kerbs etc
- Survey work that informed applications is inadequate as not based on, or take account of the varied type of vehicles.
- Too large for the village
- Business has got too big for where it is
- Clarification on future expansion plans should be provided?
- Potential for more trucks and subsequent impact and nuisance to the residents
- Environmental effects and pollution
- Produce is being packed here and brought in from abroad
- Better looking building but object to height and size
- Lies outside the Marden village settlement (NDP) and therefore in open countryside.
- CPRE: In our letter of 25.01.17 we conceded that the proposed HQ/Office building would be an improvement on the current demountable buildings and cabins but we had reservations as to its scale, suitability and size in this rural setting. A greater concern was the potential danger of the close proximity of the two proposed entry points, one for HGVs and the other for smaller vehicles. These will be very near one of the narrowest parts of this narrow road with several pinch points beyond. We recommend that, as part of the application, the 30 mph speed limit be moved northwards on the C1120.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

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

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Economic Role

- 6.3 Core Strategy Policies E1 and RA6 of the Herefordshire Local Plan, Core Strategy, seek to support employment generating proposals subject to the consideration of their impacts to ensure that they remain of a scale which would be commensurate with the location and setting and do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, duct, lighting and smell; do not generate traffic movements that cannot be safely accommodated within the local road network and do not undermine water quality targets. These requirements are carried through to the NDP policies, in particular policies M6 and M7.
- 6.4 The proposed building is one that is of a significant size but replaces buildings that are described as;
- inefficient and inconvenient to use;
 - too small and inflexible – being ill-adapted to a modern business activities, particularly information and communications technology;
 - insecure;
 - energy-inefficient – being too cold in winter and too hot in summer; &
 - convey a poor corporate image for what is now a multi-million pound international business.
- 6.5 Local residents and the Parish Council raise concern about the increase in floor area of the office area and facilities but it is argued that the increase is not to accommodate a significant amount of growth, merely to provide better, more adequate facilities for existing office workers and the business that is well established on the site. It should also be acknowledged that, at present, circulation space for the offices is often outside and as such does not have a tangible 'floor space.' Acknowledging that it is also intended to allow additional office based employees, this predicted growth is modest and not of a scale that could be considered significant. I would refer to the detailed comments of the Economic Development Officer at 4.7 above who has also carefully considered the detailed information and justification for the proposed replacement building.
- 6.6 The proposed building has been designed to replace the existing buildings and improve and make a more cohesive development by recladding the operational buildings to the rear. Whilst the site is prominent, the new additions and alterations will read as part of the wider large scale agricultural building complex.
- 6.7 Concern has also been raised about the potential intensification of operation of the pack house as a result of this application. This application does not increase the size of the pack house or the growing enterprise and as such it would be difficult to attribute additional HGV movements to this proposed development. The offices do however support the operational side of the business, the extensive planning history, detailed above demonstrates how the business has evolved over time, making the change from the growing, grading, storage and distribution of potatoes and grain to soft fruit in the late 1990's / early 2000's. The business is one that is well established and is planning for its future on the site,
- 6.8 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy

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conservation infrastructure. These requirements are mirrored within policies M6 and M7 of the NDP.

- 6.9 Officers are satisfied that the proposed development would comply with the requirements of these policies and that the proposed buildings, with conditions relating to landscaping and materials in place, would successfully integrate into the built and natural environment whilst also playing an important economic role in the county.

Heritage Assets

- 6.10 The proposed development site does not lie within a Conservation Area but there is a Grade II listed building within the complex of buildings – Brook Farmhouse. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 6.11 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.12 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.13 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF.
- 6.15 Brook House is already heavily compromised by the development that has occurred around the site particularly with the portacabins and is in a poor state of repair. Recent applications have sought to repair and alter the building. The removal of these structures offers the opportunity to improve the setting of the listed building that lies in relatively close proximity utilising a more cohesive approach with appropriately designed building and associated hard and soft landscaping. The two storey elevation that fronts the listed building is simple in form and is a significant improvement on the double stacked portacabin style structures.



In addition a detailed landscape scheme has accompanied the application (inserted below) and demonstrates this relationship and ways in which this area will be treated. Officers would consider that the proposed development would not, when taken in context, have an adverse impact on the setting of the listed building and would accord with the requirements of policy LD4 of the Core Strategy, NDP policies and guidance contained within the NPPF.



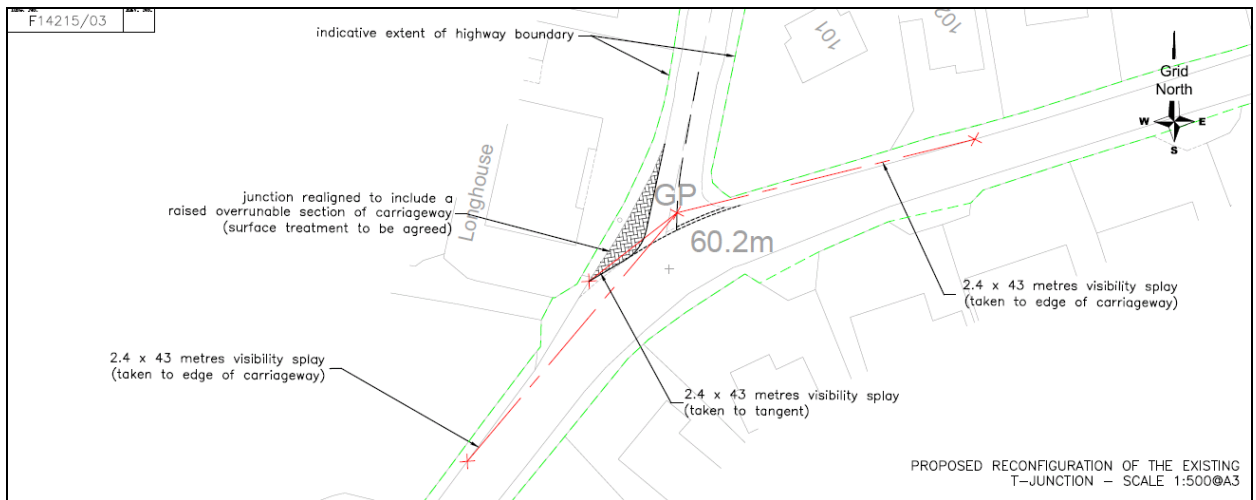
Transportation and Highway Safety

- 6.16 CS policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that developments are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. This is reinforced within the NPD policies M6 and M7.
- 6.17 As detailed above, the proposals introduce a change to the way in which the site is accessed allowing HGV and operational access via a new access to the north. This proposed access has caused some concern to local residents and the Council’s Transportation Manager who queried the speed date and sought improvement to the visibility splays. A Technical Note was then commissioned by the applicant that made the following comments:

“Herefordshire Council considered that the Survey 2 data would not be suitable to calculate visibility splays at the S&A HGV access further north, and requested that 2.4m by 154m visibility

splays were shown in both directions. Whilst this is considered excessive, and it is highly unlikely that vehicles would be travelling at speeds of circa 60mph, for completeness this has been checked and **Drawing Number F16101/01** has been revised to **Revision C** to show that such splays would be achievable within the site boundary or public highway land.”

- 6.18 Local residents and the Parish Council have continued to raise concern about the impacts of the development on the local road network and more explicitly the HGV movements through the village. The proposal includes, within the Transport Statement and technical Note, improvements to the junction with Paradise Green and Walkers Green (inserted below) and slight widening of the highway to accommodate the overruns between the Volunteer Inn and application site.



The technical note also responds to this concern, and reinforces comments above as follows:

“The purpose of the development is to consolidate several separate buildings currently at the S&A offices site into one single building, and to provide new, improved facilities with the primary objective of creating a better image for the firm. As well as an increase in office space of just 61sqm, this also includes improved catering facilities and new archive / storage facilities, which in themselves would clearly not generate any new staff. There would also be a proportion of circulation space which would not have been included in the calculation of existing floor area, given that the buildings are currently separate and staff must walk outside to travel between them. Overall, the plans do not allow for any significant increase in staff over and above what might typically be expected for any company which plans to continue to profit and organically grow. It is acknowledged by the Applicant that any expansion plans as such should be subject to a planning application in their own right, to appropriately assess any additional traffic impacts (amongst other factors).”

In this regard, given that no new or increased operations will result from the development of the site, no additional HGV traffic would be generated. Therefore, HC’s concerns regarding increased HGV traffic on the C1120 to the north of the site are unfounded. HGV traffic will remain as existing, and regardless it should also be noted that at present delivery / distribution HGVs are routed to the south of the site, given that there is no operational need to travel to the north. This also is reinforced by black ‘lorry route’ signage through the village.

Notwithstanding the above, it is recognised that additional HGV traffic would travel along the section of the C1120 between the existing S&A offices access and the proposed new HGV access. Whilst it is proposed to formally kerb the carriageway on this stretch, it is clear that at present the verges adjacent to the C1120 allow for large vehicles passing from time to time. This informal verge arrangement could therefore be retained to continue to allow passing when the new HGV access is operational, or alternatively there would be sufficient width to provide areas of minimal carriageway widening to act as passing places (but not sufficient width to act as a

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layby). As above, given that no additional HGV traffic will be generated overall, this is only considered to be necessary on the section of the C1120 between the office and HGV accesses.”

- 6.19 The Technical Note addresses the outstanding matters raised by the Transportation Manager by providing clarity on the increase in floor space and achievable visibility splays. Officers are now satisfied that the proposed accesses are acceptable and would accord with the requirements of policy MT1 of the CS and policies M6 and M7 of the Marden Neighbourhood Development Plan. Conditions are recommended to ensure that the parking and accesses are implemented and proposed and to ensure that the off site works to address road width on the approach to the site are also undertaken.

Ecology

- 6.20 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The advice in the NPPF reinforces this. The Council's Ecologist has confirmed that the information is acceptable and has recommended conditions be imposed. In this way the requirements of LD2 and the NPPF are met.

Drainage

- 6.21 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Welsh Water, as the statutory undertaker, have been consulted and, subject to a condition (as below) they raise no objection and officers conclude that the proposals comply with the requirements of policy SD3 and SD4 of the Core Strategy. In addition to this, the Council's Ecologist confirms that, subject to conditions, site drainage would not adversely affect the River Lugg SAC and as such this would accord with the requirements of the aforementioned Core Strategy policies as well as Marden NDP policies M6, M7 and M11.

Section 106

- 6.22 The comments of the PC and transportation manager about requirements for Section 106 contributions are noted but officers would advise that the increase in floor area falls below the threshold for contributions. The highway works to improve the section of road between the site and village will be secured by condition rather than financial contribution as they are works within the highway.

Conclusions

- 6.23 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location is well located to the main settlement of Marden that is well served by public transport offering a genuine opportunity for alternative means of travel to its employees and customers. Policies are generally supportive and encouraging of the expansion of existing business proposals where the scale and size are acceptable and where they do not adversely affect the built and natural environment. Officers consider that this proposal is one that is appropriate to its location and that will ensure that the office accommodation is fit for purpose and enabling of modest growth in administrative based roles in the future.
- 6.24 Concerns raised in respect of the potential increase in traffic movements have been carefully considered during the course of the application and explored above. Alterations to the proposed plans and clarification on the increase in staffing address concerns raised and officers are satisfied that the local road network can absorb the minimal additional traffic generated from the development. Conditions are recommended to ensure compliance with the

requirements of policy MT1 of the Core Strategy, NDP policies and with the guidance contained within the National Planning Policy Framework. It is noted that this states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.25 Matters of impact upon heritage assets, biodiversity, landscape character as key environmental roles have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrated that, with careful consideration at design stages, a development of this size and scale can be accommodated on the site in accordance with the requirements of policies E4, RA6 SD1, LD1, LD2 and LD4 of the Core Strategy as well as the relevant Neighbourhood Development Plan Policies and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits.
- 6.26 Therefore, in having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role of sustainable development.

RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F06 Restriction on Use**
- 5. F14 Removal of permitted development rights**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G14 Landscape management plan**
- 9. CNS Drainage**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

10. CNS Contaminated Land

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

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

11. CNS – Contaminated Land

The Remediation Scheme, as approved pursuant to condition no. () above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

12. CNS Contaminated Land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

13. CNS Ecology

Prior to any materials or plant being brought on to site or any construction work commencing a detailed Construction Ecological Management Plan with appropriate risk assessments, mitigation and avoidance measures should be submitted for approval by the planning authority. This plan shall be implemented as approved

unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

14. CNS Nature Conservation – Enhancement

Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme covering the site should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

15. H03 – Visibility Splays and visibility over frontage

16. H16 Parking unloading and access

17. H17 Junction improvements / off site works

18. H27 parking for site operatives

19. H29 Cycle parking

20. H6 Restrictions on hours of working during construction

21. CE7 Water Consumption

22. CC2 External Lighting

INFORMATIVES:

1. INS - Positive and Proactive

2. Advisory Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately

owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Technical notes about the contaminated land conditions

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4. With reference to condition X above (CEMP)

This plan should be detailed and cover all aspects of construction including delivery of materials, vehicle movements, air (dust and particulates) and water contamination (including accidental spillages and additional water usage and run-off). Further/updated Ecological surveys may be required in order to fully understand the local ecology and appropriately reference the SSSI/SAC designation, protected species and wildlife within the CMP. Lighting, Tree and hedgerow protection should also be considered and referenced.

5. With reference to Condition X above (Biodiversity enhancement)

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. As proposals for bat mitigation and enhancement are managed through the required EPS Licence at a minimum we would be looking for additional proposals to enhance bird nesting to be incorporated into the new buildings or nearby retained features as well as consideration for amphibian/reptile refugia, hedgehog houses and invertebrate/pollinator homes within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

6. HN07 Section 278 agreement

7. HN04 Private apparatus within highway

8. HN01 Mud on Highway

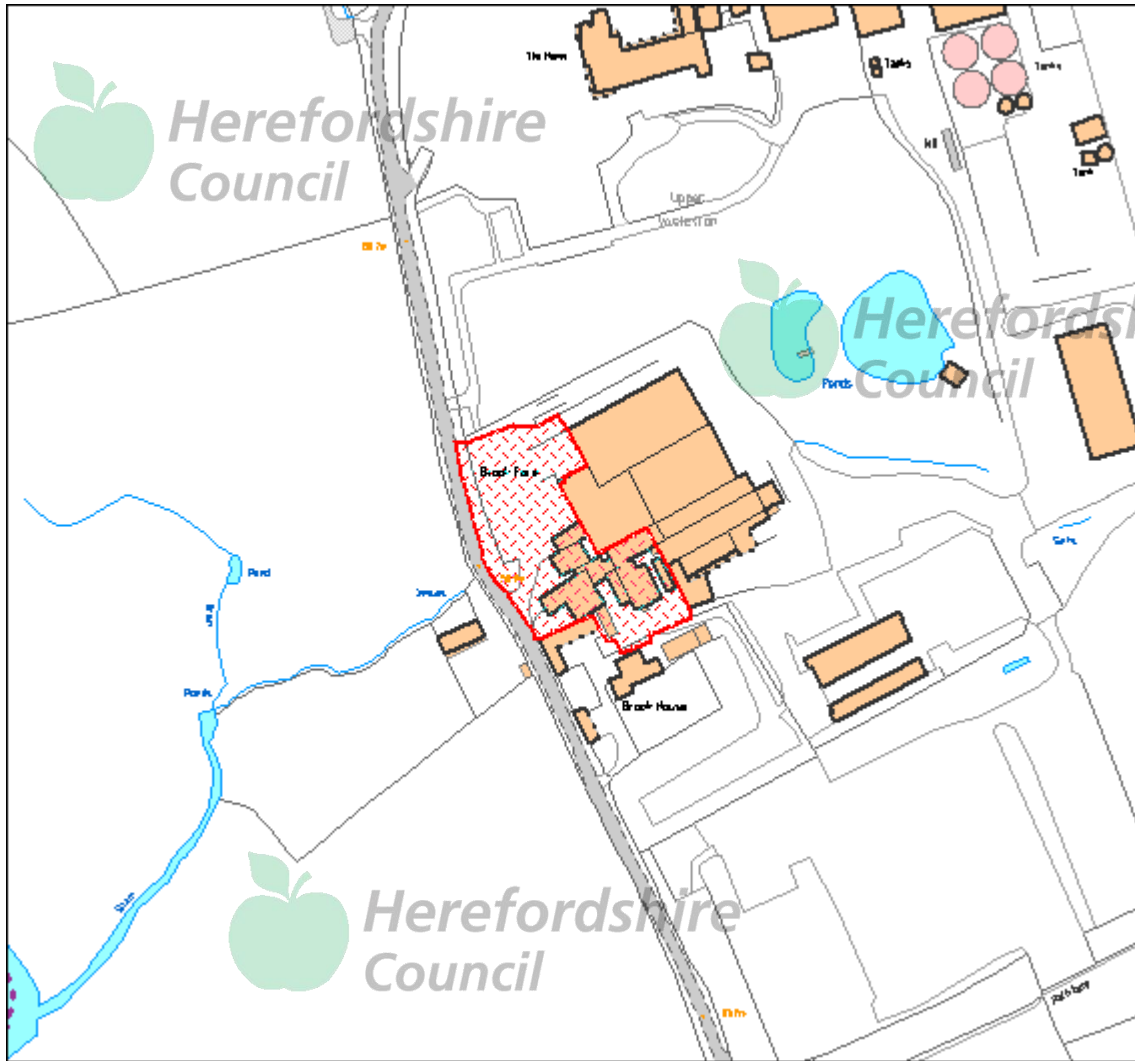
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163158

SITE ADDRESS : LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 January 2018
TITLE OF REPORT:	173680 - PROPOSED 2-STOREY CLASSROOM BLOCK (ATTACHED TO EXISTING BUILDING), TO PROVIDE 10 NO. CLASSROOMS TO REPLACE EXISTING MOBILE CLASSROOM ACCOMMODATION. AT THE JOHN MASEFIELD HIGH SCHOOL, MABELS FURLONG, LEDBURY, HEREFORDSHIRE, HR8 2HF For: Mr Evans per Mr Matt Hobby, Easters Court, Leominster, Herefordshire, HR6 0DE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173680&search=173680
Reason Application submitted to Committee – Council owned land	

Date Received: 28 September 2017 Ward: Ledbury South Grid Ref: 370997,237228

Expiry Date: 18 January 2018

Local Member: Councillor EL Holton

1. Site Description and Proposal

- 1.1 The application site is The John Masefield High School off Mabel's Furlong within the town of Ledbury.
- 1.2 The proposal is to remove the existing mobile classroom accommodation (nine classrooms) located at the northern end of the games court on the northern edge of the site, and to replace with a two-storey classroom block to provide ten classrooms. The proposed two storey classroom block will be attached to the existing school buildings on the northern elevation.

2. Policies

2.1 Herefordshire Local Plan Core Strategy 2011-2031:-

LB1 – Development in Ledbury

SC1 – Social and Community Facilities

MT1 – Traffic management, Highway Safety and promoting active travel

LD1 – Landscape and Townscape

SD1 – Sustainable design and energy efficiency

2.2 The Core Strategy policies together with any relevant supplementary planning documentation

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.3 Neighbourhood Plans

There is currently no Neighbourhood Development Plan for Ledbury.

3. Planning History

- 3.1 N111504/CD – Relocation of school entrance sign and siting of proposed gypsy wagon for tuition in the central playground – Approved with conditions
- 3.2 DCNE0009/0999/F – Provision of a timber pavilion, shed and polytunnel within the school grounds – Approved with conditions
- 3.3 DCNE2006/0873/F – Erection of security fence and gates to the boundary with two site signs – Approved with conditions
- 3.4 DCNE2002/1538/F – Erection of a temporary classroom for drama – Approved
- 3.5 DCNE1999/2566/F – New dining hall and alterations to existing kitchen – Approved with conditions
- 3.6 N98/0092/N – Provision of temporary double classroom – Approved with conditions

4. Consultation Summary

4.1 Statutory Consultations

Severn Trent – No objections subject to condition

Welsh Water - No objection to the above application, please note that we do not provide sewerage services in this area.

Internal Council Consultations

- 4.2 Transportation Manager – No objections subject to conditions

5. Representations

- 5.1 Ledbury Town Council support the application.
- 5.2 There were three letters of comments that were received the main points raised include:
 - Windows should be opaque glazing to protect the local residents;
 - New building will be approx. 50 metres from the property;
 - Agree with the need for the development of the classrooms;
 - The sports facilities should be protected;
 - Feel it could be overdevelopment of the site in that location;
 - Fumes will accumulate as the vehicles travel to the new carpark
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173680&search=173680

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

6. Officer's Appraisal

- 6.1 Currently there are nine additional classrooms situated within mobile classroom accommodation to the north of the site at the end of the games court, this proposal is to remove these temporary classrooms and provide a more permanent solution of an additional ten classrooms.
- 6.2 Policy SC1 promotes the provision or improvement of higher education facilities, this proposal will improve on the current facilities that exist at the High School. Although there will only be a net gain of 1 no. classroom from the mobile accommodation, it will be the improvement of the facilities for the students that will provide the most benefit to the school.
- 6.3 The proposed two storey building will be off the northern elevation of the main school building and the materials will match the existing building. With facing brick and mid-blue cladding panels on the elevations, and plain clay tiles to the vertical panels to the gables under an interlocking clay 'Roman' tile roof and single ply membrane to the flat roofs.
- 6.4 The proposed classroom will be 23.5 metres by 16.6 metres, and will be 9.6 metres to the ridge, with an eaves height of 6.1 metres. The existing school buildings are 10.4 metres in height to the ridge. Therefore this proposed extension will be seen as subservient to the main school.
- 6.5 The area where the mobile classrooms will be removed will be landscaped and turfed, with an area of new trees to be planted adjacent to 30 spaces of additional car parking to be created. This area of car parking will be to the north west of the proposed extension. The car parking spaces will be standard size over a cellular concrete system, "Grasscrete" or similar.
- 6.6 There were concerns raised by local residents living in South Parade to the north of the site, that the proposed two storey extension would cause overlooking and a loss of privacy due to the windows on the north east elevation and it was requested that the windows could be opaque glazed. The distance between the proposed extension and the nearest property would be in excess of 30 metres and in excess of 40 metres to South Parade House to the north east. Therefore there is a considerable distance between the proposal and nearby residential properties and it is not felt that this would have a detrimental impact upon the residential amenity of these properties. It is also not considered necessary, due to the distances involved, to condition opaque glazing.
- 6.7 In addition there will be no alterations or removal of the boundary treatment, and the additional car park replacing the area of the mobile classrooms will also be 20 metres from the nearest residential property. The access road to the proposed area of car parking is already in existence. Therefore this proposal complies with planning policies MT1 and LD1.

Conclusion

- 6.8 Overall the proposal will be an improvement on the current facilities available at the school, and allows for further enhancement and an additional classroom to be provided. The extension is located such that the distance between the north east elevation and the nearby residential properties will ensure that there will be minimal impact to residential amenity. The proposal satisfies the requirements set out in Core Strategy Policies LB1, MT1, SC1, LD1 and SD1. Accordingly, the proposal is recommended for approval with conditions.

RECOMMENDATION

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

1. A01 Time limit for commencement (full permission)

Further information on the subject of this report is available from Mrs G Webster on 01432 260139

- 2. **B02 Development in accordance with the approved plans
Plan numbers 230-09; 230-02; 230-01; 230-06; 230-07; 230-08**
- 3. **C03 Matching external materials**
- 4. **F01 Restriction on hours of working – 0800-1800 Mondays to Fridays and 0800-1300 on Saturdays.**
- 5. **H13 Access, turning area and parking**
- 6. **H21 Wheel Washing**
- 7. **I18 Scheme of foul drainage disposal**
- 8. **The mobile classrooms shall be removed prior to the first use of the new classrooms approved subject of this application.**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **HN01 Mud on Highway**
- 3. **HN10 No drainage to discharge to highway**
- 4. **HN24 Drainage other than via highway system**

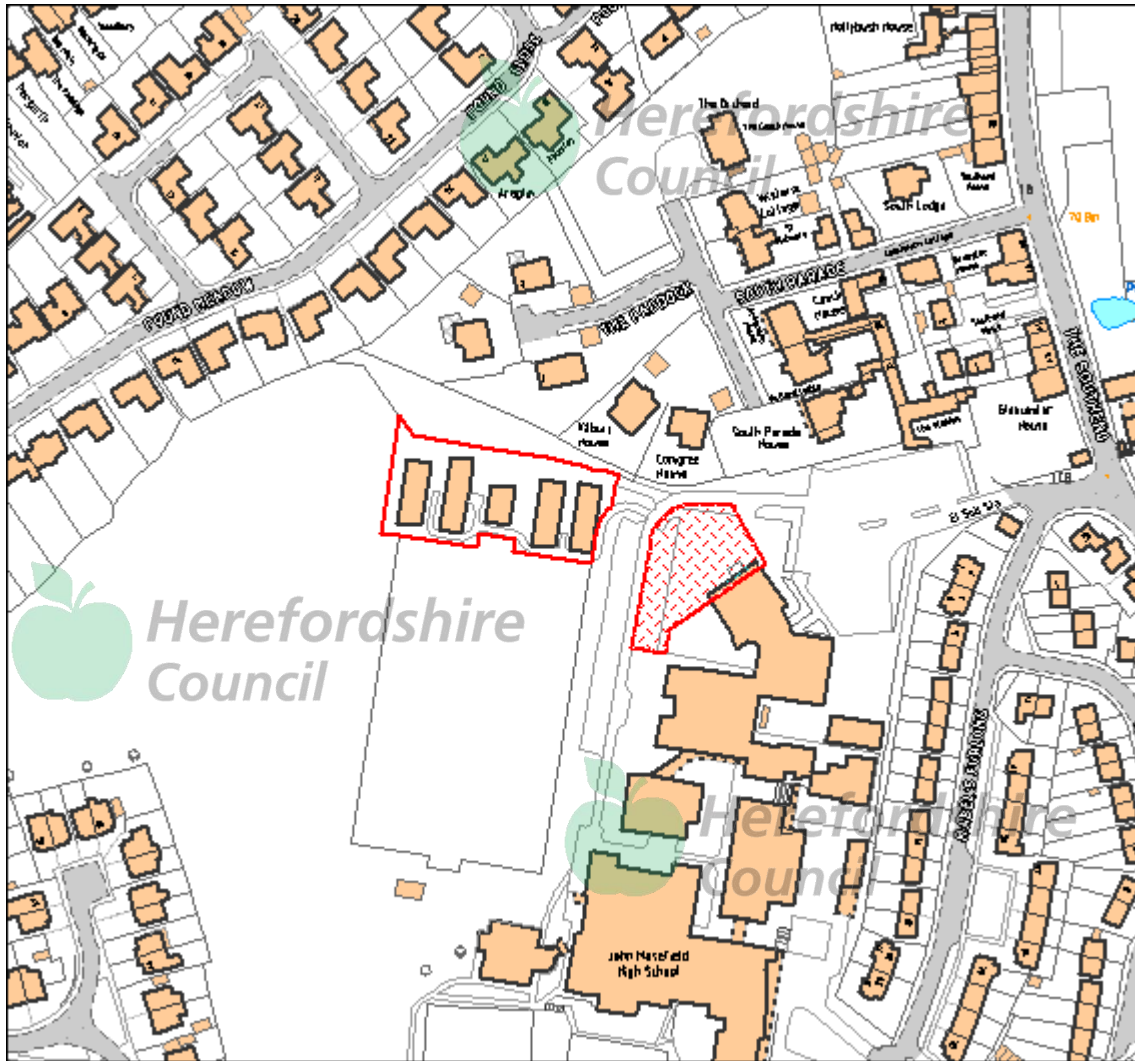
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 173680

SITE ADDRESS : THE JOHN MASEFIELD HIGH SCHOOL, MABELS FURLONG, LEDBURY, HEREFORDSHIRE, HR8 2HF

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